

CITY OF OURAY

ORDINANCE NO. 06 (Series 2023)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO UPDATING THE CITY'S INTERNATIONAL CODES FROM 2009 TO 2018 BY REPEALING CHAPTER 6, SECTIONS 1 THROUGH 14 OF THE OURAY MUNICIPAL CODE AND REPLACING IT AS FOLLOWS:

- 1. ADOPTING BY REFERENCE THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC), THE INTERNATIONAL RESIDENTIAL CODE (IRC), THE INTERNATIONAL EXISTING BUILDING CODE (IEBC), THE INTERNATIONAL FIRE CODE (IFC), THE INTERNATIONAL MECHANICAL CODE (IMC), THE INTERNATIONAL FUEL GAS CODE (IFGC), THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC), THE 2018 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPS), THE 2011 NATIONAL ELECTRICAL CODE, THE JULY 2018 EDITION OF THE INSTALLATION HANDBOOK FOR MANUFACTURED HOMES AND FACTORY BUILT HOUSING PUBLISHED BY THE COLORADO DEPARTMENT OF LOCAL AFFAIRS; AND**
- 2. ADOPTING BY REFERENCE THE 1997 EDITION OF THE UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS; AND**
- 3. AMENDING ADMINISTRATION AND ENFORCEMENT, PLUMBING AND ELECTRICAL LICENSES, FLOODPLAIN MANAGEMENT, AND TEMPORARY STRUCTURES; AND**
- 4. SETTING FORTH PENALTIES AND FINES THEREON.**

WHEREAS, the City has been operating under the 2009 editions of international codes and directed staff to review and update its building related codes.

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

WHEREAS, the City Council desires to amend the Ouray Municipal Code to adopt by reference the 2018 Editions of the International Building Code; International Residential Code; International Existing Building Code; International Fire Code; International Mechanical Code; International Fuel Gas Code; International Energy Conservation Code.

WHEREAS, in addition to a review and update of the City's current building related codes, staff reviewed additional codes that staff determined were applicable to and be beneficial for City Council to adopt being: the International Swimming Pool and Spa Code and the 1997 Edition of the Uniform

Code for Abatement of Dangerous Buildings, and the July 2018 Edition of the Installation Handbook for Manufactured Homes and Factory Built Housing, published by the Colorado Department of Local Affairs.

WHEREAS, staff determined that Chapter 6, Section 6-8 Plumbing Code is not necessary as the State of Colorado regulates the plumbing code and as such it is removed.

WHEREAS, staff determined that Chapter 6, Section 6-13 Mobile Homes, Factory Built Structures and Manufactured Housing is replaced by adopting the July 2018 Edition Of The Installation Handbook For Manufactured Homes And Factory Built Housing Published By The Colorado Department Of Local Affairs.

WHEREAS, City Council finds it is in the best interests of the public health, safety, and welfare to update the building related codes of the City and adopt the recommended additional codes to ensure proper building, remodeling, fire safety, mechanical, plumbing and electrical uses in buildings and structures within the city.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, as follows:

SECTION 1: REPEAL AND REPLACE.

Chapter 6, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of the Ouray Municipal Code are hereby repealed in their entirety and replaced as follows and with the addition of Section 15:

Section 6-1: International Building Code (IBC)

A. Adoption

The *International Building Code*, 2018 Edition, Chapters 1 through 35 inclusive and Appendix Chapter J, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-1-C below, are hereby adopted by reference as the Building Code of the City of Ouray, State of Colorado for regulating and governing the conditions and maintenance of all property, buildings and structures except detached one- and two-family dwellings and townhouses up to three stories; providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; providing for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; and providing for the issuance of permits and collection of fees therefor.

B. Copy on File

One (1) copy of the *International Building Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

C. Amendments

The *International Building Code*, 2018 Edition, is amended as follows:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 101.4.1** (Gas) is amended as follows:

The provisions of the *International Fuel Gas Code* as amended and adopted by the State of Colorado Plumbing Board (*see* 3 CCR 720-1 of the Code of Colorado Regulations) shall be enforced by the State of Colorado.

c. **Section 101.4.4** (Property Maintenance) is deleted in its entirety.

d. **Section 105.2** (Work exempt from permit) **Building Subsection 1** is amended as follows:

One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet. Such structures shall be in accordance with Chapter 7 of the Ouray Land Use Code. Only one such structure per lot is allowed without a permit.

e. **Section 105.2** (Work exempt from permit) **Building Subsection 2** is amended as follows:

Fences not over 6 feet high; however, a site-plan is required and subject to approval with regards to setback requirements for fence plans over six (6) feet.

f. **Section 105.2** (Work exempt from permit) **Building Subsection 3** is deleted in its entirety

g. **Section 105.2** (Work exempt from permit) **Building Subsection 14** is added as follows:

Window and door replacement provided no structural changes are needed or proposed.

h. **Section 105.2** (Work exempt from permit) **Building Subsection 15** is added as follows:

Decks not exceeding 120 square feet in area, that are not more than 30 inches (762 mm.) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.

i. **Section 105.2** (Work exempt from permit) **Building Subsection 16** is added as follows:

Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product. However, if the stucco-type product is applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit.

j. **Section 105.5** (Expiration) is amended as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance or if the work is suspended or abandoned for a period of 180 days after the time of the work is commenced, unless an extension is granted by the Building Official because of the size or complexity of the project. Each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:

1. Reinforcement in footings or structural (monolithic) slab.
2. Reinforcement in stem-wall or basement-wall.
3. Framing (plumbing, electrical and mechanical must have already passed inspection or will be inspected at the time of the framing inspection).
4. Wall and roof sheathing.
5. Insulation.
6. Drywall or other interior wall coverings.
7. All final inspections.

k. **Section 109.3** (Building permit valuations) is amended as follows:

The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing, equipment, and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be in accordance with the values established by the International Code Council, Building Valuation Data, August 2018 Edition.

l. **Section 113** (Board of Appeals) is amended as follows:

i. **Section 113.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section 113.3 Qualifications** is deleted in its entirety.

m. **Section 115.4** (Stop Work Orders) **Inspection** is added as follows:

The City Administrator or delegee shall have the right of entry to inspect and enforce the provisions of the codes adopted herein by reference in Section 6-1, and other City building and zoning regulations in accordance with the procedures and provisions of the *International Building Code*, its municipal code, and any other provisions provided by law.

n. **Section 310.4.1** (Care facilities within a dwelling) is deleted in its entirety.

o. **Section 1612.3 Establishment of flood hazard areas** is amended as follows:

To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Ouray, dated November 11, 1998," and "The Flood Insurance Study for City of Ouray, dated December 9, 2005," as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

p. **Section 1803.1** (Geotechnical Investigations) **General** is amended as follows:

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

D. Penalty

The following penalty clause as contained in the *International Building Code*, 2018 Edition, is hereby adopted and amended to read as follows:

114.4 Violation Penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to the penalties prescribed by law. Each day that any violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

Section 6-2: International Residential Code (IRC)

A. Adoption

The *International Residential Code*, 2018 Edition, Chapters 1 through 34 inclusive and Appendix B, F, H, J, K, M, Q, R and S, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-2-C below, is hereby adopted by reference as the Residential Code of the City of Ouray, State of Colorado, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permit and collection of fees, as described in this Chapter.

B. Copy on File

One (1) copy of the *International Residential Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

C. Amendments

The *International Residential Code*, 2018 Edition, is hereby modified by the following amendments:

- a. **Section R101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.
- b. **R104.10.1 (Flood hazard areas)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

c. **Section R105.2** (Work exempt from permit), **Building Subsection 1** is amended as follows:

One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.

d. **Section R105.2** (Work exempt from permit), **Building Subsection 2** is amended as follows:

Fences not over 6 feet high; however, a site-plan is required and subject to approval with regards to setback requirements for fence plans over six (6) feet.

e. **Section R105.2** (Work exempt from permit), **Building Subsection 10** is amended as follows:

Decks not exceeding 120 square feet in area, that are not more than 30 inches (762 mm.) above grade at any point; however, a site-plan is required and subject to approval with regards to setback requirements.

f. **Section R105.2** (Work exempt from permit), **Building Subsection 11** is added as follows:

Window and door replacement provided no structural changes are needed or proposed.

g. **Section R105.2** (Work exempt from permit), **Building Subsection 12** is added as follows:

Re-siding without alteration of wall structure provided, however, the proposed weather barrier is not a stucco-type product. However, if the stucco-type product is applied over an existing masonry or concrete surface it too shall be exempt from requiring a permit).

h. **Section R105.2** (Work exempt from permit), **Electrical Subsection 6** is added as follows:

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

i. **Section R105.2** (Work exempt from permit), **Plumbing Subsection 3** is added as follows:

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

j. **Section R105.5** (Expiration) is amended to read:

Work must commence within 180 days of issuing the permit. Unless determined otherwise by the Building Official because of the size or complexity of the project, each inspection must be completed within 180 days of the previous mandated inspection according to the following schedule:

1. Reinforcement of footings or structural (monolithic) slab.
2. Reinforcement of stem-wall or basement-wall.
3. Framing (plumbing, electrical and mechanical must have already passed inspection or will be inspected at the time of the framing inspection).
4. Wall and roof sheathing.
5. Insulation.
6. Drywall or other interior wall coverings.
7. All final inspections.

k. **Section R105.3.1.1 (Permits/Determination of substantially improved or substantially damaged existing buildings in flood hazard areas)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

l. **Section R112** (Board of Appeals) is amended as follows:

i. **Section R112.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an *ex officio* member of said board but shall have no vote on any matter before the board. The board of appeals shall consist of the members of City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section R112.3 Qualifications** is deleted in its entirety.

m. **Section R301, Table R301.2(1)** (Climatic and Geographic Design Criteria) is deleted, and the following is added as follows:

Buildings shall be constructed in accordance with the following climatic and geographic design criteria:

- i. Ground Snow Load: 65 psf
- ii. Wind Speed: 115 mph Ultimate / Exposure B or C
- iii. Topographic Effects: N/A
- iv. Special Wind Region: N/A
- v. Windborne Debris Zone: N/A
- vi. Seismic Design Category: C
- vii. Weathering: Severe
- viii. Frost Line Depth: 36"
- ix. Termite: Slight
- x. Winter Design Temp.: 7 degrees F
- xi. Ice Barrier Underlayment: Yes
- xii. Flood Hazards: Those set forth in FIRM Map Panel No. 0801370316C, (dated December 9, 2005), as they may be amended, and any other applicable FIRM, FIS, or other flood hazard map, if any.
- xiii. Air Freezing Index: 2000
- xiv. Mean Annual Temp.: 40

Buildings shall be constructed in accordance with the following Manual J design criteria:

- i. Elevation: 7,706 feet
- ii. Latitude: 38

- iii. Winter Heating: 7
- iv. Summer Cooling: 86
- v. Altitude Correction Factor: 0.76
- vi. Indoor Design Temperature: 70
- vii. Design Temperature Cooling: 75
- viii. Heating Temperature Difference: 63
- ix. Cooling Temperature Difference: 11
- x. Wind Velocity Heating: 15
- xi. Wind Velocity Cooling: 7.5
- xii. Coincident Wet Bulb: 52
- xiii. Daily Range: H
- xiv. Winter Humidity: 30%
- xv. Summer Humidity: 50%

n. **Section R301.2.4 (Design criteria/Floodplain construction)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

o. **Section R302.1 (Exterior walls) Exception 2** is deleted in its entirety.

p. **Section R302.1 (Exterior walls) Exception 3** is deleted in its entirety.

q. **Section R309.3 (Garages and carports/Flood hazard areas)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

r. **Section R313.1 (Townhouse automatic fire sprinkler systems)** is amended as follows:

An automatic residential fire sprinkler system shall be required in townhomes with five (5) or more connected dwelling units.

s. **Section R313.2** (One- and two- family dwellings automatic fire sprinkler systems) is deleted in its entirety.

t. **Section R322 (Flood resistant construction)** is amended as follows:

Consideration of Flood Hazard Areas shall be as adopted by Chapter 6, Section 14, Floodplain Management Regulations of this Municipal Code.

u. **Section 324.4.1** (Structural requirements) is amended as follows:

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

v. **Section R326.1** (Swimming pools, spas and hot tubs) is deleted in its entirety.

w. **Chapter 4** (Foundations) shall be amended by the addition of a new section as follows:

R404.6 Foundation Design.

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

x. **Chapter 11, Section N1102.1.2 (R402.1.2)** (Insulation and Fenestration Criteria) **Wood Frame Wall R-Value for Climate Zone 6** is amended as follows:

Table N1102.1.2 (Insulation and Fenestration requirements by component) Wood Frame Wall R-Value for Climate Zone 6 are hereby 20 or $13+10^h$.

y. **Section R908.3.1.1** (Roof cover not allowed) Subsection 3 is amended to as follows:

Where the existing roof has two or more applications of any type of roof covering unless the third covering is metal panels and appropriate length fasteners are used.

z. **Section R908 (Reroofing)** is amended with the following new Subsection:

R908.7 Attic Ventilation

Attic ventilation shall comply with Section R806 (Roof ventilation).

aa. **Section G2445 (Unvented Room Heaters)** is amended as follows:

Unvented room heaters are prohibited.

bb. **Section G2406.2 (Appliance prohibited locations) Subsection 3** is deleted in its entirety.

cc **Section G2406.2 (Appliance prohibited locations) Subsection 4** is deleted in its entirety.

dd. **Section G2425.8 (Appliances not required to be vented) Subsection 7** is deleted in its entirety.

ee. **Section N1102.4.1.2 (Energy efficiency/Air leakage/Testing)** is deleted in its entirety.

ff. **Section N1103.3.3 (Energy efficiency/Systems/Duct testing)** is deleted in its entirety.

gg. **Section N1103.3.4 (Energy efficiency/Systems/Duct leakage)** is deleted in its entirety.

hh. **Section N1103.5.1 (Energy efficiency/Systems/Heated water circulation and temperature maintenance systems)** is amended as follows:

When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. of the *International Energy Conservation Code* as adopted by the City of Ouray. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. of the *International Energy Conservation Code* as adopted by the City of Ouray. Automatic controls, temperature sensors, and pumps will be accessible. Manual controls shall be readily accessible.

ii. **Section N1103.5.2 (Energy efficiency/Systems/Demand recirculation water systems)** is amended as follows:

When installed, demand recirculation water-systems shall have controls that comply with the following:

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

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

jj. **Section N1103.5.4** (Energy efficiency/Systems/Drain water heat recovery units) is amended as follows:

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

D. Penalty

The following penalty clause as contained in the *International Residential Code*, 2018 Edition, is hereby adopted and amended to read as follows:

Section R113.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that any violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

Section 6-3 International Existing Building Code (IEBC)

A. Adoption

The *International Existing Building Code*, 2018 Edition, Chapters 1 through 16 inclusive and all Appendix Chapters and Resource "A", as published by the International Code Council together with the additions, deletions, insertions, and changes as set forth in Section 6-3-C below, is hereby adopted by reference as the Existing Building Code of the City of Ouray, State of Colorado for

regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided.

B. Copy on File

One (1) copy of the *International Existing Building Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

C. Amendments

The *International Existing Building Code*, 2018 Edition, is hereby modified by the following amendments.

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 112** (Board of Appeals) is amended as follows:

i. **Section 112.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section 112.3 Qualifications** is deleted in its entirety.

D. Penalty

The following penalty clause as contained in the *International Existing Building Code*, 2018 Edition, is hereby adopted and amended to read as follows:

Section 113.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who constructs, alters, repairs, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that any violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

Section 6-4 International Fire Code (IFC)

A. Adoption

The *International Fire Code*, 2018 Edition, Chapters 1 through 67 inclusive and Appendix B, C, D, E, F, G, H, I, J, K, L, M, N, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-4-C below, are adopted as the Fire Code of the City of Ouray, State of Colorado for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, material and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

B. Copy on File

A copy of the *International Fire Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

C. Amendments

The *International Fire Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 107.1** (Inspection authority) is amended as follows:

The fire code official is authorized to enter and examine any building, structure, vehicle, or premises in accordance with Section 104.3 for the purpose of enforcing this code. For this code, the fire code official shall be the building official, unless unusual, detailed, or complex technical projects require the expert opinion of a State of Colorado Level Three Fire Inspector as deemed necessary at the sole discretion of the City Administrator or delegee.

c. **Section 109.1** (Board of appeals established) is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

d. **Section 109.3** (Qualifications) is deleted in its entirety.

e. **Section 307** is deleted in its entirety.

f. **Section 5704.2.9.6.1** (Location where above-ground tanks are prohibited) is amended as follows:

The storage of Class I and II liquids in above-ground tanks outside of building is prohibited in all zoning districts except the C-2 Commercial-Industrial District.

g. **Section 5706.2.4.4** (Location where above-ground tanks are prohibited) is amended as follows:

The storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except the C-2 Commercial-Industrial District.

h. **Section 5806.2** (Limitations) is amended as follows:

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in all zoning districts except the C-2 Commercial-Industrial District.

i. **Section 6104.2** (Maximum capacity within established limits) is amended as follows:

Within all zoning districts, except C-2 Commercial-Industrial District, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons.

D. Penalty

The following penalty clause as contained in the *International Fire Code*, 2018 Edition, is hereby adopted and amended to read as follows:

a. **Section 110.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

b. **Section 110.4.1** (Abatement of violation) is amended as follows:

In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal

act, conduct of business or occupancy of a structure on or about any premises.

Section 6-5 International Mechanical Code (IMC)

A. Adoption

The *International Mechanical Code*, 2018 Edition, Chapters 1 through 15 inclusive, as published by the International Code Council, together with the additions, insertion, deletions, and changes, as set forth in Section 6-5-C below, are hereby adopted by reference as the Mechanical Code of the City of Ouray, State of Colorado for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided.

B. Copy on File

A copy of the *International Mechanical Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

C. Amendments

The *International Mechanical Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 106.5.2** (Fee schedule) is amended as follows:

A fee schedule shall be established by Resolution of the Ouray City Council, as amended from time to time.

c. **Section 106.5.3** (Fee refunds) is amended as follows:

The refund policy shall be adopted by City Council by resolution, as amended from time to time.

d. **Section 108.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after

receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

e. **Section 109.1** (Application for appeal) is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

f. **Section 109.2** is deleted in its entirety.

g. **Section 109.3** is deleted in its entirety.

h. **Section 109.4** is deleted in its entirety.

i. **Section 109.5** is deleted in its entirety.

j. **Section 109.6** is deleted in its entirety.

Section 6-6 International Fuel Gas Code (IFGC)

A. Adoption

The *International Fuel Gas Code*, 2018 Edition, Chapter 1 through 8 and Appendix A, B, C and D, as published by the International Code Council, together with the additions, insertions, deletions and changes set forth in Section 6-6-C below is hereby adopted by reference as the Fuel Gas Code of the City of Ouray, State of Colorado, for regulating and governing fuel gas systems and gas-fired appliances as herein provided.

B. Copy on File

A copy of the *International Fuel Gas Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

C. Amendments

The *International Fuel Gas Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section 101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section 106.6.2** (Fee schedule) is amended as follows:

A fee schedule shall be established by Resolution of the Ouray City Council, as amended from time to time.

c. **Section 106.6.3** (Fee refunds) is amended as follows:

The refund policy shall be adopted by City Council by resolution, as amended from time to time.

d. **Section 108.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

e. **Section 108.5** (Stop Work Orders), the last sentence is deleted in its entirety.

f. **Section 109.1** (Application for Appeal) is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

f. **Section 501.8** (Appliances not required to be vented) **Subsection 3 (Hot plates and laundry stoves)** is deleted in its entirety.

g. **Section 501.8** (Appliances not required to be vented) **Subsection 8 (Room heaters listed for unvented use)** is deleted in its entirety.

h. **Section 621** (Unvented Room Heaters) is amended as follows:

Unvented Room Heaters are hereby prohibited.

Section 6-7 International Energy Conservation Code (IECC)

A. Adoption

The *International Energy Conservation Code*, 2018 Edition, Chapters 1 through 6 of both the Commercial and Residential IECC provisions inclusive, as published by the International Code Council, together with the additions, insertion, deletions and changes set forth below in Section 6-

7-C, are hereby adopted by reference as the Energy Conservation Code of the City of Ouray, State of Colorado for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems in the City of Ouray.

B. Copy on File

A copy of the *International Energy Conservation Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

C. Amendments

The *International Energy Conservation Code*, 2018 Edition, is hereby modified by the following amendments:

a. **Section C101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

b. **Section C109** (Board of Appeals) is amended as follows:

i. **Section C109.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section C109.3** (Qualifications) is deleted in its entirety.

d. **Section R101.1** (Title) is amended so that any references to jurisdiction shall mean the City of Ouray.

e. **Section R402, Table R402.1.2** (Insulation and Fenestration Requirements by Component) **Wood Frame Wall R-Value** is amended as follows:

Wood Frame Wall R-Value for Climate Zone 6) to read: 20 or $13+10^h$.

f. **Section R402.4.1.2** (Testing) is deleted in its entirety.

g. **Section R403.3.3** (Duct testing) (Mandatory) is deleted in its entirety.

h. **Section R403.3.4** (Duct leakage) (Prescriptive) is deleted in its entirety.

i. **Section R403.5.1** (Heated water circulation and temperature maintenance systems) (Mandatory) is amended as follows:

When these systems are installed, heated water circulation systems shall be in accordance with Section R403.5.1.1. Heat trace temperature maintenance systems shall be in accordance with Section R403.5.1.2. Automatic controls, temperature sensors and pumps shall be accessible. Manual controls shall be readily accessible.

j. **Section R403.5.2** (Demand recirculation water systems) is amended as follows:

When installed, demand recirculation water systems shall have controls that comply with the following:

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

k. **Section R403.5.4** (Drain water heat recovery units) is amended as follows:

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

l. **Section R403.6** (Mechanical ventilation) (Mandatory) is amended by adding the following:

Automatic controls for heating incoming air shall be provided.

m. **Section R109** (Board of Appeals) is amended as follows:

i. **Section R109.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. **Section R109.3** (Qualifications) is deleted in its entirety.

D. Penalty

The following penalty clause provisions to the *International Energy Conservation Code*, 2018 Edition, is hereby adopted and new sections are added as follows:

1. Section C110 (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

2. Section R110 (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

Section 6-8: International Swimming Pool and Spa Code (ISPSC)

A. Adoption

The *International Swimming Pool and Spa Code*, 2018 Edition, Chapters 1 through 11 inclusive and all Appendix Chapters as published by the International Code Council, together with the additions, insertions, deletions and changes set forth below in Section 6-8-C, is hereby adopted by reference as the Energy Conservation Code of the City of Ouray, State of Colorado for regulating and governing and establishing regulations for public and residential pools, spas, and hot tubs using prescriptive and performance-related provisions.

B. Copy on File

A copy of the *International Swimming Pool and Spa Code*, 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

C. Amendments

The following penalty clause as contained in the *International Swimming Pool and Spa Code*, 2018 Edition, is hereby adopted and amended to read as follows:

a. **Section 107.4** (Violation penalties) is amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs a pool or spa in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines are established by Resolution of City Council from time to time.

b. **Section 107.5** (Stop work orders) is amended by deleting the last sentence.

c. **Section 108 Means of Appeal** is amended as follows:

108.1 Board of Appeals

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

108.2 Limitation on Authority

An application for appeal shall be based upon a claim that the true intent of this code or the rules legally adopted have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive the requirements of this code.

Section 6-9 National Electrical Code

A. Adoption

The 2011 National Electrical Code, as published by the National Fire Protection Association, shall be the electrical code for the City and regulate and govern all electrical work within the City.

B. Fees

The fee and electrical permit for electrical work shall be obtained from the State of Colorado electrical inspector.

Section 6-10 Manufactured Housing Installation Handbook

A. Adoption

The *Installation Handbook for Manufactured Homes and Factory Built Housing*, July 2018 Edition, as published by the Colorado Department of Local Affairs, together with the additions, deletions, insertions, and changes as set forth in Section 6-10-C below, is hereby adopted by reference as the Manufactured Housing Installation Handbook of the City of Ouray, State of Colorado for regulating and governing the installation of manufactured homes in the City. The subject matter of the adopted code includes regulations governing the installation of manufactured homes in the City as fully set out with.

B. Copy on File

A copy of the *Installation Handbook for Manufactured Homes and Factory Built Housing*, July 2018 Edition, is on file in the office of the City of Ouray Building Inspector.

C. Amendments

The *Installation Handbook for Manufactured Homes and Factory Built Housing*, July 2018 Edition, is hereby modified by the following amendments:

- a. **Chapter 7, Mechanical, Subsection Blower door testing** is deleted.

D. Definitions

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

- 1. **Dependent mobile home** means a mobile home which does not have a flush toilet and a bath or shower.
- 2. **Independent mobile home** means a mobile home which has a flush toilet, a bath or a shower and a sink.
- 3. **Mobile home** means any vehicle, trailer coach, house trailer or similar portable structure designed or constructed to permit occupancy for dwelling or sleeping purposes and designed to be transported on wheels.
- 4. **Modular home** means a factory-built or prefabricated structure designed for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled by a manufacturer for installation or assembly and installation on a residential building site.

E. Permit for Location and Installation

- 1. It shall be unlawful for any person to use or occupy a dependent mobile home for human habitation within the limits of the City.

2. It shall be unlawful for any person to install, erect, use or occupy any independent mobile home or modular home for human habitation within the limits of the City without first obtaining a permit therefor upon written application on a form to be furnished by the City of Ouray. Each such application shall describe the land on which the installation is to be made, shall be accompanied by plans and specifications of the foundation for the proposed installation showing its location on the building site, shall be signed by the applicant, shall be accompanied by evidence of application for a State Permit from the Colorado Department of Housing and shall give such other information as may be required by the Building Official. The application plans and specifications shall be checked by the Building Official, and if the official is satisfied that the installation therein described will conform to the requirements of subsections (a) through (e) below, the official shall issue a permit therefor to the applicant. Fees for the permit shall be in accordance with the Fee Schedule adopted by Resolution by the City Council based on the value of the foundation, exterior stairs, landings, porches and any other added feature exterior to the Manufactured Structure. Thereafter, the Building Official shall make such inspections as reasonably necessary to determine that all requirements of subsections (a) through (e) below are complied with, and he or she shall either approve the installation at each inspection or notify the permit holder when it fails to comply with said requirements. No mobile home or modular home shall be used or occupied until the Building Official has issued a certificate of occupancy which shall be issued to the permittee after final inspection of the installation and approval of the same by the Building Official in accordance with the foregoing. The certificate of occupancy shall contain the permit number, the address of the installation, the name of the owner, a statement that the mobile home or modular home installation complies with the requirements of this Section, the date issued and the signature of the Building Official.

a. The proposed location shall be in compliance with zone district dimensional requirements and zoning regulations as outlined in Chapter 7 of the Ouray Municipal Code.

b. The plumbing and electrical connections shall be in accordance with the provisions of this Code and in accordance with State Law as set forth in subsection (e) below.

c. All mobile homes or modular homes using liquefied petroleum gas, kerosene, gasoline, or fuel oil for heating or cooking purposes shall have their stoves properly vented with flues of adequate size and construction; and, except for a supply container for each mobile home, no gasoline, kerosene, or fuel oil shall be stored on the premises. Said supply container must be approved by the Fire Chief or Fire Code Official. Every connection between a liquefied petroleum gas container and its appliance shall be of metal pipe. No liquefied petroleum gas container shall be permitted inside of any mobile home. All mobile homes and modular homes shall comply with the regulations of the Colorado State Department of Public Health and environment controlling carbon monoxide poisoning.

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

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

F. Penalty

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, repairs, or changes the occupancy of a manufactured or factory-built home or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provision of this code shall be subject to penalties as prescribed by law. Each day that the violation continues after receiving notice is a separate offence. Penalties and fines for violations are established by Resolution of City Council from time to time.

Section 6-11: Uniform Code for the Abatement of Dangerous Buildings

A. Adoption

The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, Chapters 1 through 8 inclusive, as published by the International Code Council, together with the additions, deletions, insertions, and changes as set forth in Section 6-11-C below, is hereby adopted by reference as the Code for Abatement of Dangerous Buildings of the City of Ouray, State of Colorado for regulating and governing the proper legal steps in abating dilapidated, defective buildings which endanger life, health, property and public safety within concepts of fair play and justice.

B. Copy on File

A copy of the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is on file in the office of the City of Ouray Building Inspector.

C. Amendments

The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is hereby modified by the following amendments:

a. **Section 205.1 General** is amended as follows:

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

b. **Section 401.2 (Notice and Order) Subsection 3.1** is amended as follows:

If the building official has determined that the building or structure must be repaired, the order shall require that all required permits must be secured therefor, and the work physically commenced within such time (not to exceed 90 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all circumstances.

c. **Section 401.2 (Notice and Order) Subsection 3.3** is amended as follows:

If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 90 days from the date of the order; and that the demolition be completed within such a time as the building official shall determine is reasonable.

d. **Section 401.2 (Notice and Order) Subsection 5** is amended as follows:

Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 45 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

e. **Section 601 General** is amended as follows:

i. **601.1 Board of Appeals**

To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council of the City of Ouray. The board may adopt rules of procedure for conducting its business.

ii. 601.2 Limitation on Authority

An application for appeal shall be based upon a claim that the true intent of this code or the rules legally adopted have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive the requirements of this code.

f. **Sections 602 through 605** are deleted in their entirety.

g. **Section 701.3** (Failure to Commence Work) is amended as follows:

Whenever the required repair or demolition is not commenced within 45 days after any final notice and order issued under this code becomes effective:

h. **Section 702** (Extension of Time to Perform Work) is amended as follows:

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 180 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

i. **Chapter 8** is deleted in its entirety.

k. **Chapter 9** is deleted in its entirety.

D. Penalty

The following penalty clause as contained in the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is hereby adopted and amended to read as follows:

Section 203 Violations.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any

building or structure or cause or permit the same to be done in violation of this code. Upon notice from the code official, work that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall be required to give written notice prior to stopping the work.

Section 6-12 Administration and Enforcement

A. The City Council may appoint a Building Inspector or designate such other employee as it deems appropriate to perform all duties related to the enforcement and administration of the building codes adopted by reference in this Chapter, the Colorado Plumbing Code, the National Electrical Code, and other city building and zoning regulations.

B. The City Council may appoint a Fire Official or designate such other employee as it deems appropriate to perform all duties related to the enforcement and administration of the fire code adopted by reference in this Chapter.

C. The City Administrator, the Building Official, Fire Official or their designated representative shall have the right of entry to inspect and enforce the provisions of the codes adopted by reference in this Chapter, and other City building and zoning regulations in accordance with the procedures and provisions of Section 6-1-E of this Chapter, in addition to any other provisions provided by law.

D. Any building or structure in violation of any of the provisions of this Chapter, any of the codes adopted by reference herein, the Colorado Plumbing Code, or the National Electrical Code is hereby declared to be a nuisance and may be abated by the City in any lawful manner.

E. The City may maintain an action in any court of competent jurisdiction to enforce any provision of this Chapter; the codes adopted by reference therein, the Colorado Plumbing Code, or the National Electrical Code.

F. The City may elect to have the Colorado Plumbing Code administered and enforced by the Colorado State Plumbing Inspector.

Section 6-13: Plumbing and Electrical Licenses

A. It shall be unlawful for any person to perform any electrical or plumbing work within the City for which a license is required by the State of Colorado without having a State License.

B. The owner of a building may make minor repairs to their own property without a license. The City of Ouray and its employees shall not be required to have a license to perform work on City-owned property.

Section 6-14: Floodplain Management Regulations

A. Purposes

The purposes of this Section are to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
6. To help a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. To ensure that potential buyers are notified that property is located in a flood hazard area.

B. General Provisions

1. This Section shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the City of Ouray, Colorado.
2. This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
3. In the interpretation and application of this Section, all provisions shall:
 - a. Be considered as minimum requirements;
 - b. Be liberally construed in favor of the governing body; and
 - c. Be deemed neither to limit nor repeal any other powers granted under State statutes.
4. No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Section and

other applicable regulations. Nothing herein shall prevent the City of Ouray from taking such lawful action as is necessary to prevent or remedy any violation of this Section. This Section meets the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

5. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

6. This Section does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Ouray or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

C. Adoption of Maps and Studies

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for City of Ouray, Colorado," dated July 3, 1985, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto, including the Letter of Map Revision dated November 9, 1998 and the Letter of Map Revision dated December 9, 2005, are hereby adopted by reference and declared to be a part of these regulations. These Special Flood Hazard Areas identified by the Flood Insurance Study and attendant mapping are the minimum area of applicability of these regulations and may be supplemented by studies designated and approved by the City of Ouray City Council, such as the Uncompahgre River Report, prepared by AS Consultants, Inc., dated April 1, 1978, which was designated and approved by the Colorado Water Conservation Board in December, 1981. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available at the City of Ouray administrative office for public inspection.

D. Definitions

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

100-Year Flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

100-Year Floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-Year Flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

500-Year Floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial Fan Flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of Shallow Flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

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

Channel means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR) means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

Community means any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility means a structure or related infrastructure, but not the land on which it is situated, as specified in that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

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

DFIRM Database means a database (usually spreadsheets containing data) and analyses that accompany DFIRMs. The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated Building means a non-basement building that is (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adoption of this Section.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Register means the official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or Flooding means the general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Insurance Rate Map (FIRM) means an official map on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the City.

Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or Flood-Prone Area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator means the City's official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA).

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

Floodplain Management Regulations means zoning ordinances, subdivision regulations, building codes and other applications of police power, state or local, which provide standards for the purpose of flood damage prevention and reduction.

Flood Control Structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

Floodway (Regulatory Floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs

are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

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

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

Manufactured Home shall have the same meaning as defined by the City in Chapter 7 of the Municipal Code. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Material Safety Data Sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the adoption of this Section.

No-Rise Certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR) means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

Recreational Vehicle shall have the same meaning as defined in Chapter 7 of this Code.

Special Flood Hazard Area means the land in the floodplain subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

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

Structure shall have the same meaning as defined by the City in Chapter 7 of the Municipal Code, and includes a gas or liquid storage tank, which is principally above ground.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the City of Ouray. This includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Threshold Planning Quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

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

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

Water Surface Elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

E. Floodplain Development Permit Establishment and Criteria

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Section.

1. A Floodplain Development Permit shall be obtained before construction or development within any area of Special Flood Hazard as established in Section 6-14-C.

2. An application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to Special Flood Hazard Areas. The following information is required:

- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- c. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 6-14-H-2-b;
- d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

3. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j. The relationship of the proposed use to the comprehensive plan for that area.

F. Administration of Regulations

The Building Official is appointed as the Floodplain Administrator to administer, implement, and enforce the provisions of this Section and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management including, but not limited to, performance of the following duties:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 6-14-E.
2. Review, approve, or deny all applications for Floodplain Development Permits.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Section, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with Section 6-14-C, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Section 6-14-H.
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City of Ouray's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the City of Ouray.

9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the City of Ouray may approve certain development in Zones A1-30, AE, AH, on the City of Ouray's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the City of Ouray first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

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

G. Variance and Appeal Procedures

1. The Planning Commission, as established by the City of Ouray, shall hear and render judgment on requests for variances from the requirements of this Section.

2. The City Council shall hear and render judgment on appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Section.

3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.

4. In rendering judgment on requests for variances from this Section and appeals, the Planning Commission shall consider all technical evaluations and all relevant factors and standards as specified in this Section, including the criteria of Section 6-14-E-3. Variances shall only be issued upon:

a. Determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

b. Showing a good and sufficient cause;

c. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

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

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

6. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

a. The criteria outlined in Section 6-14-G are met; and

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

7. Any person or persons aggrieved by the decision of the Planning Commission may appeal such decision in the courts of competent jurisdiction.

8. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency.

9. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

10. Upon consideration of the factors noted above and the intent of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as outlined in Section 6-14-A.

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

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

H. Provisions for Flood Hazard Reduction

The following provisions are required for all new construction and substantial improvements in all Special Flood Hazard Areas.

1. General Standards

a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral

movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage. Table 4.5 of the Debris and Flood Control Plan for Portland and Cascade Creeks at Ouray, Colorado, dated October 25, 1982, published by the Colorado Water Conservation Board may be used as appropriate;

c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

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

e. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces;

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

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

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

2. Specific Standards

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in Section 6-14-C, Section 6-14-F-7, or Section 6-14-H-10 the following provisions are required:

a. Residential new construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. New construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure, with the exception of Critical Facilities, as outlined in

Section 6-14-H-11, shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

b. For all construction, a registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

3. Enclosures

a. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

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

ii. The bottom of all openings shall be no higher than one foot above grade.

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

4. Manufactured Homes

a. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the City of Ouray's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be

elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the City of Ouray's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

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

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

5. Recreational Vehicles

a. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the City of Ouray's FIRM must either:

i. Be on the site for fewer than 180 consecutive days;

ii. Be fully licensed and ready for highway use, meaning it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

iii. Meet the permit requirements of Section 6-14-E, and the elevation and anchoring requirements for "manufactured homes" in Section 6-14-H-4 of this Section.

6. Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the Special Flood Hazard Area established in Section 6-14-C are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

a. Residential new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City of Ouray's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

b. With the exception of Critical Facilities, outlined in Section 6-14-H-11, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City of Ouray's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 6-14-E, are satisfied.

c. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

7. Floodways

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard. Areas located within Special Flood Hazard Areas established in Section 6-14-C are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the City of Ouray during the occurrence of the base flood discharge.

b. If Section 6-14-H-7-a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 6-14-H.

c. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the City of Ouray may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the City first applies for a CLOMR and floodway revision through FEMA.

8. Alteration of a Watercourse

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

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

b. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

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

d. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

e. All activities within the regulatory floodplain shall meet all applicable Federal, State and City of Ouray floodplain requirements and regulations.

f. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the City of Ouray first applies for a CLOMR and Floodway revision in accordance with Section 6-14-H-7.

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

9. Properties Removed from the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

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

10. Standards for Subdivision Proposals

- a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 6-14-E and the provisions of Section 6-14-H of this ordinance.
- c. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 6-14-C or Section 6-14-F of this ordinance.
- d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas,

electrical and water systems located and constructed to minimize or eliminate flood damage.

11. Standards for Critical Facilities

It is the responsibility of the City of Ouray City Council to identify and confirm that specific structures in the community meet the following criteria:

Critical facilities are those that house essential services such as public safety, emergency responders, emergency medical centers, emergency shelters, main communication hubs, public utility facilities for generation and distribution of power, water, and gas (but do not include business offices); or sites and facilities that produce or store highly volatile, flammable, explosive, toxic or other hazardous materials such as chemical plants, laboratories refineries, hazardous waste storage and disposal sites, and gasoline or propane storage or sales centers; facilities for at-risk populations, such as schools and nursing homes; and facilities vital to restoring normal services including government operations.

a. All new and substantially remodeled Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be either:

i. Located outside the Special Flood Hazard Area; or

ii. Elevated to at least two (2) feet above the Base Floor Elevation (this includes the elevation of the lowest floor or floodproofing of the structure and the attendant utility and sanitary facilities).

b. New Critical Facilities shall, when practicable as determined by the City of Ouray, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

I. Obstruction of Flumes, Creeks or Water Courses Prohibited

1. It shall be unlawful to obstruct or interfere with the proper orientation of the Portland Flume, Cascade Flume and Catchment Basin, appurtenant access easements, the channel of Skyrocket Creek, Canyon Creek, Oak Creek, Bridal Veil Creek and other water courses or flood control facilities and appurtenances by placing or allowing any obstruction, including, but not limited to bridges, cantilevered structures, culverts, rocks, trash or other objects within such facilities or otherwise.

2. All residences or other buildings designed or used for occupancy erected, or liquefied petroleum gas tanks installed, after the effective date of Ordinance No. 2 (Series 1983) shall be set back a minimum of ten (10) feet on either side from the outside walls of the Portland or Cascade Flume.

J. Enforcement

1. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with this Section and other applicable regulations. It shall be unlawful for any person to violate any of the provisions of this Section. Any person convicted of such a violation may be subject to a fine as set forth under Ouray Municipal Code 1-4 General Penalty. Each day any violation continues shall be considered a separate offense.

2. The City may maintain an action in any court of competent jurisdiction to enjoin or abate any violation of the requirements of this Section.

3. Any property, building or structure existing or maintained in violation of the requirements of this Section is hereby declared to be a nuisance, which may be abated in accordance with the law.

6-15 Temporary Structures

A. General Provisions

1. Temporary structures are structures or buildings 120 square feet or larger, erected for more than 72 consecutive hours but no more than 180 days within a period of 12 consecutive months. Structures erected for less than 72 consecutive hours do not require a permit under this section. Structures or buildings erected for a period longer than 180 days shall be required to apply with the appropriate building code unless an extension is granted by the building official.

2. The building official is authorized to issue a permit for temporary structures. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days within any period of 12 consecutive months. The building official is authorized to grant extensions to the permit for demonstrated good cause.

B. Conformance

Temporary structures shall conform to the building regulations pursuant to Chapter 6 of this Code. In the event plumbing and electricity are temporarily supplied to the structure, appropriate State licenses must be acquired pursuant to Section 6-13 of this Code.

C. Termination and Expiration of a Permit

The building official is authorized to terminate a permit for a temporary structure upon any violation of this Code and to order the temporary structure to be immediately dismantled and removed.

SECTION 2: EFFECTIVE DATE.

The provisions of this Ordinance shall become effective 30 days following publication in accordance with the City Charter, 3.5-G and 3.7 concerning enacting codes by reference.

SECTION 3: SEVERABILITY.

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by 5 To 0 vote of the Ouray City Council this 1st day of MAY 2023.

CITY OF OURAY, COLORADO



Ethan Funk, Mayor

ATTEST:



Melissa M. Drake, City Clerk

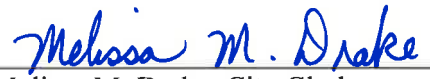
INTRODUCED, READ, AND ADOPTED on second reading by 5 To 0 vote of the Ouray City Council this 15th day of MAY, 2023.

CITY OF OURAY, COLORADO



Ethan Funk, Mayor

ATTEST:



Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 6 (Series No. 2023), was introduced, read, and passed by the Ouray City Council on first

reading on MAY 1, 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on MAY 4, 2023, and thereafter introduced, read, and adopted by the Ouray City Council on MAY 15, 2023, and thereafter published in the *Ouray County Plaindealer*, as required by law.

Melissa M. Drake
Melissa M. Drake, City Clerk