

CHAPTER 18 Building Regulations

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ARTICLE 1 General Provisions

[Sec. 18-1-10. Building Inspector.](#)

Sec. 18-1-10. Building Inspector.

There is hereby established the office of Building Inspector, also known as the Building Official. The Building Inspector shall be appointed by the Mayor, by and with the consent of the City Council. It shall be the duty of the Building Inspector to investigate all applications for building permits and to also perform such other duties that may be assigned to him or her from time to time by the City Council. The City Council shall determine the fee or salary to be paid to the Building Inspector.

(Prior code §6-1)

ARTICLE 2 Building Code

[Sec. 18-2-10. Adoption.](#)

[Sec. 18-2-20. Copy on file.](#)

[Sec. 18-2-30. Amendments.](#)

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Sec. 18-2-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the City, by reference thereto, the International Building Code (IBC), 2003 edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401, Chapters 1 through 35 inclusive, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare.

(Ord. 764-05 §2; Ord. 774-06 §1)

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

At least one (1) copy of the International Building Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price.

(Ord. 774-06 §1)

Sec. 18-2-30. Amendments.

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

- (1) **IBC Section 101.1 Title.** Insert "City of Brush" where indicated.
- (2) **IBC Section 101.2 Scope.** Delete Exception 2 in its entirety.
- (3) **IBC Section 101.4.1 Electrical.** Replace "ICC Electrical Code" with "State adopted electrical code."
- (4) **IBC Section 101.4.5 Property Maintenance.** Delete this section in its entirety.
- (5) **IBC Section 103.3 Deputies.** Delete the last sentence.
- (6) **IBC Section 105.2 Work exempt from permit.** In the subsection entitled "Building," delete items 2, 4, 6 and 12.
- (7) **IBC Section 108.2 Schedule of permit fees.** Insert the following at the end of the last sentence: "by Resolution from time to time."
- (8) **IBC Section 112 Board of Appeals.** Delete this section in its entirety.
- (9) **IBC Section 113.4 Violation penalties.** Insert the following at the end of the section:
"Upon conviction of violation of any provisions of this code, the violator shall be punished by a fine not in excess of \$300. Every day the violation continues shall be a separate offense."
- (10) **IBC Section 1612.3 Establishment of flood hazard areas.** Insert "City of Brush, Colorado" and insert "February 1977."

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- (11) **IBC Section 3401.3 Compliance with other codes.** Delete International Property Maintenance Code and International Private Sewage Disposal Code, and delete ICC Electrical Code and insert in its place "State adopted electrical code."
- (12) **IBC Section 3410.2 Applicability.** Insert the date of "June 10, 2005."

(Ord. 764-05 §2; Ord. 774-06 §1)

ARTICLE 3 Residential Code

[Sec. 18-3-10. Adoption.](#)

[Sec. 18-3-20. Copy on file.](#)

[Sec. 18-3-30. Amendments.](#)

Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the residential code of the City, by reference thereto, the International Residential Code (IRC), 2003 edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401, Chapters 1 through 43 inclusive, and Appendix Chapter G, to have the same force and effect as if set forth herein in every particular.

(Ord. 764-05 §2; Ord. 774-06 §1)

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

At least one (1) copy of the International Residential Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price.

(Ord. 774-06 §1)

Sec. 18-3-30. Amendments.

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

- (1) **IRC Section R101.1 Title.** Insert "City of Brush" where indicated.
- (2) **IRC Section R101.2 Scope.** Delete the exception.
- (3) **IRC Section R102.7 Existing structures.** Delete the reference to the "International Property Maintenance Code."
- (4) **IRC Section 105.2 Work exempt from permit.** In the subsection entitled "Building," item 1, is amended by deleting "200 square feet (18.58 m²)" and replacing it with "120 square feet (11.15 m²)." Also, delete items 2, 3, 5 and 9.
- (5) **IRC Section R108.2 Schedule of permit fees.** Insert the following at the end of the last sentence: "by Resolution from time to time."

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- (6) **IRC Section R112 Board of Appeals.** Delete this section in its entirety.
- (7) **IRC Section 113.4 Violation penalties.** Insert the following at the end of the section:
 "Upon conviction of violation of any provisions of this code, the violator shall be punished by a fine not in excess of \$300. Every day the violation continues shall be a separate offense."
- (8) **IRC Table R301.2(1) Climatic and Geographic Design Criteria.** Insert the following:

Roof Snow Load	Wind Speed (mph)	Seismic Design Category	"Subject to Damage From"			Decay	Winter Design Temp	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost line depth	Termite						
30	85 mph Exposure "B"	"B"	Severe	30"	Slight to Moderate	None to Slight	1°F	No	FIRM map dated Oct. 13, 1981	1201	48.1

For SI: 1 pound per square foot = 0.0479 kN/m², 1 mile per hour = 1.609 km/h."

- (9) **IRC Section N1102.1.5 Basement walls.** Delete this section in its entirety.
- (10) **IRC Section P2603.6 Freezing.** Change the last sentence to read:
 "Water service pipe shall be installed not less than 12 inches (305 mm) deep or less than 12 inches (305 mm) below the frost line."
- (11) **IRC Section P2603.6.1 Sewer depth.** Insert the number "12 inches (305 mm)" in both blanks where indicated.
- (12) **IRC Section P3103.1 Roof extension.** Insert the number "6 inches (152.4 mm)" where indicated.

(Ord. 764-05 §2; Ord. 774-06 §1)

ARTICLE 4 Plumbing Code

[Sec. 18-4-10. Adoption.](#)

[Sec. 18-4-20. Copy on file.](#)

[Sec. 18-4-30. Amendments.](#)

[Sec. 18-4-40. Designation of Code Official.](#)

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[Sec. 18-4-50. Installation of lawn sprinkler systems.](#)

[Sec. 18-4-60. Safety precautions.](#)

Sec. 18-4-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the plumbing code of the City, by reference thereto, the International Plumbing Code (IPC), 2003 edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401, Chapters 1 through 13 inclusive, to have the same force and effect as if set forth herein in every particular.

(Ord. 764-05 §2; Ord. 774-06 §1)

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

At least one (1) copy of the International Plumbing Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price.

(Ord. 774-06 §1)

Sec. 18-4-30. Amendments.

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

- (1) **IPC Section 101.1 Title.** Insert "City of Brush" where indicated.
- (2) **IPC Section 101.2 Scope.** Delete Exception 2 in its entirety.
- (3) **IPC Section 106.6 Fees.** IPC Section 106.6 (Fees) is deleted and substituted by the provisions contained in Chapter 1 (Administration), Section 108 (Fees) of the International Building Code, 2003 Edition, as adopted and amended by the City.
- (4) **IPC Section 108.4 Violation penalties.** Amend this section from the first insertion point as follows:

"shall be guilty of a misdemeanor, punishable by a fine of not more than \$300. The imposition of one penalty for any one violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations of defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense."
- (5) **IPC Section 108.5 Stop work orders.** Insert "\$25.00" in two (2) locations.
- (6) **IPC Section 305.6 Freezing.** Change the last sentence to read:

"Exterior water supply system piping shall be installed not less than 12 inches (305 mm) below the frost line and not less than 12 inches (305 mm) below finish grade."
- (7) **IPC Section 305.6.1 Sewer depth.** Insert the number "12 inches (305 mm)" in both blanks where indicated.

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(8) **IPC Section 904.1 Roof extension.** Insert the number "6 inches (152.4 mm)" where indicated.

(Ord. 764-05 §2; Ord. 774-06 §1)

Sec. 18-4-40. Designation of Code Official.

The administrative authority referred to in Section 103 (Department of Plumbing Inspection) of the adopted code shall be the Building Official of the City. In addition, there is hereby created the position of Plumbing Inspector, who shall be appointed by the Mayor with the consent of the City Council, and who shall have the powers and duties provided in said code.

(Ord. 764-05 §2; Ord. 774-06 §1)

Sec. 18-4-50. Installation of lawn sprinkler systems.

Notwithstanding the exclusion of the installation, extension, alteration or maintenance of lawn sprinkler systems from the definition of "Plumbing" in Section 12-58-10 (5), C.R.S., it shall be unlawful for any person to install, extend, alter, maintain or cause to be installed, extended, altered or maintained any lawn sprinkling systems within the City or on City-owned property without first obtaining a permit to do such work from the Building Official pursuant to the provisions and subject to the fees provided for in the adopted plumbing code; provided, however, that such work may be accomplished by a person not holding a Colorado Plumber's License.

(Ord. 764-05 §2; Ord. 774-06 §1)

Sec. 18-4-60. Safety precautions.

- (a) Proper warning lights shall be kept around all excavations at night, and sufficient barricades shall be placed around all excavations at all times. All persons ordering or making excavations upon any portion of any street or alley of the City shall comply with the Brush Right-of-Way Permit Application and Construction Guidelines.
- (b) Trenches in depth of six (6) feet or more, and all trenches made in treacherous soil or near any building, shall be properly braced. Neglect to do so shall subject the party making the excavation and his or her bondsmen liable for any and all damages arising from such neglect.

(Ord. 764-05 §2; Ord. 774-06 §1)

ARTICLE 5 Fuel Gas Code

[Sec. 18-5-10. Adoption.](#)

[Sec. 18-5-20. Copy on file.](#)

[Sec. 18-5-30. Amendments.](#)

[Sec. 18-5-40. Gas piping work.](#)

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Sec. 18-5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fuel gas code of the City, by reference thereto, the International Fuel Gas Code (IFGC), 2003 edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401, Chapters 1 through 8 inclusive, to have the same force and effect as if set forth herein in every particular.

(Ord. 764-05 §2; Ord. 774-06 §1)

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

At least one (1) copy of the International Fuel Gas Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price.

(Ord. 774-06 §1)

Sec. 18-5-30. Amendments.

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

- (1) **IFGC Section 101.1 Title.** Insert "City of Brush" where indicated.
- (2) **IFGC Section 101.2 Scope.** Delete exception 2 in its entirety.
- (3) **IFGC Sections 103, 104, 105, 106, 108 and 109.** IFGC Sections 103 (Department of Inspection), 104 (Duties and powers of the code official), 105 (Approval), 106 (Permits), 108 (Violations), and 109 (Means of appeals) are deleted and substituted by the corresponding and applicable provisions contained within Chapter 1 (Administration) of the Building Code, as adopted and amended by Article 1 of this Chapter.

(Ord. 764-05 §2; Ord. 774-06 §1)

Sec. 18-5-40. Gas piping work.

It shall be unlawful for any person to install, remove, alter, repair, replace or cause to be installed, removed, altered, repaired or replaced any gas piping work, as said term is defined in Section 202 of the adopted fuel gas code, within the City or on City-owned property, unless such person holds an appropriate plumber's license from the Colorado Division of Registrations, upon written notice from the State Examining Board of Plumbers or its authorized agent, or a temporary permit from said Board or its authorized agent. All licensing requirements, standards and provisions, as provided in Part 1 of Article 58 of Title 12, C.R.S., shall apply to all gas piping work in the City or on City-owned property. All gas piping work shall comply with the provisions set out in the adopted fuel gas code.

(Ord. 764-05 §2; Ord. 774-06 §1)

ARTICLE 6 Mechanical Code

[Sec. 18-6-10. Adoption.](#)

[Sec. 18-6-20. Copy on file.](#)

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[Sec. 18-6-30. Amendments.](#)

Sec. 18-6-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code of the City, by reference thereto, the International Mechanical Code (IMC), 2003 edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401, Chapters 1 through 15 inclusive, to have the same force and effect as if set forth herein in every particular.

(Ord. 764-05 §2; Ord. 774-06 §1)

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

At least one (1) copy of the International Mechanical Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price.

(Ord. 774-06 §1)

Sec. 18-6-30. Amendments.

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

- (1) **IMC Section 101.1 Title.** Insert "City of Brush" where indicated.
- (2) **IMC Section 101.2 Scope.** Delete Exception 2 in its entirety.
- (3) **IMC Sections 103, 104, 105, 106, 108 and 109.** IMC Sections 103 (Department of Mechanical Inspection), 104 (Duties and powers of the code official), 105 (Approval), 106 (Permits), 108 (Violations) and 109 (Means of appeals) are deleted and substituted by the corresponding and applicable provisions contained within Chapter 1 (Administration) of the building code, as adopted and amended in Article 1 of this Chapter.

(Ord. 764-05 §2; Ord. 774-06 §1)

ARTICLE 7 Energy Conservation Code

[Sec. 18-7-10. Adoption.](#)

[Sec. 18-7-20. Copy on file.](#)

[Sec. 18-7-30. Amendments.](#)

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Sec. 18-7-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the energy conservation code of the City, by reference thereto, the International Energy Conservation Code (IECC), 2003 edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401, Chapters 1 through 10 inclusive, to have the same force and effect as if set forth herein in every particular.

(Ord. 764-05 §2; Ord. 774-06 §1)

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

At least one (1) copy of the International Energy Conservation Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price.

(Ord. 774-06 §1)

Sec. 18-7-30. Amendments.

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

- (1) **IECC Section 101.1 Title.** Insert "City of Brush" where indicated.
- (2) **IECC Section 101.2 Scope.** Delete the Exception in its entirety.
- (3) **IECC Table 302.1 Exterior design conditions.** Insert the following:

" Condition	Value
Winter Design Dry-bulb (F°)	1°F
Summer Design Dry-bulb	91°F
Summer Design Wet-bulb	63°F
Degree days heating	7505
Degree days cooling	272
Climate zone	13B"

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(Ord. 764-05 §2; Ord. 774-06 §1)

ARTICLE 8 Fire Code

[Sec. 18-8-10. Adoption.](#)

[Sec. 18-8-20. Copy on file.](#)

[Sec. 18-8-30. Amendments.](#)

[Sec. 18-8-40. Establishment and duties of Bureau of Fire Prevention.](#)

[Sec. 18-8-50. Appeals.](#)

Sec. 18-8-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fire code of the City, by reference thereto, the International Fire Code (IFC), 2003 edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041-3401, Chapters 1 through 45 inclusive and Appendix D, to have the same force and effect as if set forth herein in every particular.

(Ord. 764-05 §2; Ord. 774-06 §1)

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

At least one (1) copy of the International Fire Code, certified to be a true copy, has been and is now on file in the office of the City Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the City Clerk at a moderate price.

(Ord. 774-06 §1)

Sec. 18-8-30. Amendments.

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

- (1) **IFC Section 101.1 Title.** Insert "City of Brush" where indicated.
- (2) **IFC Section 102.3 Change of use or occupancy.** Delete this section in its entirety.
- (3) **IFC Section 102.5 Historic buildings.** Delete this section in its entirety.
- (4) **IFC Section 105.6.31 Open burning.** Delete this section in its entirety.
- (5) **IFC Section 109.3 Violation penalties.** Amend this section from the first insertion point as follows:

"shall be guilty of a misdemeanor, punishable by a fine of not more than \$300. The imposition of one penalty for any one violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations of defects

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within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense."

- (6) **IFC Chapter 3 General Precautions Against Fire.** Delete this chapter in its entirety.
- (7) **IFC Section 3204.3.1.1 Cryogenic Fluids; Outdoor storage; Location.** Insert "in all areas of the City and City-owned property except as expressly permitted by the use schedules for zoning districts identified in Table 6-1 District Uses, set out in Section 16-6-60 of the Code of the City of Brush" where indicated.
- (8) **IFC Section 3404.2.9.5.1 Flammable and Combustible Liquids; Storage; Locations where above-ground tanks are prohibited.** Insert:

"in all areas of the City and City-owned property except as expressly permitted by the use schedules for zoning districts identified in Table 6-1 District Uses, set out in Section 16-6-60 of the Code of the City of Brush."
- (9) **IFC Section 3406.2.4.4 Flammable and Combustible Liquids; Special Operations; Locations where above-ground tanks are prohibited.** Insert:

"in all areas of the City and City-owned property except as expressly permitted by the use schedules for zoning districts identified in Table 6-1 District Uses, set out in Section 16-6-60 of the Code of the City of Brush."
- (10) **IFC Section 3804.2 Liquefied Petroleum Gases; Location of Containers; Maximum capacity within established limits.** The limits in which storage of liquefied petroleum gas is restricted are hereby established as follows: The storage of liquefied petroleum gases may occur only as provided in the use schedules for zoning districts identified in Table 6-1 District Uses, Section 16-6-60 of the Code of the City of Brush.

(Ord. 764-05 §2; Ord. 774-06 §1)

Sec. 18-8-40. Establishment and duties of Bureau of Fire Prevention.

- (a) The International Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department in the City, which is hereby established and which shall be operated under the supervision of the Fire Chief.
- (b) The Chief in charge of the Bureau of Fire Prevention and its members shall be appointed by the Fire Chief on the basis of fitness for the position.
- (c) The Chief of the Fire Department may retain such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department may recommend to the City Council the employment of technical inspectors who, when such authorization is made, shall be selected on the basis of their fitness for the position. The position shall be open to members and nonmembers of the Fire Department, and appointment to said position shall be for an indefinite term with removal only for cause.

(Ord. 764-05 §2; Ord. 774-06 §1)

Sec. 18-8-50. Appeals.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Fire Code do not apply or that the true intended meaning of the Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City Council within thirty (30) days of the date of the decision appealed, which shall act as the

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Board of Appeals provided for in Appendix A of the International Fire Code. The City Council shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancy for which permits are required, in addition to those now enumerated in the Fire Code. The Fire Chief shall post such a list in a conspicuous place in his or her office and distribute copies thereof to interested persons.

(Ord. 764-05 §2; Ord. 774-06 §1)

ARTICLE 9 Numbering of Buildings

[Sec. 18-9-10. Numbering required.](#)

[Sec. 18-9-20. Notice to property owners.](#)

[Sec. 18-9-30. Numbering system for north-south streets.](#)

[Sec. 18-9-40. Numbering system for east-west streets.](#)

[Sec. 18-9-50. Fee for numbering.](#)

[Sec. 18-9-60. Supervision of City Council.](#)

Sec. 18-9-10. Numbering required.

Every owner, or his or her agent, of any house, store, shop or building erected in the City shall number such house, store, shop or building in the manner prescribed in this Article.

(Prior code §6-9)

Sec. 18-9-20. Notice to property owners.

No owner, or his or her agent, of any house, store, shop or building, after due notice in writing from the City Clerk and after ten (10) days from the expiration of the sending or mailing of such notice, shall fail to comply with the provisions of this Article.

(Prior code §6-10)

Sec. 18-9-30. Numbering system for north-south streets.

On all streets running north and south, the numbering of the buildings shall begin with the first building north and south of the right-of-way of the Chicago, Burlington and Quincy Railway, and shall begin with the Figure 100 on the west side of the street so running north and south, and the Figure 101 on the east side of the street so running north and south. On all buildings south of the right-of-way of the Chicago, Burlington and Quincy Railway all numbers shall be known as 100 South, 101 South and so on in numerical succession as required, and shall continue being numbered in consecutive numbers, with one (1) number for each twenty-five (25) feet of street frontage on and to the end of each block therein, with all even numbers on the west side of the street running north and south and all odd numbers on the east side of the street running north and south. The second block north and the second block south of the point of beginning shall have the number 200; the third block 300; the fourth block 400; the fifth block 500; and so on, in numerical succession.

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(Prior code §6-11)

Sec. 18-9-40. Numbering system for east-west streets.

On all streets running east and west, the numbering of buildings shall begin with first building west and east of Curtis Street, and shall begin with the Figure 100 on the south side of the street running east and west and the Figure 101 on the north side of the street so running east and west, and shall continue to be numbered in consecutive numbers with one (1) number for each twenty-five (25) feet of frontage, on and to the end of each block therein, with all even numbers on the south side of the street running east and west and all odd numbers on the north side of the street running east and west. The second block west of the point of beginning of such numbering shall have the number 200; the third block 300; the fourth block 400; the fifth block 500; and so on, in numerical succession. On all buildings east of Curtis Street, all numbers shall be known as 100 East, 101 East and so on in numerical succession as required.

(Prior code §6-12)

Sec. 18-9-50. Fee for numbering.

Every owner, or his or her agent, of each house, store; shop or building to be numbered or to be erected and numbered shall pay to the City Clerk a fee as established by resolution of the City Council for the purpose of having such house, store, shop or building so numbered.

(Prior code §6-14; Ord. 774-06 §1)

Sec. 18-9-60. Supervision of City Council.

All numbers placed on every house, store, shop or building pursuant to this Article shall be placed by and under the supervision of the City Council.

(Prior code §6-15)

ARTICLE 10 Antennas

[Sec. 18-10-10. Erection and repair to comply.](#)

[Sec. 18-10-20. Permit to erect or repair required; application.](#)

[Sec. 18-10-30. Fees for permit, reinspection.](#)

[Sec. 18-10-40. Construction requirements.](#)

[Sec. 18-10-50. Abatement of noncomplying installations.](#)

Sec. 18-10-10. Erection and repair to comply.

No outdoor radio or television antenna shall be constructed, erected, enlarged or altered within the City which does not conform to the requirements of this Article.

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(Prior code §6-16)

Sec. 18-10-20. Permit to erect or repair required; application.

Work shall not be commenced on the installation, construction, erection, alteration or enlargement of any outdoor radio or television antenna before a permit in writing therefor is obtained from the City Clerk. The City Clerk may, whenever deemed necessary, require plans and specifications of such proposed construction to be submitted with the application for such permit.

(Prior code §6-17)

Sec. 18-10-30. Fees for permit, reinspection.

- (a) A permit fee established by resolution of the City Council shall be paid for each permit for antenna installation costing up to one hundred dollars (\$100.00) and a fee established by resolution of the City Council shall be paid for each antenna installation costing over one hundred dollars (\$100.00). Such permit fee shall cover one (1) inspection of the proposed installation by the Electrical Inspector.
- (b) A reinspection fee established by resolution of the City Council shall be made for each trip when extra inspections are necessary due to any one (1) of the following reasons:
 - (1) Wrong address;
 - (2) Condemned work resulting from faulty construction;
 - (3) Repairs or corrections not made at the time of original inspection, which make a second inspection necessary; or
 - (4) Work not ready for inspection when inspection has been called for.

(Prior code §6-18; Ord. 774-06 §1)

Sec. 18-10-40. Construction requirements.

The construction requirements for radio and television antennas under this Article are as follows:

- (1) All construction and installation of receiving and transmitting antennas shall conform to the provisions of the National Electrical Code of the American Insurance Association, except as otherwise specified in this Article.
- (2) Antenna supports and masts shall be as follows:
 - a. Metal supporting poles or masts extending above the supporting building shall be of an approved type and permanently grounded. The grounding conductor shall not be less than a No. 12 copper or aluminum wire and shall be carried down the outside of the building to a direct-driven ground.
 - b. No antenna or supporting mast shall be attached to a chimney, stack or vent pipe.
 - c. All masts and supports shall be adequately guyed to prevent buckling or damage to other property in case of mast or support failure.
 - d. Antenna masts or other supporting structures shall not exceed the maximum height of fifty (50) feet above a roof support or seventy (70) feet above ground support. In areas where reception may be affected by obstructions, antennas in excess of the above specified height may be installed only when approved by the City Council.

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- (3) Guys and anchors shall be as follows:
 - a. All antenna masts requiring guys shall be guyed by not less than three (3) and preferably four (4) guys, evenly spaced to support the mast in a vertical position.
 - b. Guys shall be of noncorrosive wire or stranded cable, and of at least three-hundred-pound strength.
 - c. Anchor points for guy wires shall be anchor screws or hooks secured to withstand the maximum wind and ice loading for this area.
 - d. No wires, cables or guys shall cross or extend over any public street, sidewalk, alley or other public way, unless approved by the City Council.
 - e. Guys shall not be installed at an angle of less than thirty (30) degrees to the vertical to the mast.
- (4) Lightning arrestors shall be as follows:
 - a. Lightning arrestors shall be approved by the Underwriters' Laboratories.
 - b. Lightning arrestors shall be grounded to an approved water system or direct-driven ground.
 - c. Arrestors shall be placed on the outside of the building and as near as practicable to the entrance of conductors to the building.
 - d. An approved grounding switch may be installed in lieu of an arrestor in transmission lines to a transmitting antenna.
- (5) Grounds shall be as follows:
 - a. Water pipes which are connected to the City mains may be used to ground lightning arrestors.
 - b. Direct-driven grounds shall not be less than one-half ($\frac{1}{2}$) inch in diameter or five (5) feet long.
 - c. All grounding conductors shall be made secure to grounds with approved ground fittings.
 - d. In no case shall a direct-driven ground used by other services be used as a common ground.
- (6) Transmission and receiving lines shall be as follows:
 - a. Lead-in and transmission lines shall be carried down on the outside of the building to a point of entrance as near grade line as practicable.
 - b. Standoff support insulators shall be used at least every ten (10) feet, or closer if necessary to keep lines clear of all inflammable or combustible material.
- (7) All miscellaneous hardware, such as brackets, turn-buckles, thimbles, clips, hooks, etc., shall be hot-dipped galvanized, or similarly treated for weather protection.
- (8) No electrical materials, devices or apparatus designed for attachment to or installation on any electrical circuit or system for television, AM, FM, amateur or commercial receiving or transmitting antennas shall be installed, used, sold or offered for sale for use in the City unless they are in conformity with the standards of the Underwriters' Laboratories, Inc.

(Prior code §6-19)

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Sec. 18-10-50. Abatement of noncomplying installations.

Any installation of television, AM, FM, amateur or commercial receiving or transmitting antennas which does not comply with the provisions of this Article is a nuisance and subject to abatement within forty-eight (48) hours after notice ordering such abatement has been served upon the owner thereof.

(Prior code §6-20)

ARTICLE 11 Hazardous Buildings

[Sec. 18-11-10. Definitions.](#)

[Sec. 18-11-20. Declaration of nuisance.](#)

[Sec. 18-11-30. Responsibility.](#)

[Sec. 18-11-40. Enforcement.](#)

[Sec. 18-11-50. Offenses.](#)

[Sec. 18-11-60. Emergency demolition procedure.](#)

[Sec. 18-11-70. Appeal and variance.](#)

Sec. 18-11-10. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Building means any structure used for any purpose, including occupancy as a dwelling by natural persons.

Operator means any person, including the owner as herein defined, who manages, has charge of or controls any building or parts thereof.

Owner means any person who, alone, jointly, severally with others or in a representative capacity such as an executor or trustee, has legal or equitable title to any building with or without accompanying actual possession thereof.

(Prior code §6-21; Ord. 774-06 §1)

Sec. 18-11-20. Declaration of nuisance.

- (a) All buildings which are dangerous, unsafe, a fire hazard or otherwise a hazard to safety, health or the public welfare, by reason of nonconformity to the Building Code as adopted by the City, or nonconformity with the Fire Code as adopted by the City, are hereby declared public nuisances.
- (b) All buildings which are so decayed, broken down, disintegrated, poorly constructed, inadequately maintained, dilapidated or damaged that they constitute a hazard to safety, health or public welfare, either in themselves or in their actual use, are hereby declared public nuisances.

(Prior code §6-22; Ord. 774-06 §1)

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Sec. 18-11-30. Responsibility.

Responsibility for maintenance of or failure to abate a nuisance, or failure to obey any lawful order of the City Administrator issued hereunder, shall be both joint and several between the owner and operator of the premises in question.

(Prior code §6-23; Ord. 774-06 §1)

Sec. 18-11-40. Enforcement.

- (a) Notice. Whenever the City Administrator determines that a building constitutes a nuisance as provided in this Article, he or she shall give notice of such determination to the owner or operator of the building. Such notice shall:
- (1) Be in writing.
 - (2) Describe with reasonable detail the facts constituting the building a nuisance.
 - (3) Order the abatement of the nuisance, if appropriate, and provide a reasonable time therefor, in no event less than thirty (30) days.
 - (4) Summarize the appropriate appeal procedure.
 - (5) Be signed by the City Administrator.
 - (6) Be served in any of the following ways, at the option of the City Administrator, or in any other manner reasonably calculated to notify the owner or manager, as the case may be:
 - a. Personal service;
 - b. Publication, for at least four (4) weeks in a newspaper of general circulation within the City, but only in the event reasonable diligence has failed to disclose the whereabouts of the party to be served;
 - c. Posting of the premises, but only if the person to be served is not a resident of the City and after exercise of reasonable diligence cannot be found within the City; or
 - d. Service by certified mail, return receipt requested, mailed to the last known address of the person sought to be served, but only if after the exercise of reasonable diligence, such person cannot be found within the City.
 - (7) Explain that the City may, if the nuisance is not abated within the time stated in the notice, abate the nuisance and assess the costs against the property as a lien superior to all other liens except those for general taxes which shall be certified, together with a ten-percent charge to defray the cost of collection, to the County Treasurer, to be placed upon the tax list for the current year, to be collected as other taxes are collected.
 - (8) Order, if appropriate, that the building be demolished by and at the expense of the owner or occupant within a reasonable time to be specified in the notice, but not less than thirty (30) days, and explain that upon failure to do so, the City may do so after obtaining from the District Court of the County a decree that the building constitutes a public nuisance as defined in Section 18-11-20 above and may be demolished by the City at the expense of the owner or occupant; and further explaining that the costs of such demolition, together with the costs of the legal proceeding, including the City's reasonable attorney's fees, shall be assessed against the property as a lien superior to all other liens except those for general taxes which shall be certified to the County Treasurer, together with a ten-percent penalty to defray the costs of collection, to be placed on the tax list for the current year and collected as other taxes are collected.

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- (b) Appeal. Any aggrieved person who believes that a nuisance does not exist or that the proposed manner of abating the same is unreasonable may appeal to the Board of Adjustment in a manner provided by the Board of Adjustment. The burden of proof shall be on the City Administrator to support the determination of a nuisance by a preponderance of the evidence. The person may appeal an adverse decision to the District Court in accordance with the procedures herein set forth.
- (c) Time to appeal. The appeal to the Board of Adjustment must be taken within thirty (30) days from the time of service of the notice of nuisance. The person making such appeal may request enlargement of such time from the City Administrator and must show good and sufficient ground. If the City Administrator is satisfied that such has been done, then he or she may extend the time to file with the Board of Adjustment. However, this Subsection shall not apply if the emergency demolition procedure set out in Section 18-11-60 below is followed.
- (d) Judicial review of Board of Adjustment's decision. Any person aggrieved by a final decision of the Board of Adjustment may seek relief therefrom within thirty (30) days of the date of such decision in a court of competent jurisdiction pursuant to the practice prescribed in the Colorado Rules of Civil Procedure.
- (e) Failure to abate. If, after proper notice, the nuisance has not been abated within the time specified in the notice, the City, at its option, may abate the same and assess the cost of doing so against the property, which costs shall become a lien against the property, superior and prior to all other liens except those for general taxes. The City Clerk shall notify the owner or operator of the assessment by certified mail, return receipt requested, addressed to his or her last known address, and if the same is not paid within ten (10) days of placing such notice in the mail, the City Clerk shall certify the cost, together with a ten-percent charge to defray the costs of collection, to the County Treasurer, to be placed on the tax list for the current year, to be collected as other taxes are collected, and the City Clerk shall record a notice of such lien in the real estate records for the County and State.

(Prior code §6-24; Ord. 774-06 §1)

Sec. 18-11-50. Offenses.

Any owner or operator who allows a nuisance to exist as defined by this Article shall, upon conviction thereof, be punished by imprisonment up to ninety (90) days and/or a fine of three hundred dollars (\$300.00). Failure to comply with any lawful order of the City Administrator ordering abatement of the nuisance or demolition of a building shall be deemed a separate violation, and each seven (7) days' failure to so comply shall be deemed a separate violation.

(Prior code §6-25)

Sec. 18-11-60. Emergency demolition procedure.

- (a) Determination. Whenever the City Administrator finds that any building constitutes a nuisance hereunder and also presents an immediate and imminent hazard to the public health, welfare or safety, and determines that the only reasonable means of abating such hazard consists of demolishing the building, the City Administrator, in addition to any other remedies or procedures provided by this Code, may cause the demolition of the building, and if the Fire Chief finds that any building constitutes an imminent hazard to the public health or safety, for the reason that it constitutes a fire hazard by reason of its nonconformity with the standards established by the Fire Code as adopted by the City, and determines that the only reasonable means of correcting such hazard consists of the demolition of the building, the Fire Chief may join with the City Administrator and cause the demolition of the building.

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- (b) Procedure. Emergency demolition may be authorized by the District Court of the County prior thereto. In all actions concerning the demolition of a building, in addition to any other necessary party, there shall be joined as a party the owner of the building. All such proceedings shall be deemed in rem. The costs of such proceedings, including reasonable attorney's fees, and the costs of demolition shall be collectable in such proceedings as specified in this Section.
- (c) Assessment of costs. The costs enumerated above, if not otherwise paid by the defendants or collected upon execution in the manner provided by law, shall constitute a lien against the premises, superior and prior to all other liens except those for general taxes. The City Clerk shall notify the owner or operator of the premises of the amount of the lien by certified mail, return receipt requested, mailed to the last known address of the owner or operator, and if the same is not paid within ten (10) days of placing such notice in the mail, the City Clerk shall certify such cost, together with a ten-percent charge to cover costs of collection, to the County Treasurer, to be placed on the tax list for the current year, to be collected as other taxes are collected. The City Clerk shall record a notice of such lien in the real estate records for the County and the State.

(Prior code §6-26; Ord. 774-06 §1)

Sec. 18-11-70. Appeal and variance.

- (a) In the event any person determines that the strict application of this Article would cause him or her undue hardship, he or she may apply to the City Council for a variance from the strict application of this Article. If the City Council determines that all of the following conditions exist, it may grant a variance upon such terms as it may prescribe:
 - (1) The strict application of this Article would result in a peculiar and extreme hardship upon the applicant;
 - (2) The variance desired would not be contrary to the purpose and intent of the requirement which it seeks to vary; and
 - (3) Unique conditions exist which are the cause of the hardship and which are limited to the applicant and would not apply to another person, entity or situation similar to the one for which the variance is requested.

It shall not be sufficient reason that the applicant is unable to pay the costs of compliance with the Article.

- (b) The City Council may authorize a variance upon demonstration to its satisfaction that another method which is new or innovative will produce results equal to or greater than those which result from strict compliance with this Article.
- (c) An application shall be made as follows:
 - (1) All applications to the City Council shall be in writing and shall be filed upon forms provided by the City and available at the municipal building. The application shall indicate what provisions of this Article, or the underlying codes, are involved, what relief from those provisions is being sought, and the grounds upon which such relief is being sought. The applicant must file with the administrative official from whom the appeal is taken a copy of the application. Said official shall forthwith transmit to the City Council all the papers constituting the record to which the action relates.
 - (2) An application for variance stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the City Council after the application has been filed with him or her that, by reason of facts stated by him or her, a delay would, in his or her opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed except by a restraining order which may be granted by the City

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Council or by a court of competent jurisdiction, upon notice to the officer from whom the appeal is taken and on due cause shown.

- (3) The fee for the application shall be established by resolution of the City Council. This fee, plus any supporting materials deemed pertinent by the applicant or requested by the City Council for evaluation of the application, shall be submitted before the date for a hearing on the application shall be set. A statement of landowners to whom notice is to be sent, prepared by an abstractor or title insurance company, shall be submitted by the applicant with the application. A minimum of fifteen (15) days shall have elapsed between the application submission date and the scheduled date of the hearing.
 - (4) Notice of the hearing date shall be published by the City at the expense of the applicant in a newspaper of general circulation in the City, at least fifteen (15) days prior to the public hearing to landowners within three hundred (300) feet of the subject property (based on the list of the abstractor or title insurance company), as well as to the property owner. Failure to mail such notice to every property owner shall not affect the validity of any proceeding before the Council. The notice shall state the name of the applicant, a description of the property involved, a statement of the nature of the request and the date, time and place of the hearing.
 - (5) At least fifteen (15) days prior to the public hearing, the applicant shall post a sign upon the premises where such variance is requested stating the date, time and place of the hearing, and the nature of the variance requested.
 - (6) At the hearing, any party may appear in person or by an agent or attorney.
 - (7) The Council may reverse, affirm or affirm with modifications the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.
 - (8) The affirmative vote of five (5) members of the City Council shall be necessary to reverse any order, requirement, decision or determination of any administrative official or agency, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or adopted code or to effect any variation in such ordinance or code.
- (d) Any further appeal from the decision of the City Council may be made to the courts, as provided by law; provided, however, that such appeal shall be made prior to thirty (30) days following the date of the City Council's decision.

(Prior code §6-30; Ord. 774-06 §1)

ARTICLE 12 Housing and Building Regulations

Division 1 - Definitions and Procedures

Division 2 - Minimum Standards

Division 3 - Fair Housing

Division 4 - Growing of Marijuana

Division 1 Definitions and Procedures

[Sec. 18-12-10. Declaration of policy and general provisions.](#)

[Sec. 18-12-20. Definitions.](#)

[Sec. 18-12-30. Inspections.](#)

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[Sec. 18-12-40. Enforcement.](#)

[Sec. 18-12-50. Offenses.](#)

[Sec. 18-12-60. Designation of unfit dwellings and order requiring vacation.](#)

[Sec. 18-12-70. Unlawful to deface placard.](#)

[Sec. 18-12-80. Recording of notice.](#)

Sec. 18-12-10. Declaration of policy and general provisions.

- (a) Declaration of policy. The City Council declares the purpose of this Article and all provisions thereof to be to protect, preserve and promote the physical and mental health of the people, control communicable diseases by regulating privately and publicly owned dwellings and premises of same for the purpose of sanitation and public health, and to protect the safety of the people and promote the general welfare by legislation which shall be applicable to all dwellings and premises used in whole or in part for purposes subject to this Code now in existence or hereafter constructed which:
- (1) Establishes minimum standards for basic equipment and facilities for light, ventilation and heating for safety from fire, for the use, location and amount of space for human occupancy, and for safe and sanitary maintenance;
 - (2) Determines the responsibilities of owners, operators and occupants of dwellings; and
 - (3) Provides for the administration and enforcement thereof.
- (b) Findings. The City Council finds that there exists, in the City, dwellings which are substandard in one (1) or more important features of structures, equipment, sanitation, maintenance or occupancy. Such conditions adversely affect the physical and mental health of the people, the control of communicable diseases, the safety of the people and the general welfare, and therefore require the establishment and enforcement of minimum housing standards.
- (c) Title. The ordinance on which this Article is based is known and may be cited as the "Housing Code."

(Prior code §13A-1)

Sec. 18-12-20. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Administrator means the City Administrator or his or her duly authorized representative.

Approved means constructed, installed and maintained in accordance with this Article.

Approved sewer system means connected when approved by the City Utilities Director to the municipal sewer system or connected to a properly constructed individual sewage disposal system approved by the City-County Health Department.

Approved water system means connected when approved by the City Utilities Director to the municipal water system or connected to a potable water system approved by the City-County Health Department.

A.S.T.M. means the American Society for Testing Materials.

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Basement means that portion of a dwelling between floor and ceiling which is partly below and partly above grade and having less than one-half ($\frac{1}{2}$) its clear floor-to-ceiling height below the average grade of the adjoining ground abutting the exterior wall or walls of the dwelling unit.

Bearing wall means a wall which supports any load other than its own weight.

Cellar means that portion of a dwelling located partly or wholly below grade and having one-half ($\frac{1}{2}$) or more than one-half ($\frac{1}{2}$) of its clear floor-to-ceiling height below the average grade of the adjoining ground abutting the exterior wall or walls of the dwelling unit.

Cleanable means having a smooth, hard surface, free from unsealed breaks and impervious to such amounts of water as would be used in cleaning.

Dead load means the weight of the walls, permanent partitions, framing, floors, roofs and all other permanent stationary construction forming a part of the building.

Door means an opening in solid wall for the ingress and egress of persons. It shall include doorways, lintels or headers, casings, frames, sills and doors with or without glazing.

Draft diverter means a device attached to or made part of the vent outlet from an appliance, and designed to ensure the ready escape of products of combustion, in the event of no draft, back draft or stoppage in the vent or flue beyond the draft hood, to prevent a back draft from entering the appliance, and to neutralize the effect of stack action of the flue upon operation of the appliance.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants. Temporary housing as hereinafter defined shall not be regarded as a dwelling.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living and sleeping and a part of which is exclusively or occasionally appropriated to cookery or eating.

Electrical convenience outlet means a point on the electrical wiring system equipped with one (1) or more receptacles intended to receive attachment plugs from which current is taken to supply utilization equipment.

Elements means wind, rain, snow, hail, sleet or surface run-off water.

Extermination means a control and elimination of insects, rodents, vermin or other pest by eliminating their harborage places and by removing or making inaccessible materials that may serve as their food, or by poisoning, spraying, fumigating, trapping or any other recognized and legal pest elimination methods.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

Grade means the average of the finished ground level of all walls of a building. In case walls are parallel to and within five (5) feet of a public sidewalk, the grade shall be the sidewalk level.

Habitable room means a room or enclosed floor space used, intended to be used or designed to be used for living, sleeping, eating or cooking excluding bathrooms, toilet compartment, closets, halls and storage places.

Hotel means an establishment that provides temporary lodging in guest rooms and in which meals, entertainment and various personal services for the public may or may not be provided.

Infestation means the presence within or around a dwelling of insects, rodents, vermin or other pests of a kind which cause a hazard to health.

Lintel means the beam or girder placed over an opening in a wall and which supports the wall construction above.

Live load means an imposed, fixed or transient load other than a dead load.

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Makeshift repairs means not in accordance with Article requirements, rules and regulations, accepted practices, prevailing standards or design of licensed contractors or manufacturers' recommendations.

Motel means a hotel which usually is arranged in such a manner that individual guest rooms are directly accessible from an automobile parking area.

Multiple dwelling means any dwelling containing more than two (2) dwelling units.

Occupant means any person living, sleeping, cooking in or having possession of a dwelling unit or rooming unit.

Operator means any person, including the owner as herein defined, who manages, has charge of or controls any dwelling or parts thereof, in which dwelling units or rooming units are let.

Owner means any person who, alone, jointly, severally with others or in a representative capacity such as an executor or trustee, has legal or equitable title to any dwelling or dwelling unit with or without accompanying actual possession thereof.

Parapet wall means that part of any wall extending entirely above the roof line.

Privacy means completely enclosed by partitions, doors or opaque windows, from floor to ceiling and wall to wall.

Rooming house means any dwelling or that part of any dwelling containing one (1) or more rooming units in which space is let to persons who occupy those units more than fourteen (14) days continuously, and may include a communal kitchen.

Rooming unit means a particular type of dwelling unit which consists of a room or group of rooms providing minimum housing accommodations for a roomer, arranged primarily for sleeping and study, and which may include a private bath but shall not include a sink or any cooking device.

Rubbish means any combustible and noncombustible waste materials other than garbage; the term shall include residue from burned materials as well as household and yard debris.

Sound condition or good repair means freedom from defects that would endanger the health, safety and welfare of the occupants therein.

Stairway means all stairwells, including stair stringers, risers, treads, handrails, banisters and vertical and horizontal supports.

Supplied means paid for, furnished, provided by or under the control of the owner or operator.

Temporary housing means any travel trailer, camper or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system, and unless otherwise set forth, is not subject to the provisions of this Article.

Trap means a fitting or device in a plumbing system so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or waste water through it.

Vent means a pipe designed to convey the product of combustion from an appliance to a flue or chimneys.

Ventilation means not less than one (1) square inch of area of contiguous inside and outdoor air for every square foot of floor space.

Window means an opening in a solid wall for the interior illumination and ventilation of a structure. It shall include lintels or headers, casings, sills, frames and glazing.

(Prior code §13A-2; Ord. 774-06 §1)

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Sec. 18-12-30. Inspections.

For the purpose of determining compliance with the provisions of this Article, the Administrator is hereby authorized and directed to make inspections to determine the condition, use and occupancy of dwellings, dwelling units, rooming units and the premises upon which the same are located, and he or she shall obtain the owner's and occupant's permission for such inspections. In the event inspection or other acts required of the Administrator where entry to the premises must be obtained and permissive entry cannot be obtained, the Administrator shall, except in the event of an emergency, obtain a search warrant for purposes of inspection.

(Prior code §13A-3; Ord. 774-06 §1)

Sec. 18-12-40. Enforcement.

(a) Notice of violation. Except as modified by Subsection 18-12-60(c) below, whenever the Administrator determines that there is or has been a violation of any provisions of this Article, he or she shall give notice of such determination. Such notice shall:

- (1) Be in writing;
- (2) Describe with reasonable detail the violation alleged to exist or to have been committed;
- (3) Order the correction of the alleged violation, if appropriate, and provide a reasonable time therefor, in no event less than thirty (30) days;
- (4) Summarize the appeal procedures which are appropriate;
- (5) Be signed by the Administrator;
- (6) Be served in any of the following ways, at the option of the City Administrator or in any other manner reasonably calculated to notify the occupants, owners or managers, as the case may be:
 - a. Personal service,
 - b. Publication, for at least four (4) weeks in a newspaper of general circulation within the City, but only in the event reasonable diligence has failed to disclose the whereabouts of the party to be served,
 - c. Posting the premises, but only if the person to be served is not a resident of the City, and after exercise of reasonable diligence cannot be found within the City, or
 - d. Service by certified mail, return receipt requested, mailed to the last known address of the person sought to be served but only after the exercise of reasonable diligence, such person cannot be found within the City; and
- (7) Explain that the City may, if the violation is not corrected within the time stated in the notice, correct the violation and assess the costs against the property as a lien superior to all other liens except those for general taxes which shall be certified, together with a ten-percent charge to defray the costs of collection, to the County Treasurer to be placed on the tax list for the current year to be collected as other taxes are collected.

(b) Appeal to the Board of Adjustment.

- (1) Any aggrieved person who believes the alleged violation to be factually or legally contrary to this Article or rules and regulations contained herein may appeal the same to the Board of Adjustment in a manner provided by the Board of Adjustment and request that a variance be granted and both an appeal and a variance may be filed in the alternative. The burden of proof shall be on the Administrator to support the charge by a preponderance of the evidence.

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- (2) Any person may initiate proceedings for a variance by filing with the Board of Adjustment a pleading setting forth the relevant facts, the applicable law and the variance requested. A copy thereof will be served upon the Administrator and the Board of Adjustment shall hold a hearing and make a decision thereon. The person may appeal an adverse decision to the district court in accordance with the procedures herein set forth.
 - (3) The fee for filing an appeal shall be established by resolution of the City Council.
- (c) Variance on appeal. The Board of Adjustment may authorize, upon appeal in specific cases, such variance from the terms of this Article or the rules and regulations adopted pursuant thereto by the City Council, subject to terms and conditions as fixed by the Board of Adjustment, as will not adversely affect the public health where, owing to exceptional and extraordinary circumstances, literal enforcement of applicable provisions will result in unnecessary hardships. The burden of proof is upon the applicant to show by clear and convincing evidence all of the following:
- (1) The variance shall not substantially or permanently injure the appropriate use of the portions of the dwelling involved, or other property;
 - (2) The variance shall be in harmony with the spirit purposes of this Article and the rules and regulations adopted pursuant thereto by the City Council; and
 - (3) The variance shall protect, preserve and promote the physical and mental health of the people of the City in the same manner and to the same effect as would literal enforcement of the provisions applicable to each particular case.
- (d) Time to appeal or request variance. The appeal or request for variance or a filing of both in the alternative to the Board of Adjustment must be taken within thirty (30) days from the time of service of the notice of alleged violations. The person presenting the appeal may request an extension of such time from the Administrator and must show good and sufficient grounds. If the Administrator is satisfied that such has been done, then he or she may extend the time to file with the Board of Adjustment.
- (e) Judicial review of Board of Adjustment decision. Any person aggrieved by a final decision of the Board of Adjustment may seek relief therefrom in a court of competent jurisdiction within ten (10) days of the date of such decision. A notice of appeal shall be lodged in such court and a copy thereof will be filed with the Administrator, along with a deposit to cover the estimated cost of the record of the proceedings, which will be forwarded by the Administrator within fifteen (15) days to such court.
- (f) Effect of failure to appeal. In the event no appeal originally was made to the Board of Adjustment, the provisions of the notice shall become a final order of such Board. When the time for filing an appeal with the Board of Adjustment has expired, and no appeal from the decision made by such Board is taken within the ten-day period, such decision shall become a final order. The decision of a court of competent jurisdiction shall be final when the judgment has become final under the rules of such court. In the event an appeal is filed to the Colorado Supreme Court, then the order shall not be final until there is a final judgment entered by such court.
- (g) Correction by City of violation. If, after proper notice, the alleged violator fails to correct the violation within the time specified in the notice, the City, at its option, may correct the same and assess the cost of doing so against the property, which costs shall become a lien against the property, superior and prior to all other liens except those for general taxes. The City Clerk shall notify the violator of the assessment by certified mail, return receipt requested, addressed to the violator's last known address, and if the same is not paid within ten (10) days of the placing of such notice in the mail, the City Clerk shall certify the cost, together with a percent charge to defray the costs of collection, to the County Treasurer, to be placed on the tax list for the current year, to be collected as other taxes are collected, and the City Clerk shall record a notice of such lien in the real estate records for the County and State.

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(Prior code §13A-4; Ord. 774-06 §1)

Sec. 18-12-50. Offenses.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by imprisonment up to ninety (90) days and/or a fine of three hundred dollars (\$300.00). Failure to comply with any lawful order of the City Administrator ordering correction of the violation, vacations of the premises or demolition of a building by a violator shall be deemed a separate violation. Each seven (7) days' failure to so comply shall be deemed a separate violation.

(Prior code §13A-5)

Sec. 18-12-60. Designation of unfit dwellings and order requiring vacation.

- (a) Designation. Whenever the Administrator finds any dwelling, dwelling unit or rooming unit which does not conform to the standards established by this Article, and which by reason of such nonconformity presents an imminent hazard to public health or the physical health of the occupants therein, the Administrator may, without prior notice or hearing, designate such dwelling, dwelling unit or rooming unit as unfit for human habitation. The Administrator will, within three (3) days of such posting, initiate proceedings under Subsection 18-12-40(a) above; except that Paragraph (3) thereof shall not apply, and the time period for filing an appeal shall be ten (10) days rather than thirty (30) days. The appeal and judicial review thereof shall be set forth in this Article.
- (b) Placarding; order to vacate. Any dwelling, dwelling unit or rooming unit designated as unfit for human habitation by the Administrator shall be posted with a placard of reasonable size on each entry to the premises and such shall be vacated by the occupants thereof within the time specified in such placard. Such placard shall be deemed an order requiring the occupant to vacate the premises and shall permit not less than ten (10) days from the date of such placarding for the vacating of such dwelling, dwelling unit or rooming unit unless a lesser time is stated in the order in view of the facts of the situation and the hazard involved as, in the judgment of the Administrator, is reasonable and proper.
- (c) Effect of order. No dwelling, dwelling unit or rooming unit which has been designated as unfit for human habitation shall be used for human habitation contrary to the terms of the placard until:
 - (1) The Board of Adjustment conducts a full hearing thereon and directs the Administrator to remove the placard or a court of competent jurisdiction directs the Administrator to remove the placard; or
 - (2) The defect has been eliminated, and written approval is secured from the Administrator directing that such placard be removed.

(Prior code §13A-6)

Sec. 18-12-70. Unlawful to deface placard.

It is unlawful for any person to destroy, deface, remove or obscure any placard affixed under the provisions of this Article except as provided in Subsection 18-12-60(c) above.

(Prior code §13A-7; Ord. 774-06 §1)

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Sec. 18-12-80. Recording of notice.

When the Administrator finds and determines that there is a violation of this Article, he or she may record with the County Clerk and Recorder a notice to that effect. When the condition upon which the notice was based has been corrected, the Administrator, upon demand of an interested person, shall provide a written release when a written notice of the violation has been recorded.

(Prior code §13A-8)

Division 2 Minimum Standards

[Sec. 18-12-110. Minimum standards for basic equipment and facilities.](#)

[Sec. 18-12-120. Minimum standards for light, ventilation and heating.](#)

[Sec. 18-12-130. General requirements for safe and sanitary maintenance of dwellings.](#)

[Sec. 18-12-140. Minimum space, use and location requirements.](#)

[Sec. 18-12-150. Duties of owners and occupants.](#)

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[Sec. 18-12-170. Plumbing.](#)

[Sec. 18-12-180. Plumbing fixtures and maintenance.](#)

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[Sec. 18-12-200. Heating and water heating facilities.](#)

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[Sec. 18-12-220. Electrical and lighting requirements.](#)

[Sec. 18-12-230. Fly and insect screens.](#)

[Sec. 18-12-240. Floors, interior walls, ceilings, food preparation and food storage areas.](#)

[Sec. 18-12-250. Windows, doors and hatchways.](#)

[Sec. 18-12-260. Stairways.](#)

[Sec. 18-12-270. Floor protection.](#)

[Sec. 18-12-280. Safe maintenance of utilities and equipment.](#)

[Sec. 18-12-290. Basement and cellar space.](#)

[Sec. 18-12-300. Egress.](#)

[Sec. 18-12-310. Egress from rooming houses.](#)

Sec. 18-12-110. Minimum standards for basic equipment and facilities.

No person shall occupy, own and allow to be occupied, or let to another for occupancy any dwelling which does not comply with the following requirements:

- (1) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to an approved water and sewer system.

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- (2) Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet in good working condition and properly connected to an approved water and sewer system.
- (3) Every dwelling unit shall contain within its walls a lavatory basin in good working condition and properly connected to an approved water and sewer system and located in the same room as the flush water closet or as near to that room as practicable.
- (4) Every dwelling unit shall contain, with a room which affords privacy to a person within such room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.
- (5) Every dwelling unit shall have at least one (1) flush water closet, lavatory basin and bathtub or shower; further, a total of eight (8) occupants, or the number in the family plus two (2) other occupants in a dwelling unit, may share a single flush water closet, a single lavatory basin and single bathtub or shower if:
 - a. Such water closet, lavatory basin and bathtub or shower are in good condition and properly connected to the water and sewer system and are reasonably accessible to the occupants of the dwelling unit without passing through any room of another dwelling unit; and
 - b. The dwelling unit is in the same building and arranged so that the occupants of the unit are not required to go outside the building to reach the facilities.
- (6) Every kitchen sink, lavatory basin, bathtub or shower required under these provisions hereof shall be connected to both hot and cold water lines in an approved manner.
- (7) Every dwelling unit shall be supplied with rubbish storage and garbage disposal facilities as required by this Code.

(Prior code §13A-10)

Sec. 18-12-120. Minimum standards for light, ventilation and heating.

No person shall occupy, own and allow to be occupied, or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

- (1) Every habitable room in a dwelling or dwelling unit shall have at least one (1) window or skylight facing directly to the outside, and shall have a minimum of five (5) foot-candles of daylight illumination, measurable at the epicenter of the room, thirty (30) inches above the floor level, with a standard light meter facing the source at noon, MST, with the sky of normal brightness. The Administrator may approve an indirect means of supplying five (5) foot-candles of illumination to such rooms without direct openings to the exterior; provided that ventilation as required by Paragraph (2) below is supplied.
- (2) At least one window or skylight required by Paragraph (1) above shall be easily openable unless there is some other comparable method of ventilating the room.
- (3) Every bathroom and water closet compartment shall have at least one (1) window or skylight facing directly to the outside in order to provide adequate ventilation. The Administrator may approve some other acceptable method of ventilation.
- (4) Every dwelling, rooming unit and dwelling unit shall have heating facilities which are installed in an approved manner, are maintained in a safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein to a temperature of at least seventy (70) degrees Fahrenheit at a distance three (3) feet above floor level, when the temperature outside is minus five (5) degrees Fahrenheit.

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Such heating equipment shall be operated to maintain a reasonable temperature in all habitable rooms.

- (5) Every public hall or stairway in or leading into every multiple dwelling shall have a minimum of five (5) foot-candles of illumination measurable with a standard light meter at floor level in halls and tread levels on stairways, at all times when the structure is occupied.
- (6) Every dwelling shall be supplied with electricity and shall meet the following requirements:
 - a. Every habitable room shall contain one (1) electrical convenience outlet for each twenty (20) lineal feet, or major fraction thereof, measured horizontally around the room at the baseboard line; except that in each habitable room, one (1) supplied electric light fixture will be accepted in lieu of one (1) of the required electrical convenience outlets; provided that each habitable room contains at least one (1) electrical convenience outlet;
 - b. Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one (1) ceiling or wall type electric light and fixture; and
 - c. Every outlet and fixture shall be installed in an approved manner and maintained in good and safe working condition.

(Prior code §13A-11)

Sec. 18-12-130. General requirements for safe and sanitary maintenance of dwellings.

No person shall occupy, own and allow to be occupied, or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

- (1) Every foundation, floor, roof, ceiling, exterior and interior wall shall be reasonably weathertight and watertight, shall be kept in sound condition and good repair and shall be capable of affording privacy for the occupant.
- (2) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch and appurtenance thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- (3) Every plumbing fixture and water and waste pipe shall be installed in an approved manner and maintained in good, sanitary working condition, free from leaks and obstructions.

(Prior code §13A-12; Ord. 774-06 §1)

Sec. 18-12-140. Minimum space, use and location requirements.

No person shall occupy, own and allow to be occupied, or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

- (1) Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupancy thereof, the floor space to be calculated on the basis of total habitable room area; provided that nonhabitable areas shall be counted in determining the maximum permissible occupancy up to ten percent (10%) of the total habitable area; further, every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one (1) person shall contain at least thirty (30) square feet of floor space for each additional occupant thereof.

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- (2) At least one-half (½) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet, and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as habitable area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (3) No basement or cellar space shall be let as a habitable room, and no basement or cellar space shall be used as a dwelling unit or rooming unit unless:
 - a. The floor and walls meet the standards as required by Subsection 18-12-130(a) above;
 - b. The total amount of light required in each room is equal to at least the minimum amount of light as required in Paragraph 18-12-120(1) above; and
 - c. The facilities for ventilation in each room are equal to at least the minimum as required under Paragraphs 18-12-120(1) and (2) above.

(Prior code §13A-13)

Sec. 18-12-150. Duties of owners and occupants.

Owners and occupants shall be jointly and severally liable for seeing that the following are observed; except that such liability may be altered by contract between the owner and occupant, which contract shall be honored insofar as it imposes duties and liabilities between owner and occupant:

- (1) No animals or pets shall be kept in a dwelling or dwelling unit or on any premises in such a manner as to create unsanitary conditions, including but not limited to accumulation of excrement, or which create a nuisance, including but not limited to barking or menacing passers-by.
- (2) Screen doors and window glass shall be maintained in good and serviceable condition.
- (3) All garbage, rubbish and rubble shall be disposed of as required by this Code.
- (4) Insects, rodents or other pests found within the dwelling shall be promptly exterminated.
- (5) No electrical hot plate or other cooking device shall be used in a rooming unit.
- (6) No combustibles shall be stored in a furnace or boiler room, or water heater compartment.
- (7) Plumbing shall be kept free from filth, debris, garbage, litter, decayed organic matter, soil, grease or anything that may serve as an attractant, food or harborage for vermin.
- (8) Shared public areas shall be kept in a clean and sanitary condition.

(Prior code §13A-14)

Sec. 18-12-160. Rooming houses.

No person shall own and allow to be occupied or operate a rooming house, or shall occupy or let to another for occupancy any rooming unit, except in compliance with all the applicable provisions of this Article, including the following provisions:

- (1) There shall be supplied at least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system in an approved manner and maintained in good working condition for each eight (8) occupants, or fraction thereof, including the operator's family, wherever they share the use of such facilities. However, in a rooming house where rooms are let only to males, flush urinals may be substituted, but for not more than one-half (½) of the required number of flush water closets. All such facilities shall be so located

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within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

- (2) Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space; and every room occupied for sleeping purposes by more than one (1) person shall contain at least thirty (30) square feet of floor space for each additional occupant thereof.
- (3) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.
- (4) The owner or operator of every rooming house shall be responsible, jointly and severally, for maintaining in a sanitary condition the rooming house and premises thereof, including the walls, floors, ceilings and any communal cooking or dining facilities.
- (5) No owner or operator of any rooming unit shall permit the use of any electric hot plate or other cooking facility.

(Prior code §13A-15; Ord. 774-06 §1)

Sec. 18-12-170. Plumbing.

- (a) A kitchen sink shall be of seamless construction with rounded internal angles and corners. The internal surfaces shall be smooth, easily cleanable and impervious to water and grease. Such sink shall be no smaller than twenty (20) inches by sixteen (16) inches, with a minimum uniform depth of six (6) inches and a maximum uniform depth of twenty (20) inches. Stone and concrete laundry tubs, lavatory basins or bathtubs shall not be acceptable substitutes for kitchen sinks.
- (b) Every flush water closet shall have an integral water-seal trap and shall be provided with an integral flushing rim constructed so as to flush the entire interior of the bowl.
- (c) Water closets shall have smooth, impervious, easily cleanable surfaces free from cracks, breaks, leaks and makeshift repairs. Water closets shall be equipped with seats and flush tank covers constructed of smooth materials which are free of cracks and breaks and which are impervious to water.
- (d) Pan, valve, plunger, offset, washout, latrine, frost-proof hopper and other water closets having an invisible seal or an unvented space, or having interior walls which are not thoroughly washed at each discharge, are prohibited. Direct flush valves connected to water closets shall be equipped with vacuum breakers.
- (e) The lavatory basin surfaces shall be designed, intended and located for use exclusively for ablutionary purposes.
- (f) Lavatory basins shall be smooth, unbroken, easily cleanable and impervious to water and grease. Stone and concrete laundry tubs, sinks used for kitchen purposes, and bathtubs shall not be acceptable substitutes for lavatory purposes.
- (g) Every bathtub shall have a smooth, impervious and easily cleanable inner surface free from cracks, breaks, leaks and makeshift repairs.
- (h) Every shower compartment or cabinet shall have a base with a leak-proof receptor. Such base shall pitch sufficiently to drain completely. Such base shall be made of materials such as precast stone, cement aggregates, preformed metals or materials of similar characteristics. The interior walls and ceiling surfaces of the shower cabinet or compartment shall be made of smooth, nonabsorbent materials free of sharp edges. Finishes of walls and ceilings which readily peel shall not be considered acceptable. The tops of shower compartments or cabinets shall not be less than six (6)

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feet above the floor. The interior of every shower cabinet or compartment shall be watertight, maintained in good repair and easily cleanable.

- (i) Built-in bathtubs with overhead showers shall have waterproof joints between the tub and adjacent walls, and such walls shall be waterproof.
- (j) Shared flush water closets and bathtub or shower shall be located in a room affording privacy to a person within such room, and shall be accessible to occupants of all units without passing through any room of any other unit. Shared toilet and bath facilities shall be located on the same or adjacent floor as the rooming unit served by it.
- (k) The floor, walls and ceiling of every bathroom and shower room shall have a smooth, impervious and easily cleanable surface free from breaks, cracks, holes, peeling paint and makeshift repairs. Notwithstanding the foregoing provisions of this Section, carpeting and other approved materials shall be allowed in a bathroom located within one (1) dwelling unit; provided that such bathroom is not shared by any other rooming unit. The use of carpeting in communal bathrooms located within rooming houses or shared by rooming units is prohibited.

(Prior code §13A-16)

Sec. 18-12-180. Plumbing fixtures and maintenance.

- (a) Plumbing fixtures, except those having integral traps, shall be separately trapped by a water-seal trap, placed as near the fixture outlet as possible, and shall be reasonably accessible for inspection.
- (b) The vertical distance from the fixture outlet to the trap weir shall not exceed twenty-four (24) inches, except in the case of flush water closets with integral water-seal traps.
- (c) One (1) trap may be installed for a set of not more than three (3) single compartment sinks or laundry trays, or three (3) lavatory basins immediately adjacent to each other in the same room, if the waste outlets are not more than thirty (30) inches apart and if the trap is centrally located for the set.
- (d) No trap shall be larger than the fixture drain to which it is connected.
- (e) Cleanouts on the seal of a trap shall be made tight with a threaded cleanout plug and approved washer.
- (f) No fixture shall be double trapped.
- (g) Cleanouts shall be easily and reasonably accessible.
- (h) Concealed cleanouts shall be extended to surface or provided with access doors. If a cleanout plug is located where there is foot traffic, the head should be countersunk to prevent accidents, or a recess in the floor must be provided.
- (i) All floor outlet fixtures shall be rigidly secured by screws or bolts. Wall-hung fixtures shall be rigidly supported by metal hangers or bolts.
- (j) Hangers and anchors shall be made of metal or sufficient strength to maintain a proportional share of the pipe alignment.
- (k) Vent pipes shall be made of cast iron, galvanized wrought iron, galvanized open-hearth iron, galvanized steel, brass, copper, lead or other approved material.
- (l) No back vent shall be installed within two (2) pipe diameters of the trap weir.
- (m) Wet venting, stack venting, circuit and loop venting, relief venting and the size and length of vents shall be installed and maintained according to sound engineering practices.

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(Prior code §13A-17)

Sec. 18-12-190. Water supply and distribution.

- (a) Potable water is required in all dwelling units. When the premises are connected to a private water supply system, the private system shall be tested and approved as a sanitary source of water supply by the Northeast Colorado Health Department.
- (b) Potable and nonpotable water supplies shall be distributed through systems entirely independent of each other, and actual or potential cross-connections between such supplies are prohibited. Potable water supply piping, water discharge outlets, backflow prevention devices or similar equipment shall not be so located as to make possible their submergence in any contaminated or polluted liquid or substance.
- (c) Every fixture supply pipe shall be protected from backflow, preferably by having the outlet from which the water flows spaced a distance either above the flood level rim or above an overflow of the receptacle into which the water flows, sufficient to provide a "minimum required air gap."
- (d) The minimum required air gap shall be measure vertically from the end of the faucet spout or supply pipe to the flood level rim of the fixture or vessel. The air gap shall be twice the diameter of the water inlet opening, but in no case less than one (1) inch. Where not possible to provide a minimum air gap or backflow preventer, other approved protection shall be provided.
- (e) Flushometers shall be equipped with an approved vacuum breaker. The vacuum breaker shall be installed on the discharge side of the flushing valve with the critical level at least four (4) inches above the overflow rim of the bowl.
- (f) Flushing tanks shall be equipped with an approved ballcock. The vacuum breaker shall be installed with the critical level at least one (1) inch above the full opening of the overflow pipe.
- (g) Trough urinals shall be equipped with a vacuum breaker installed on the discharge side of the last valve and not less than thirty (30) inches above the spray pipe.
- (h) Lawn sprinkling systems shall be equipped with a backflow preventer on the discharge side of each of the last valves. The backflow preventer shall be at last six (6) inches above the highest head, and at no time less than six (6) inches above surrounding ground.
- (i) Materials for water distributing pipes and tubing shall be brass, copper, lead, cast iron, wrought iron, open-hearth iron, steel or other approved material with appropriate approved fittings.
- (j) Used piping. No piping material that has been used for other than a potable water supply system shall be reused in the potable water supply system.
- (k) Drainage system (aboveground piping within buildings). Soil and waste piping for a drainage system within a building shall be of cast iron, galvanized steel, lead, brass, copper pipe, copper tube or other approved material.
- (l) Underground. All drains within buildings when underground, shall be approved cast iron, soil pipe or as specifically approved by the Administrator.
- (m) Minimum size of soil and waste stacks. No soil or waste stack shall be smaller than the largest horizontal branch connected thereto.
- (n) Minimum size of stack vent or vent stack. Any structure on which a building drain is installed shall have at least one (1) stack vent or vent stack carried full size through the roof not less than three (3) inches in diameter or the size of the building drain, whichever is the lesser.
- (o) All exterior openings provided for the passage of piping shall be properly sealed with snug-fitting collars of metal or other approved rat-proof material securely fastened into place. Interior openings through walls, floors and ceilings shall be vermin-proof as found necessary by the Administrator.

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- (p) Water or waste piping and plumbing fixtures shall not be repaired in a makeshift or unapproved manner. Tape or rag bindings or decomposable plugs, e.g., wooden plugs, to prevent leaking of water or waste pipes shall not be considered acceptable repair.
- (q) Water pressure shall at all times be adequate to permit a reasonable and proper flow of water into all plumbing fixtures.

(Prior code §13A-18; Ord. 774-06 §1)

Sec. 18-12-200. Heating and water heating facilities.

- (a) Gas-fired and water heating facilities shall comply with the applicable codes.
- (b) Storage type water heaters shall be installed as to maintain sufficient clearance from unprotected or protected combustible materials. Sufficient clearance shall mean that clearance specified by the manufacturer's UL-approved installation instructions. Uninsulated tank water heaters shall not be installed in any room where the heat liberated will constitute a fire hazard.
- (c) Sufficient clearance shall be maintained to permit cleaning of heating surfaces, the replacement of filters, blowers, motors, burners, controls and vent connections, the lubrication of moving parts where required and the adjustment and cleaning of burners and pilots.
- (d) Combustion type heaters shall be provided with down-draft diverters in the vent pipes of such appliances. Vents and vent fittings shall be constructed of any of the following materials: galvanized or lead-coated iron or steel, stainless steel, monel, aluminum 2-S 1/2H, none of which shall be less than No. 26 US Standard Gauge, copper not less than sixteen (16) ounces per square foot or any other approved materials.
- (e) Existing radiant heaters with tightly closed, intact Pyrex fronts will be accepted, so long as there is no trace of carbon on any of the radiants and so long as there are no broken radiants.
- (f) Furnaces shall be erected in accordance with the manufacturer's instructions on a firm, level, fireproof foundation; provided that furnaces that have been approved by a recognized approved laboratory for installation on combustible material shall require a fireproof foundation. Furnace sections shall be properly sealed to prevent flue-gas leakage, and the furnace space shall be airtight or grouted to prevent air leakage. All furnaces shall be so installed as to prevent any possible overheating.
- (g) Boilers or furnaces shall be equipped with approved safety devices arranged to limit high steam pressures, or water temperatures, or air temperatures in warm air furnaces. Each gas-fired boiler shall be equipped with a low water cut-off.
- (h) Fuel-combustion heating appliances shall be vented to the atmosphere. Down-draft diverters shall be provided in the vents from gas and oil appliances. Vents and vent fittings shall be constructed of approved noncorrosive material such as galvanized steel or aluminum 2-S 1/2H, and of at least No. 26 US Standard Gauge or approved double-wall Type B flue.
- (i) A vent pipe shall be so installed as to avoid sharp turns or other constructional features which would create excessive resistance to the flow of the products of combustion. Horizontal runs of gas vents depending on natural draft shall not exceed fifteen (15) feet; provided that in no case may such horizontal runs exceed seventy-five percent (75%) of the vertical height of the flue, and on such approved horizontal runs, vents shall be securely supported by approved metal straps.
- (j) All vent pipe connections to a masonry chimney or flue shall be made with a slip joint, the thimble to be cemented into the chimney and not to extend into the chimney beyond the chimney lining.
- (k) A reasonable accessible and approved clean-out opening with a tight-fitting cover shall be provided at least twelve (12) inches below the lowest vent inlet into any unlined masonry chimney or flue;

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except that chimneys which are a part of and supported by walls and terminating above any floor, commonly called shelf or bracket chimneys, shall not be used to vent any gas appliance. Class A flues requiring the occupant to crawl to reach the clean-out shall not be regarded as chimneys possessing a reasonably accessible clean-out opening.

- (l) The cross-sectional area of any flue shall not be less than the cross-sectional area of the flue connection outlet of the appliance it serves. When additional vents from other appliances are connected, the vent area shall be equal to the vent area of the appliances having the largest vent and shall be increased at least fifty percent (50%) of the areas of all additional smaller appliance vents; or when all vent areas of such multiple connected appliances are substantially equal, the total vent area shall be not less than seventy-five percent (75%) of the combined areas of all connected appliance vents, whichever is the greater area.
- (m) Single-walled metal vents or flues shall be not less than six (6) inches from combustible material and shall not pass through combustible walls, floors, ceilings or partitions unless they are guarded at the point of passage by approved double-metal ventilated or insulated thimbles. There shall be one (1) inch of clearance for Type B or double-walled pipe.
- (n) A gas appliance vent pipe may be connected to the vent pipe of another gas appliance through a suitable "Y" junction fitting; provided that a proper increase in vent size is made to accommodate the increased volume of flue gases.
- (o) All water heaters must be provided with an approved water pressure and/or temperature relief valve to minimize the possibility of explosions.
- (p) Gas-fired water heaters shall not be installed in pits or other places subject to flooding by water seepage.
- (q) Adequacy of water heating facilities shall not be deemed satisfactory for single dwellings unless draw tests on such facilities indicate amounts of available water at a temperature of one hundred twenty (120) degrees Fahrenheit as would be available with automatic gas-fired water heaters of twenty-gallon storage capacity and twenty thousand (20,000) Btu/hr. sea level rating input having one hundred (100) degrees Fahrenheit rise recovery capacity of twenty (20) gallons per hour as corrected for altitude in the City.
- (r) Adequacy of water heating facilities shall not be deemed satisfactory for multiple dwelling buildings, including rooming houses and hotels, unless draw tests on such facilities indicate the amount of available water at a temperature of at least one hundred twenty (120) degrees Fahrenheit as would be available with tankless gas-fired water heaters having one hundred (100) degrees Fahrenheit rise recovery capacity of twenty gallons per hour per dwelling unit as corrected for altitude in the City.
- (s) All gas space and central heating equipment shall have approved safety pilot assemblies.

(Prior code §13A-19)

Sec. 18-12-210. Ventilation.

- (a) Every habitable room within each and every dwelling unit shall be provided with at least one (1) window or skylight, openable or vented directly to outside air or other comparable means of ventilation, employing mechanical or natural methods. Such facilities for ventilation shall present an area of contiguous air between inside of the room and the outdoor space of not less than one (1) square inch for each square foot of floor area for each habitable room.
- (b) Every bathroom, shower room or water closet compartment shall be provided with ventilation to the outside air of at least forty (40) square inches cross-sectional area of duct, or at least one (1) window openable to the outside exposing at least forty (40) square inches of outside air. Other comparable

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means of ventilation directly to the outside atmosphere, such as employing mechanical, electrical or natural methods, shall be deemed acceptable.

- (c) The Administrator may approve alternative forms of ventilation if approved by recognized testing laboratories.

(Prior code §13A-20)

Sec. 18-12-220. Electrical and lighting requirements.

- (a) An electrical convenience outlet shall not be construed to mean other than a receptacle box, which may contain one (1) or more receptacles for the insertion of plugs of electrical appliances. Each provided receptacle box shall be an approved stationary fixture and integral part of the wiring of the total building circuitry.
- (b) All nonstationary outlets and makeshift outlets that have at any time been added to the building without regard to the total circuitry shall be categorically considered hazardous and unapproved. Tacked extension cording and makeshift wiring shall be considered unsafe and unlawful.
 - (1) No extension cord from an electrical convenience outlet shall extend or pass from one (1) room into another.
 - (2) No extension cord shall be located where foot traffic passes directly over such extension cord.
 - (3) No extension cord shall be laid across any doorway nor shall any extension cord pass through any wall or partition of any dwelling unit or room therein.
- (c) Each outlet and electrical fixture shall be deemed to be installed in an approved manner only if provision is made for a service entrance capacity sufficient for typical loads to such outlets and fixtures, and if provision is made for a sufficient number of branch circuits to carry full power to appliances served by such fixtures and outlets.
- (d) Frayed and exposed wiring, wiring unprotected by proper covering, fixtures in disrepair and wiring of fixture repair in makeshift fashion shall all be deemed unsafe and not in good working condition.
- (e) Electrically conductive pull-chain switches shall not be deemed approved if installed in any bathroom, shower room or water closet compartment.

(Prior code §13A-21)

Sec. 18-12-230. Fly and insect screens.

- (a) Screens shall be installed on any opening used or intended to be used for ventilation purposes.
- (b) During the time between November 1 and April 30 of each year, fly and insect screens as required under the terms of this Article need not be installed on windows and doors, inasmuch as these months are considered to be relatively insect-free.
- (c) All required screens and screen doors shall be in good repair and free from tears, holes and other imperfections of either screen or frame that would admit insects such as flies, mosquitoes or other vermin detrimental to the health of occupants.
- (d) All window screens shall be provided with framing devices so that they may be removed for cleaning and maintenance.

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- (e) A minimum of 14x18 mesh per square inch opening with mesh screening shall be deemed acceptable for screening of doors and windows. Alternate forms of screening may be approved if they meet the intent of this Section.

(Prior code §13A-22)

Sec. 18-12-240. Floors, interior walls, ceilings, food preparation and food storage areas.

- (a) Floors, interior walls and ceilings and all appurtenances thereto shall be secure and free of holes, cracks, breaks, dampness or loose or peeling plaster or wallpaper, which would permit the harborage of insects and rodents or cause injury by tripping or injury from falling loose building materials.
- (b) Kitchen sink countertops, food preparation surfaces, cooking utensil areas and food storage areas shall be easily cleanable and shall be free from holes, breaks, cracks or dampness which would permit the harborage of insects or promote the growth of bacteria.
- (c) Carpeting shall be allowed in kitchens contained within a dwelling unit. The use of carpeting in communal or shared kitchens located within rooming houses or service rooming units shall not be allowed.

(Prior code §13A-23)

Sec. 18-12-250. Windows, doors and hatchways.

- (a) Windows shall be soundly and adequately glazed, free from loose and broken glass and cracks that would cause physical injury to persons or allow the elements to enter the structure or allow excessive heat loss from within.
- (b) Exterior doors shall fit doorway openings in a manner which prevents excessive heat loss and which prevents the entrance of the elements and vermin. They shall be maintained free from cracks and breaks. All doors leading directly into a dwelling unit or rooming unit shall be provided with workable locks. Such a requirement shall not be construed to mean that entrances into common hallways or any other entrance which does not lead directly into a dwelling unit or rooming unit shall have to be locked.
- (c) All basement hatchways shall be so constructed as to prevent the entrance of the elements and vermin and shall be maintained in a state to minimize the danger of physical injury to occupants of the premises.

(Prior code §13A-24)

Sec. 18-12-260. Stairways.

- (a) Stairway stringers shall have solid bearing at top and bottom. Stairways used for egress route for habitable rooms shall have at least six (6) feet four (4) inches of headroom as measured vertically from the tread level.
- (b) Risers and treads shall be of uniform height and width throughout any one (1) flight. The rise of the steps in a stairway shall not exceed eight (8) inches and the tread shall not be less than nine (9) inches in width, which may include a one-inch nosing, except those stairways leading to unused cellar or attic space.

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- (c) Every inside stairway and every outside stairway attached to a dwelling shall be provided with handrails securely fastened to the wall or to a sturdy balustrade. Stairways exceeding forty-eight (48) inches in width shall have handrails on both sides; provided that every stairway exceeding eighty-eight (88) inches in width may have intermediate handrails supported by a sturdy balustrade. Handrails shall be placed not less than thirty (30) inches nor more than thirty-four (34) inches above the tread level. Handrails need not be installed on stairways providing access to unused cellar or attic space.

(Prior code §13A-25)

Sec. 18-12-270. Floor protection.

- (a) Floor coverings shall be free from any defects that might allow the passage of water or the harborage of vermin or bacteria. All holes cut in floor coverings for the passage of plumbing fixtures for pipes shall be sealed to prevent passage of vermin.
- (b) Rugs and carpeting located in public hallways which are torn or loose shall be removed or repaired in an acceptable manner to prevent tripping and to facilitate cleaning.
- (c) Floor coverings such as tile, linoleum and similar material shall be maintained free of cracks and breaks which would prevent the floor from being cleanable.

(Prior code §13A-26)

Sec. 18-12-280. Safe maintenance of utilities and equipment.

- (a) All supplied facilities, pieces of equipment or utilities in or about the premises of any dwelling unit shall be capable of performing their intended function and shall not be constructed, installed or maintained in such a manner as to make possible injury or harm to persons.
- (b) Gas cooking ranges and plates shall not be installed in rooms used for sleeping purposes, and in no case shall such appliance be used for purposes of heating any portion of a dwelling. All ranges and plates shall be rigidly connected to the house gas piping outlet with not less than three-fourths-inch pipe; except that a maximum of six (6) feet of approved semi-rigid tubing not less than one-half ($\frac{1}{2}$) inch outside diameter may be used immediately adjacent to such appliance. Such semi-rigid tubing may not pass through any wall, partition, floor or ceiling. Gas cooking ranges, plates and refrigerators shall be installed free from leaks or other defects that would render them a hazard to occupants, and all orifices, burners and controls shall be kept in sound condition and good repair and in no case constructed, installed or maintained in a manner that would permit carbon monoxide production during operation.

(Prior code §13A-27; Ord. 774-06 §1)

Sec. 18-12-290. Basement and cellar space.

- (a) No area in a basement or cellar may be used as an area for human habitation wherein any person lives, sleeps, eats or cooks, if the floors and walls of such area shall at any time admit any underground or surface run-off water or where the walls and floors shall be finished in such a way as not to eliminate dampness from condensation.
- (b) Any furnace room located within a basement or cellar used for habitable purposes shall be separated from the habitable areas by at least one-hour fire-resistive materials as defined by the ASTM or

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equivalent. Any door in the fire separation shall be of solid core construction and shall be equipped with a self-closer. Structures containing only one (1) dwelling unit shall be exempt from the requirements of this Subsection.

(Prior code §13A-28; Ord. 774-06 §1)

Sec. 18-12-300. Egress.

- (a) Doors, windows, corridors, stairways, fire escapes and passageways serving as ordinary or emergency exit routes shall be free of stored or discarded material, and in no case shall such routes be obstructed or locked to persons within the building.
- (b) In structures containing two (2) or more inhabited floors:
 - (1) Inhabited second stories shall have two (2) means of egress to ground level if the occupancy load of the second story is ten (10) or more;
 - (2) Inhabited floors above the second story shall have not less than two (2) means of egress to ground level regardless of the occupancy load when and if those areas are rented separately and independently of any lower levels of the structure.
- (c) Dwelling or rooming units located in basements or cellars shall be provided with two (2) separate routes of egress.
- (d) Windows used or intended to be used for egress shall have a minimum unobstructed size of thirty (30) inches long by twenty-four (24) inches high. These window areas shall lead to an open, unobstructed space at grade level.

(Prior code §13A-29)

Sec. 18-12-310. Egress from rooming houses.

- (a) Every rooming house shall be provided with an unobstructed way for egress to the ground level, and every inside and outside stairway, porch and appurtenance thereto shall be maintained and kept in sound condition and good repair.
- (b) Doors, windows, corridors, stairways, fire escapes, ramps and passageways serving as ordinary or emergency exit routes shall be free of stored, discarded or extraneous material, and in no case shall such routes be obstructed or locked to persons within the building. Two (2) or more separate routes of egress shall be available at all times to occupants of each occupied floor in buildings in which there is more than one (1) rooming unit; provided that one (1) of such routes may be for emergency use only. Both routes shall be equipped in such a manner as to obviate the necessity of jumping or dropping to the ground in the event of fire.

(Prior code §13A-30; Ord. 774-06 §1)

Division 3 Fair Housing

[Sec. 18-12-410. Definitions.](#)

[Sec. 18-12-420. Unfair housing practices prohibited.](#)

[Sec. 18-12-430. Exceptions.](#)

[Sec. 18-12-440. Penalty.](#)

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Sec. 18-12-410. Definitions.

For the purposes of this Division, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Housing means any building, structure, vacant land or part thereof during the period it is advertised, listed or publicly offered for sale, lease, rent or transfer of ownership; except that housing shall not include any room offered for rent or lease in a single-family dwelling maintained and occupied in part by the owner or lessee of said dwelling as his or her household.

Person means one (1) or more individuals, partnerships, associations, corporations, legal representatives, trustees or receivers; any owner, lessee, proprietor, manager, employee or agent of such person; and the State and all cities, towns and political subdivisions and agencies thereof, but shall not include any nonprofit, fraternal, educational or social organization or club, unless such club has the purpose of promoting discrimination in the matter of housing against any person because of race, creed, color, national origin or ancestry.

Restrictive covenants means any specification limiting the transfer, rental or lease of any housing because of race, creed, color, sex, national origin or ancestry.

(Prior code §13A-31)

Sec. 18-12-420. Unfair housing practices prohibited.

It shall be an unfair housing practice and unlawful and hereby prohibited:

- (1) For any person having the right of ownership or possession or the right of transfer, sale, rental or lease of any housing, as defined in Section 18-12-410 above, or any agent of such person:
 - a. To refuse to show, sell, transfer, rent or lease, to refuse to receive and transmit any bona fide offer to buy, sell, rent or lease, or otherwise to deny to or withhold from any person such housing because of race, creed, color, sex, marital status, religion, national origin or ancestry;
 - b. To discriminate against any person because of race, creed, color, sex, marital status, religion, national origin or ancestry in the terms, conditions or privileges pertaining to any housing or the transfer, sale, rental or lease thereof or in the furnishing of facilities or services in connection therewith.
- (2) For any person to include in any transfer, sale, rental or lease of housing any restrictive covenants, or for any person to honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing.

(Prior code §13A-32)

Sec. 18-12-430. Exceptions.

- (a) Nothing contained in this Division shall be construed to bar any religious or denominational institution or organization which is operated, supervised or controlled by or is operated in connection with, a religious or denominational organization from limiting admission to or giving preference to persons of the same religion or denomination or from making such selections of buyers, lessees or tenants as

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are calculated by such organization or denomination to promote the religious or denominational principles for which it is established or maintained.

- (b) Nothing in this Article shall be construed to bar any person from leasing premises only to members of one (1) sex.

(Prior code §13A-33)

Sec. 18-12-440. Penalty.

Upon the establishment of a violation of this Article, the violator shall be fined in accordance with the provisions of Section 1-4-20 of this Code.

(Prior code §13A-34; Ord. 774-06 §1)

Division 4 Growing of Marijuana

[Sec. 18-12-510. Growing medical marijuana.](#)

[Sec. 18-12-520. Growing personal marijuana.](#)

Sec. 18-12-510. Growing medical marijuana.

The cultivation, production or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in residential structures subject to the following conditions:

- (1) Such cultivation, production or possession of marijuana plants must be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.
- (2) Such marijuana plants are cultivated, produced or possessed within a licensed patient's or registered caregiver's primary residence, as defined by Paragraph (8) below.
- (3) The cultivation, production or possession of such marijuana plants must not be perceptible from the exterior of the primary residence, including but not limited to:
 - a. Common visual observation, which would prohibit any form of signage;
 - b. Unusual odors, smells, fragrances or other olfactory stimulus;
 - c. Light pollution, glare or brightness that disturbs the repose of another; and
 - d. Undue vehicular or foot traffic, including excess parking within the residential zone.
- (4) Such marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development.
- (5) Such marijuana plants are used exclusively by a licensed patient for the patient's personal use and solely to address a debilitating medical condition.
- (6) Such cultivation, production or possession of marijuana plants shall be limited to the following space limitations within a primary residence:

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- a. Within a single-family dwelling unit (group R-3 as defined by the International Building Code, as adopted in Article 2 of this Chapter): a secure, defined, contiguous one-hundred-fifty-square-foot area within the primary residence of the patient or registered caregiver; or
 - b. Within a multi-family dwelling unit (group R-2 as defined by the International Building Code, as adopted in Article 2 of this Chapter): a secure, defined, contiguous one-hundred-square-foot area within the primary residence of the patient or registered caregiver.
- (7) Such cultivation, production or possession of marijuana plants shall meet the requirements of all adopted City building and life/safety codes.
- (8) For purposes of this Section, *primary residence* means the place that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person shall have only one (1) primary residence. A primary residence shall not include accessory buildings.
- (9) For purposes of this Section, *secure area* means an area within the primary residence accessible only to the patient or primary caregiver. Secure premises shall be locked or partitioned off to prevent access by children, visitors, casual passersby, vandals or anyone not licensed and authorized to possess medical marijuana.
- (10) If a licensed patient or registered caregiver raises quantities of marijuana requiring more than the square footage limitations of Paragraph (6) above, such patient or caregiver must be in full compliance with the Colorado Medical Marijuana Program as provided in Section 25-1.5-106(14), C.R.S.; and
- a. Such patient or caregiver may grow medical marijuana for personal use and solely to address a debilitating medical condition within the industrial zoned districts of the City;
 - b. Such patient or caregiver must submit plans, obtain a building permit and pass inspections to ensure that the premises are in compliance with the City's building code, electrical code, fire code and all other relevant life/safety codes in order to obtain a certificate of occupancy from the City's building division; and
 - c. Such patient or caregiver must ensure that the premises are secure, as defined in Paragraph (q) above; however, within the industrial setting, no children, visitors, passersby, vandals or anyone else not licensed to possess medical marijuana may access the premises.

(Ord. 824-13 §1)

Sec. 18-12-520. Growing personal marijuana.

The cultivation, production or possession of marijuana plants for personal use by a person twenty-one (21) years of age or older, as provided in Article XVIII, Section 16 of the Colorado Constitution, shall be allowed in residential structures subject to the following conditions:

- (1) Such cultivation, production or possession of marijuana plants must be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution and the Colorado Retail Marijuana Code, Section 12-43.4-101, et seq., C.R.S.
- (2) Such marijuana plants are cultivated, produced or possessed within a primary residence, as defined by Paragraph (8) below, by persons twenty-one (21) years of age or older.

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- (3) The cultivation, production or possession of such marijuana plants must not be perceptible from the exterior of the primary residence, including but not limited to:
 - a. Common visual observation, which would prohibit any form of signage;
 - b. Unusual odors, smells, fragrances or other olfactory stimulus;
 - c. Light pollution, glare or brightness that disturbs the repose of another; and
 - d. Undue vehicular or foot traffic, including excess parking within the residential zone.
- (4) Such marijuana plants shall not be grown or processed in the common areas of a multi-family or attached residential development.
- (5) Such marijuana plants are used exclusively by a person twenty-one (21) years of age or older for such person's personal use and not made available for sale.
- (6) Such cultivation, production or possession of marijuana plants shall be limited to the following space limitations within a primary residence:
 - a. Within a single-family dwelling unit (group R-3 as defined by the International Building Code, as adopted in Article 2 of this Chapter): a secure, defined, contiguous one-hundred-fifty-square-foot area within the primary residence.
 - b. Within a multi-family dwelling unit (group R-2 as defined by the International Building Code, as adopted in Article 2 of this Chapter): a secure, defined, contiguous one-hundred-square-foot area within the primary residence.
- (7) Such cultivation, production or possession of marijuana plants shall meet the requirements of all adopted City building and life/safety codes.
- (8) For purposes of this Section, *primary residence* means the place that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person shall have only one (1) primary residence. A primary residence shall not include accessory billing.
- (9) For purposes of this Section, *secure area* means an area within the primary residence accessible only to the person twenty-one (21) years of age or older. The secure area shall be an enclosed locked space, to prevent access by children and other persons not twenty-one (21) years of age or older, casual passersby, vandals or anyone not authorized to possess personal marijuana.

(Ord. 824-13 §1)