

Title 14

TECHNICAL CODES

Chapters:

- 14.10 Building Code**
- 14.20 Mechanical Code**
- 14.30 Fire Code**
- 14.40 Property Maintenance Code**
- 14.50 *Repealed***
- 14.60 Flood Damage Prevention Regulations**

Chapter 14.10**BUILDING CODE**

Sections:

- 14.10.010 Short title.
- 14.10.020 Adoption.
- 14.10.030 Amendments.
- 14.10.040 Penalties.
- 14.10.050 Appeal.

14.10.010 Short title.

This chapter shall be cited as the “city of Gunnison building code.” (Ord. 3-2005 § 2).

14.10.020 Adoption.

The city of Gunnison hereby adopts by reference the International Building Code, 2003 Edition, including Appendix Chapters E, G, I, and J, and the Errata to the International Building Code, Third Printing, November, 2003, regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the 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; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures as herein provided; and providing the issuance of permits and collection of fees therefor; and the International Residential Code, 2003 Edition, including Appendix Chapters E, G, H, and J, 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; and providing for the issuance of permits and collection of fees therefor; the International Existing Building Code, 2003 Edition, including Appendix Chapters A and B, regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, as provided herein; and providing for the issuance of permits and collection of fees therefor; and the International Energy Conservation Code, 2003 Edition, regulating and governing energy-efficient building envelopes and installation of energy-efficient mechanical, lighting, and power systems as herein provided; and providing for the issuance of permits and collection of fees therefor. All of said codes are published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, 22041-3401. (Ord. 3-2005 § 2).

14.10.030 Amendments.

The following amendments to the foregoing codes are hereby adopted:

INTERNATIONAL BUILDING CODE**CHAPTER 1****ADMINISTRATION**

Section 101.1 is hereby amended to read as follows:

101.1. Title. These regulations shall be known as the “City of Gunnison’s Building Code,” may be cited as such, and will be referred to herein as “this Code.”

Section 101.4 is hereby amended to read as follows:

101.4. Referenced Codes. The other Codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.

101.4.1. Residential. The provisions of the International Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, 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 and their accessory structures.

101.4.2. Mechanical. The provisions of the International Mechanical Code shall apply to the installation, alteration, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators, and other energy-related systems.

101.4.3. Plumbing. The International Plumbing Code, as adopted by the State of Colorado, shall apply to the installation, alterations, repairs, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, where connected to a water or sewage system and all aspects of medical gas system.

101.4.4. Gas. The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances, and related accessories as covered in the Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.5. Electrical. The provisions of the National Electrical Code, as adopted by the State of Colorado, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment appliances, fixtures, fittings, and appurtenances thereto.

101.4.6. Energy. The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency, unless the building is built to the City of Gunnison's Prescriptive Energy Code for multifamily and commercial buildings.

101.4.7. Existing Buildings. The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings.

101.4.8. Property Maintenance. The provisions of the International Property Maintenance Code shall apply to existing structures and their premises, 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; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures.

101.4.9. Fire Code. The provisions of the International Fire Code as amended by the City of Gunnison.

Section 105.2, Work Exempt from Permit, is hereby amended by adding the following Exceptions 14 and 15.

14. Re-roofing without alteration of roof deck structure.

15. Re-siding without alteration of wall structure.

Section 105.5, Expiration, is hereby amended by adding a new Section 105.5.1, to read as follows:

105.5.1. Expired Work. All below grade excavation done in advance of construction shall be filled and made safe within thirty (30) days of an abandoned project. Where construction has advanced beyond excavation, all foundation work and above grade construction shall be secured against the weather and the construction site shall be otherwise returned to that condition as existed before the permit was issued.

Section 108.2 is hereby amended by adding the following new Sections 108.2.1 and 108.2.2:

108.2.1. Schedule of Permit Fees. On buildings, structures, mechanical, and/or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the attached fee schedule Table 1-A. (This fee schedule is administrative and subject to change by City Council). The determination of value or valuation under any provisions of this Code shall be eighty-five dollars (\$85.00) per square foot for site built structures, and the actual cost paid for any factory-built housing or factory-built non-residential unit, as those terms are defined in C.R.S. 24-32-703, plus the actual cost of the foundation. For valuation of construction of unfinished space or less than the full structure, a determination of value shall be made by the Building Official.

108.2.2. Plan Review Fees. When submittal documents are required by Section 106.1, a plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee as shown in Table 1-A for all multifamily and commercial projects. A plan review fee of 30 percent (30%) of the building permit fee shall be paid for buildings that fall under the International Residential Code. If an applicant applies for a building permit for a building that falls under the International Residential Code, which building plan is identical to the plan of a building for which a plan review fee has been paid by the applicant within the prior twelve months, then in that event, the plan review fee for such identical building shall be One Hundred Dollars (\$100.00). When the submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.4.3, an additional plan review fee shall be charged at the rate shown in Table 1-A.

Section 108.4 is hereby amended by adding the following at the end of the last sentence:

The amount of the fee will be equal to the permit fee.

Section 108.6 is hereby amended to read as follows:

108.6. Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 90 percent (90%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Building Official may authorize refunding of not more than 90 percent (90%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 108 is hereby amended by adding the following new Section 108.7:

108.7. Re-Inspection. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when correction called for is not made.

Section 109.3.5, Lath and Gypsum Board Inspection, is hereby amended to delete the Exception.

Section 109.5, Inspection Requests, is hereby amended by adding the following sentence after the last line of existing Section 109.5:

Inspection requests shall be made twenty-four (24) hours in advance.

Section 113.3 is hereby amended by adding the following sentence:

Violation Penalties shall include payment of investigation fees. Such fees shall include all costs incurred by the city of Gunnison in investigating any violation of the building codes, including reasonable attorney fees.

CHAPTER 15

ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

Section 1503.4 is hereby amended by adding the following new subsection 1503.4.2:

1503.4.2. Public and Private Property. To the greatest extent practicable, water, snow, or ice draining from a roof shall not be allowed to flow or shed over or onto public or private property or rights-of-way or any other area deemed to be a safety hazard.

CHAPTER 18

FOUNDATIONS AND RETAINING WALLS

Section 1807.1.2.1 is hereby amended so that the Exception therein reads as follows:

Exception: Under-floor spaces of Group R-1 through Group R-4 buildings that meet requirements of FEMA/FIA-TB-11.

CHAPTER 27

ELECTRICAL

Section 2701.1 is hereby amended so as to replace the term "ICC Electrical Code" with the term "National Electrical Code."

BUILDING PERMIT FEES – CITY OF GUNNISON

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$22.00
\$501.00 to \$2,000	\$22.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2,000.
\$2,001 to \$25,000	\$63.00 for the first \$2,000 plus \$12.50 for each additional \$1,000, or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$352.00 for the first \$25,000 plus \$9.00 for each additional \$1,000, or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$580.00 for the first \$50,000 plus \$6.25 for each additional \$1,000, or fraction thereof, to and including \$100,000.

BUILDING PERMIT FEES – CITY OF GUNNISON (Continued)

TABLE 1-A	
TOTAL VALUATION	FEE
\$100,001 to \$500,000	\$895.00 for the first \$100,000 plus \$5.00 for each additional \$1,000 or fraction thereof.
\$500,001 to \$1,000,000	\$2855 for the first \$500,000 plus \$4.25 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.
\$1,000,001 and up	\$4,955 for the first \$1,000,000 plus \$2.75 for each additional \$1,000 or fraction thereof.

Other Inspections and Fees:

1. Inspections outside of normal business hours (two hours minimum charge) \$42.00 per hr.*
2. Reinspection fees assessed under provisions of Section 108.7, 2003 I.B.C. \$42.00 per hr.*
3. Inspections for which no fee is specifically indicated (one hour minimum charge) \$42.00 per hr.*
4. Additional plan review required by changes, additions or revisions to plans (one hour minimum charge) \$42.00 per hr.*
5. For use of outside consultants for plan checking and inspections or both Actual costs**

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

City of Gunnison Use Tax Formula = Valuation of project x 50% x .03% = Use Tax

INTERNATIONAL RESIDENTIAL CODE

CHAPTER 1

ADMINISTRATION

Section R101.1 is hereby amended to read as follows:

Section R101.1. Title. These provisions shall be known as the “Residential Code for One and Two Family Dwellings of the City of Gunnison,” and shall be cited as such and will be referred to herein as “this Code.”

Section R102.4 is hereby amended by the addition of a second exception to read as follows:

Section R102.4. Referenced Codes and Standards. Exception: The State of Colorado shall provide electrical and plumbing inspection services until appropriate notice is provided to the State of Colorado Plumbing and Electrical Boards that City of Gunnison will perform either of the inspection services at a specified date.

Section R105.2 is hereby amended by adding the following:

10. Greenhouses less than 400 square feet;
11. Decks, platforms, walkways, etc., that measure 30 inches or less from the standing surface to the adjacent grade;
12. Re-roofing without alteration of roof deck structure;
13. Re-siding without alteration of wall structure.

Section R108.2 is hereby amended to read as follows:

Section R108.2. Schedule of Permit Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the provisions of Sections 108.2.1 and 108.2.2 of the International Building Code.

Section R108.5 is hereby amended to read as follows:

Section R108.5. Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 90 percent (90%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Building Official may authorize refunding of not more than 90 percent (90%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

Section R109.1.1, Foundation Inspection, is hereby amended so that the last sentence of the section reads as follows:

The foundation inspection shall include all slabs except non-supporting unheated exterior walkways, patios and driveways.

CHAPTER 3

BUILDING PLANNING

Table R301.2(1) is hereby amended to add the following values in the spaces provided:

Ground Snow Load: 40 lbs./sq. ft.
Wind Speed: 90 mph, 3 sec. gust
Seismic Design Category: C
Weathering: Severe
Frost Line Depth: 30 inches
Termites: Slight
Decay: Slight
Winter Design Temp: -20 degrees F
Ice Shield: Underlayment required in roof valleys
Flood Hazards: FIRM 1983-1985
Air Freezing Index: 4,000 (BF/days)
Mean Annual Temp: 40 degrees F

Section R303.3, Bathrooms, is hereby amended to add the following sentence to the Exception:

Bathrooms that contain only a water closet, lavatory, or combination thereof and similar rooms may be ventilated with an approved mechanical re-circulating fan or similar device designed to remove odors from the air.

Section R310, Emergency Escape and Rescue Openings, is hereby amended to add a new section, to read as follows:

Section R310.2.2. Roof Section Required. No window well will be approved as a means of egress unless a roof section that extends past the window well footprint is installed.

Section R311.4.1, Exit Door Required, is hereby amended to add the following sentence:

Exit doors shall be provided with protection from ice and snow shedding.

Section R312.2, Guard Opening Limitations, is hereby amended to add a third exception, to read as follows:

3. Cable, rope or similar type materials that do not maintain the rigidity necessary to meet the requirements of Section R312.2 are prohibited.

Section R313 is hereby amended to add the following subsection:

Section R313.3. Carbon Monoxide Detectors. Carbon monoxide detectors shall be installed in all new construction, additions, remodels, and renovations where gas appliances are installed. Detectors shall receive primary power from the building's wiring and be equipped with a battery backup. Location of detectors shall be in accordance with the manufacturer's instructions.

CHAPTER 11

ENERGY EFFICIENCY

Section N1102.1, Compliance, is hereby amended so that the first sentence of the section reads as follows:

Compliance with this chapter shall be demonstrated by meeting the requirements of the applicable sections and tables of this chapter, or meeting the requirements of the City of Gunnison Prescriptive Energy Code.

CHAPTER 24

FUEL GAS

Section G2406.2, Prohibited Locations, is hereby amended by deletion of Exceptions numbered 3 and 4.

Section G2425.8, Equipment Not Required to Be Vented, is hereby amended by deletion of item number 7.

Section G2445, Unvented Room Heaters, is hereby amended in its entirety to read as follows:

G2445.1 Prohibited. Unvented room heaters are prohibited in all locations throughout all occupancies.

INTERNATIONAL ENERGY CONSERVATION CODE

CHAPTER 1

ADMINISTRATION

Section 101.1, Title, is hereby amended to read as follows:

Section 101.1. Title. These regulations shall be known as the "Energy Conservation Code of the City of Gunnison," and shall be cited as such. It is referred to herein as "this Code."

Section 101.4 is hereby amended to read as follows:

Section 101.4. Compliance. Compliance with this Code shall be determined in accordance with Sections 101.4.1 and 101.4.2 or by compliance with the City of Gunnison Prescriptive Energy Code, which is attached hereto and adopted hereby.

PRESCRIPTIVE ENERGY CODE TABLE

The Prescriptive Energy Code requirements for City of Gunnison new construction are listed below. In lieu of the Prescriptive Code, energy calculations provided by a registered Colorado engineer demonstrating compliance with the International Energy Code will be required prior to permit issuance.

ITEM	Insulation Value	Total Value
Frame walls and rim joist (log homes require energy analysis)	R 21 ¹¹	R 21 ¹²
Window in frame walls and basement	Low-E double glazed ^{1, 2}	
Doors in frame walls and basement	R 2.86	
Ceilings or rafters	R 38 ¹²	R 38
Air infiltration	Prescriptive air sealing ³	
Walls to garage or unheated buffer spaces	R 19	R 21
Heated garages ¹⁰	Same as house	
Heated basement areas (walls)	R 13	
Floors over unheated spaces, except insulated crawlspaces	R 21 ¹⁰	
Floors over unvented spaces with insulated walls	None	
Crawl space walls	R 19	
Cantilever floors	R 30	R 30
Slabs in heated area (except garages)	R 7.5 ⁵	
Heat in slab	R 10 ¹⁴	
Exposed slab edges	R 7.5 – R 10 ⁵	
Slabs in unheated areas	None	
SPACE HEATING SYSTEM PERFORMANCE		
Gas furnaces	80% AFUE	
Gas boilers (Including snow-melt boilers)	80% AFUE	
DUCTS		
Inside envelope, outside conditioned space	R 5 ¹⁷	
Outside building envelope	R 8 ¹⁷	

PRESCRIPTIVE ENERGY CODE TABLE (Continued)

Wood-burning fireplaces/stoves	Tight fitting enclosures
Gas log sets in masonry fireplaces	Tight fitting doors with outside combustion air
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Water heater performance	
Gas	.60 energy factor
Electric	.93 energy factor
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Hot water piping in unconditioned spaces	1" foam insulation or equivalent
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Setback thermostat	Required (except for hydronic heat)
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Air source heat pumps	9.7 SEER
Ground heat pumps	11.5 SEER

The R values given above are the total R values. The R values of different materials are added together including air films, air spaces and building materials. The R value is reduced by the effects of thermal bridging through framing. For instance, unless special methods or rigid insulation sheathing are used, the R value for walls must be decreased due to thermal bridging. Multiply the R value of ceilings at the depth of the framing members by .94 and the wall by .87.

1. Metal framed windows must demonstrate a 0.37 minimum U-value.
2. Allowable percentage of window area measured by rough opening sizes. R values for windows are a combination of glass, frame and spacer certified by the National Fenestration Research Council (NFRC). If window area is 15% then the window must provide a U value of 0.37 or lower.
3. All exterior joints in the building envelope shall be caulked, gasketed, weather stripped, or otherwise sealed in an approved manner. For the performance approach, use Colorado HERS and a .40 air change per hour rate. All switches and outlets to have UL approved sealing gaskets.
4. The slab edge perimeter must be protected with insulation per the requirements for heated areas. Insulation must extend downward to the bottom of the slab and then out horizontally to the exterior for a minimum total of 24". Slabs adjacent to foundation walls may be uninsulated.
5. Foundation insulation and slab insulation where required shall cover all slab edges.
6. All heated basement area slabs are to be insulated to R-7 under slab insulation required to be a minimum of 4 ft. inside perimeter. Slab edges require a thermal break at the wall. Slabs adjacent to foundation walls may be uninsulated.
7. All furnace ducts need to be airtight and constructed with commercial grade mastic and fiberglass mesh. Supply ducts must be insulated to minimum of R-11 return ducts shall be insulated to a minimum of R-6 in unheated spaces. Fiberglass ducts which expose fibers to the air stream are not permitted.
8. Recirculation pumps shall be provided with timers and a manual on/off switch.
9. All heated garages shall be constructed to the same requirements as the home.
10. Water lines must be protected from freezing, except in floors over insulated basements.
11. An energy rating is required of all log structures, i.e., E-Star or other approved energy analysis. E-Star rating must be 80 or better.
12. Insulation must extend over top plates.
13. Ducts are to be sealed substantially airtight with tapes (not duct tape), mastics, or gasketing.

The R values given above are the total R values. The R values of different materials are added together including air films, air spaces and building materials. The R value is reduced by the effects of thermal bridging through framing. For instance, unless special methods or rigid insulation sheathing are used, the R value for walls must be decreased due to thermal bridging. Multiply the R value of ceilings at the depth of the framing members by .94 and the wall by .87.

14. Metal framed windows must demonstrate a 0.37 minimum U-value.
15. Allowable percentage of window area measured by rough opening sizes. R values for windows are a combination of glass, frame and spacer certified by the National Fenestration Research Council (NFRC). If window area is 15% then the window must provide a U value of 0.37 or lower.
16. All exterior joints in the building envelope shall be caulked, gasketed, weather stripped, or otherwise sealed in an approved manner. For the performance approach, use Colorado HERS and a .40 air change per hour rate. All switches and outlets to have UL approved sealing gaskets.
17. The slab edge perimeter must be protected with insulation per the requirements for heated areas. Insulation must extend downward to the bottom of the slab and then out horizontally to the exterior for a minimum total of 24." Slabs adjacent to foundation walls may be uninsulated.
18. Foundation insulation and slab insulation where required shall cover all slab edges.
19. All heated basement area slabs are to be insulated to R-7 under slab insulation required to be a minimum of 4 ft. inside perimeter. Slab edges require a thermal break at the wall. Slabs adjacent to foundation walls may be uninsulated.
20. All furnace ducts need to be airtight and constructed with commercial grade mastic and fiberglass mesh. Supply ducts must be insulated to minimum of R-11 return ducts shall be insulated to a minimum of R-6 in unheated spaces. Fiberglass ducts which expose fibers to the air stream are not permitted.
21. Wood stoves shall have a catalytic burner, EPA certified or other method to substantially reduce emission which is approved for use within the City of Gunnison.
22. Recirculation pumps shall be provided with timers and a manual on/off switch.
23. All heated garages shall be constructed to the same requirements as the home.
24. Water lines must be protected from freezing, except in floors over insulated basements.
25. An energy rating is required of all log structures, i.e., E-Star or other approved energy analysis. E-Star rating must be 80 or better.
26. Opaque doors only (impenetrable to radiant energy other than visible light).
27. Insulation must extend over top plates.
28. Ducts are to be sealed substantially airtight with tapes (not duct tape), mastics or gasketing.

(Ord. 3-2005 § 2).

14.10.040 Penalties.

Penalties for the violation of the terms of this chapter are as set forth in GMC 4.20.010. (Ord. 3-2005 § 2).

14.10.050 Appeal.

Chapter 2.80 GMC sets forth the appeal procedures. (Ord. 3-2005 § 2).

Chapter 14.20**MECHANICAL CODE**

Sections:

- 14.20.010 Short title.
- 14.20.020 Adoption.
- 14.20.030 Amendments.
- 14.20.040 Penalties.
- 14.20.050 Appeal.

14.20.010 Short title.

This chapter may be cited as the “city of Gunnison mechanical code.” (Ord. 3-2005 § 3).

14.20.020 Adoption.

The city of Gunnison hereby adopts by reference the International Mechanical Code, 2003 Edition, including Appendix Chapter A, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and use or maintenance of mechanical systems as herein provided; and providing for the issuance of permits and collection of fees therefor; and the International Fuel Gas Code, 2003 Edition, including Appendix Chapters A, B, C, and D, regulating and governing fuel gas systems and gas-fired appliances as herein provided; and providing for the issuance of permits and collection of fees therefor. Said codes are published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, 22041-3401. (Ord. 3-2005 § 3).

14.20.030 Amendments.

The following amendments to the foregoing codes are hereby adopted:

INTERNATIONAL MECHANICAL CODE**CHAPTER 1****ADMINISTRATION**

Section 101.1 is hereby amended to read as follows:

Section 101.1. Title. These regulations shall be known as the “Mechanical Code of the City of Gunnison,” hereinafter referred to as “this Code.”

Section 106.5.2 is hereby amended to read as follows:

Section 106.5.2. Fee Schedule. The fees for mechanical work shall be as set forth in the Mechanical Permit Fees Schedule Table 2A, attached hereto.

Section 106.5.3 is hereby amended to read as follows:

Section 106.5.3. Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 90 percent (90%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Building Official may authorize refunding of not more than 90 percent (90%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

MECHANICAL CODETABLE 2A

Permit Issuance

1. For the issuance of each permit \$22.00

For issuing each supplemental permit for which the original permit has not expired, been canceled or finalized \$6.50

Unit Fee Schedule

(Note: The following do not include permit-issuing fee.)

1. Furnaces

For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance \$13.25

For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater \$13.25

2. Appliance Vents

For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit \$6.50

3. Repairs or Additions

For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code. \$12.25

4. Boilers, Compressors and the installation or relocation of each boiler \$16.50

5. Air Handlers, for each air-handling unit. \$16.50

6. Evaporative Coolers, for each evaporative cooler other than portable type \$9.50

7. Ventilation and Exhaust

For each ventilation fan connected to a single duct \$6.50

For each ventilation system which is not a portion of heating or air-conditioning system authorized by a permit. \$9.50

For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood \$9.50

8. Miscellaneous

For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which no other fee is listed in the code \$9.50

Other Inspections and Fees:

1. Inspections outside of normal business hours, per hour. \$42.00

2. Reinspection fees assessed under provisions of Section 116.6, per inspection. \$42.00

INTERNATIONAL FUEL GAS CODE

CHAPTER 1

ADMINISTRATION

Section 101.1 is hereby amended to read as follows:

Section 101.1. Title. These regulations shall be known as the "Fuel Gas Code of the City of Gunnison," hereinafter referred to as "this Code."

Section 106.5.2 is hereby amended to read as follows:

Section 106.5.2. Fee Schedule. The fees for work shall be as set forth in the Schedule of Table 1A, attached hereto.

Section 106.5.3 is hereby amended to read as follows:

Section 106.5.3. Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 90 percent (90%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Building Official may authorize refunding of not more than 90 percent (90%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(Ord. 3-2005 § 3).

14.20.040 Penalties.

Penalties for the violation of the terms of this chapter are as set forth in GMC 4.20.010. (Ord. 3-2005 § 3).

14.20.050 Appeal.

Chapter 2.80 GMC sets forth the appeal procedures. (Ord. 3-2005 § 3).

Chapter 14.30**FIRE CODE**

Sections:

- 14.30.010 Short title.
- 14.30.020 Adoption.
- 14.30.030 Amendments.
- 14.30.040 Penalties.
- 14.30.050 Appeal.

14.30.010 Short title.

This chapter shall be cited as the “city of Gunnison fire code.” (Ord. 3-2005 § 4).

14.30.020 Adoption.

The city of Gunnison hereby adopts by reference the International Fire Code, 2003 Edition, including Appendix Chapters B and C, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; and providing for the issuance of permits and collection of fees therefor. Said code is published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, 22041-3401. (Ord. 3-2005 § 4).

14.30.030 Amendments.

The following amendments to the foregoing code are hereby adopted:

INTERNATIONAL FIRE CODE

CHAPTER 1

ADMINISTRATION

Section 101.1 is hereby amended to read as follows:

101.1. Title. These regulations shall be known as the “City of Gunnison’s Fire Code” and may be cited as such and will be referred to herein as “this Code.”

Section 108.1 is hereby amended to read as follows:

108.1. Board of Appeals. Chapter 2, Article 8, entitled “Building Board of Appeals” of the City Code of the City of Gunnison sets forth the appeals procedure.

Section 109.3 is hereby amended to read as follows:

109.3. Violation – Penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certified use under the provisions of this Code, shall be liable for such violation. Penalties for violation of the terms of this chapter are as set forth in Chapter 4.20 GMC.

Section 111.4 is hereby amended to read as follows:

111.4. Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation

or unsafe condition, shall be liable for such violation. Penalties for violation of the terms of this chapter are set forth in Chapter 4.20 GMC.

CHAPTER 2

DEFINITION

The definition of the Fire Code Official contained in Section 202 is hereby amended to read as follows:

Fire Code Official. The Fire Marshal.

CHAPTER 6

BUILDING SERVICES AND SYSTEMS

Section 605.3 is hereby amended by the addition of Section 605.3.2, to read as follows:

605.3.2. Outside Disconnect Device. All electrical services inside the corporate boundaries of the City of Gunnison, Colorado, shall be equipped with an outside moisture resistant service disconnect device, adjacent to and following the meter, so situated as to be readily accessible and easily operable by fire personnel or for other emergency uses.

CHAPTER 8

INTERIOR FINISH, DECORATIVE MATERIALS, AND FURNISHINGS

Section 804.1.1 is hereby amended to read as follows:

804.1.1. Restricted Occupancies. Natural cut trees shall be prohibited in Group E, I-1, I-2, I-3, and I-4 occupancies.

CHAPTER 14

FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

Section 1417.1 is hereby deleted.

CHAPTER 32

CRYOGENIC FLUIDS

The second paragraph of Section 3204.3.1.1 is hereby amended to read as follows:

The storage of flammable cryogenic fluids in permanent outside above ground containers is prohibited in all zoned districts within the City of Gunnison except within (I) industrial zoned districts as a conditional use.

CHAPTER 34

FLAMMABLE AND COMBUSTIBLE LIQUIDS

Section 3404.2.9.5.1 is hereby amended to read as follows:

3404.2.9.5.1. Location Where Above-Ground Tanks Are Prohibited. The storage of Class I and Class II combustible and flammable liquids in permanent outside above-ground tanks is prohibited in all zoned districts within the City of Gunnison, Colorado, except within (I) industrial zoned districts as a conditional use.

Exceptions:

(1) Existing outside above-ground fuel oil tanks used for heating may remain in any zoned district within the City of Gunnison, Colorado, if the capacity or aggregate capacity does not exceed 500 gallons.

(2) Bulk plants may be located in the (I) industrial zoned districts within the City of Gunnison, Colorado, as a conditional use.

Section 3406.2.4.4 is hereby amended to read as follows:

3406.2.4.4. Location Where Above-Ground Tanks Are Prohibited. The storage of Class I and Class II combustible and flammable liquids in permanent outside above-ground tanks is prohibited in all zoned districts within the City of Gunnison, Colorado, except within (I) industrial zoned districts as a conditional use.

Exceptions:

(1) Existing outside above-ground fuel oil tanks used for heating may remain in any zoned district within the City of Gunnison, Colorado, if the capacity or aggregate capacity does not exceed 500 gallons.

(2) Bulk plants may be located in the (I) industrial zoned districts within the City of Gunnison, Colorado, as a conditional use.

CHAPTER 38

LIQUID PETROLEUM GASES

Section 3804.2 is hereby amended to read as follows:

3804.2. Maximum Capacity Within Established Limits. The storage of liquified petroleum gas in permanent outside containers in excess of 2,000 gallons, water capacity, at any one installation is prohibited in all zoned districts within the City of Gunnison, Colorado.

Exception: Bulk plants or plants of similar nature may be located in the (I) Industrial zone districts as a conditional use.

(Ord. 3-2005 § 4).

14.30.040 Penalties.

Penalties for the violation of the terms of this chapter are as set forth in GMC 4.20.010. (Ord. 3-2005 § 4).

14.30.050 Appeal.

Chapter 2.80 GMC sets forth the appeal procedures. (Ord. 3-2005 § 4).

Chapter 14.40

PROPERTY MAINTENANCE CODE

Sections:

- 14.40.010 Short title.
- 14.40.020 Adoption.
- 14.40.030 Amendments.
- 14.40.040 Penalties.
- 14.40.050 Appeal.

14.40.010 Short title.

This chapter may be cited as the “property maintenance code.” (Ord. 3-2005 § 5).

14.40.020 Adoption.

The city of Gunnison hereby adopts by reference the International Property Maintenance Code, 2003 Edition, regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the 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; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and providing for the issuance of permits and collection of fees therefor. Said code is published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, 22041-3401. (Ord. 3-2005 § 5).

14.40.030 Amendments.

The following amendments to the foregoing code are hereby adopted:

INTERNATIONAL PROPERTY MAINTENANCE CODE

CHAPTER 1

ADMINISTRATION

Section 101.1 is hereby amended to read as follows:

Section 101.1. Title. These regulations shall be known as the “Property Maintenance Code of the City of Gunnison,” hereinafter referred to as “this Code.”

Section 103.5 is hereby amended to read as follows:

Section 103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be assessed based on an hourly charge as set forth in Table 1A (minimum charge one hour) or the total actual cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

CHAPTER 3

GENERAL REQUIREMENTS

Section 304.14 is hereby amended by the addition of the following dates in the spaces provided:

May 1 to October 15.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

Section 602.3 is hereby amended by the addition of the following dates in the spaces provided:

January 1 to December 31.

Section 602.4 is hereby amended by the addition of the following dates in the spaces provided:

January 1 to December 31.

(Ord. 3-2005 § 5).

14.40.040 Penalties.

Penalties for the violation of the terms of this chapter are as set forth in GMC 4.20.010. (Ord. 3-2005 § 5).

14.40.050 Appeal.

Chapter 2.80 GMC sets forth the appeal procedures. (Ord. 3-2005 § 5).

Chapter 14.50

UNIFORM HOUSING CODE

(Repealed by 3-2005)

Chapter 14.60**FLOOD DAMAGE PREVENTION REGULATIONS**

Sections:

- 14.60.010 Statutory authorization.
- 14.60.020 Findings of fact.
- 14.60.030 Statement of purpose.
- 14.60.040 Methods of reducing flood losses.
- 14.60.050 Definitions.
- 14.60.060 Lands to which this chapter applies.
- 14.60.070 Basis for establishing the areas of special flood hazard.
- 14.60.080 Compliance.
- 14.60.090 Abrogation and greater restriction.
- 14.60.100 Interpretation.
- 14.60.110 Warning and disclaimer of liability.
- 14.60.120 Development permit.
- 14.60.130 Designation of the building official.
- 14.60.140 Duties and responsibilities of the building official.
- 14.60.150 Variance procedure.
- 14.60.160 General standards.
- 14.60.170 Specific standards.
- 14.60.180 Floodways.
- 14.60.190 Penalty.

14.60.010 Statutory authorization.

The Legislature of the state of Colorado has, in Section 31-23-101, C.R.S., delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. 9-2000 § 1; Code 1997 § 14-6-1).

14.60.020 Findings of fact.

- A. The flood hazard areas of the city of Gunnison are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 9-2000 § 1; Code 1997 § 14-6-2).

14.60.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;

- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 9-2000 § 1; Code 1997 § 14-6-3).

14.60.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 9-2000 § 1; Code 1997 § 14-6-4).

14.60.050 Definitions.

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

- A. "Appeal" means a request for a review of the building official's interpretation of any provisions of this chapter or a request for a variance.
- B. "Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.
- C. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
- D. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- E. "Duct system" means all ducts, duct fittings, plenums, and fans assembled to form a continuous passageway for the distribution of air.
- F. "Existing manufactured home park or subdivision" means a manufactured home park 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) are completed before the effective date of the ordinance codified in this chapter.

- G. “Expansion to 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 to the pouring of concrete pads).
- H. “Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters; and/or
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- I. “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.
- J. “Flood insurance study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary – floodway map, and the water surface elevation of the base flood.
- K. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- L. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.
- M. “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”
- N. “New construction” means structures for which the “start of construction” commenced on or after the effective date of the original ordinance codified in this chapter, and includes any subsequent improvements to such structures.
- O. “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 these floodplain management regulations.
- P. “Recreational vehicle” means a vehicle which is:
1. Built on a single chassis;
 2. Four hundred square feet or less when measured at the largest horizontal projections;
 3. Designed to be self-propelled or permanently towable by a light duty truck; and
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

- Q. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means 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 a 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.
- R. "Structure" means a walled or roofed building or manufactured home that is principally above ground.
- S. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- T. "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 the "start of construction" of the improvement. This term 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 to assure safe living 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."
- U. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 1-2004 § 1; Ord. 9-2000 § 1; Code 1997 § 14-6-5).

14.60.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city of Gunnison. (Ord. 9-2000 § 1; Code 1997 § 14-6-6).

14.60.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the city of Gunnison, Gunnison County, Colorado," dated November 16, 1982, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and FIRM are on file at the city of Gunnison, Building Department, 201 W. Virginia Ave., Gunnison, CO 81230. (Ord. 9-2000 § 1; Code 1997 § 14-6-7).

14.60.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 9-2000 § 1; Code 1997 § 14-6-8).

14.60.090 Abrogation and greater restriction.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 9-2000 § 1; Code 1997 § 14-6-9).

14.60.100 Interpretation.

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

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 9-2000 § 1; Code 1997 § 14-6-10).

14.60.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Gunnison, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 9-2000 § 1; Code 1997 § 14-6-11).

14.60.120 Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in GMC 14.60.070. Application for a development permit shall be made on forms furnished by the building official and may include, but not be limited to:

- A. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.
- B. Where base flood elevations are utilized, all new construction, substantial improvements and other development must comply with the requirements of GMC 14.60.140(B), Use of Other Base Flood Data. (Ord. 9-2000 § 1; Code 1997 § 14-6-12).

14.60.130 Designation of the building official.

The building official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 9-2000 § 1; Code 1997 § 14-6-13).

14.60.140 Duties and responsibilities of the building official.

Duties of the building official shall include, but not be limited to:

- A. Permit Review.
 - 1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - 2. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of GMC 14.60.180(A) are met.
- B. Use of Other Base Flood Data. When base flood data has not been provided in accordance with GMC 14.60.070, Basis for establishing the areas of special flood hazard, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source. Where base flood elevation data are utilized, all new construction, substantial improvements, or other development in Zone A are administered in accordance with subsection (C) of this section, Information to Be Obtained and Maintained, and GMC 14.60.170, Specific standards.
- C. Information to Be Obtained and Maintained.
1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
 - b. Maintain the floodproofing certifications required in GMC 14.60.170(B)(3).
 3. Maintain for public inspection all records pertaining to the provisions of this chapter.
- D. Alteration of Watercourses.
1. Notify adjacent communities, the District 10 regional planning commission and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in GMC 14.60.150. (Ord. 9-2000 § 1; Code 1997 § 14-6-14).

14.60.150 Variance procedure.

A. Appeal Board.

1. The zoning board of adjustments and appeals (ZBOA), as established by the city of Gunnison, shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. The ZBOA shall hear and decide appeals when it is alleged there is an error in any requirement, decisions, or determination made by the building official in the enforcement or administration of this chapter.
3. Those aggrieved by the decision of the ZBOA, or any taxpayer, may appeal such decisions to the district court, as provided by law.

4. In passing upon such applications, the ZBOA shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
5. Upon consideration of the factors of subsection (A)(4) of this section and the purposes of this chapter, the ZBOA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
6. The building official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

B. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (A)(4)(a) through (A)(4)(k) of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justifications required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicants; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. (Ord. 9-2000 § 1; Code 1997 § 14-6-15).

14.60.160 General standards.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. 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. Specific requirements may be:
 - a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
 - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
 - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - d. Any additions to the manufactured home be similarly anchored.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction and 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.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less). (Ord. 9-2000 § 1; Code 1997 § 14-6-16).

14.60.170 Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in GMC 14.60.070, Basis for establishing the areas of special flood hazard, or GMC 14.60.140(B), Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) and all of the duct system elevated to one foot or more above the base flood elevation.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) and all of the duct system elevated to one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions

of this subsection. Such certifications shall be provided to the building official as set forth in GMC 14.60.140(C).

C. Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that 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 professional engineer or architect or must meet or exceed the following minimum criteria:

1. 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;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

D. Manufactured Homes.

1. Manufactured homes shall be anchored in accordance with GMC 14.60.160(A)(2).
2. All manufactured homes or those to be substantially improved shall conform to the following requirements:

a. Require that manufactured homes that are placed or substantially improved on a site:

- i. Outside of a manufactured home park or subdivision;
- ii. In a new manufactured home park or subdivision;
- iii. In an expansion to an existing manufactured home park or subdivision; or
- iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood;

be elevated on a permanent foundation such that the lowest floor of the manufactured home and all of the duct system is elevated to one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in subsection (D)(2)(a) of this section be elevated so that either:

- i. The lowest floor of the manufactured home is at or above the base flood elevation; or
- ii. The manufactured home chassis is supported by reinforced piers or other foundation elements 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.

E. Recreational Vehicles.

1. Require that recreational vehicles either:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use; or
- c. Meet the permit requirements and elevation and anchoring requirements for manufactured homes. (Ord. 1-2004 §§ 2, 3, 4; Ord. 9-2000 § 1; Code 1997 § 14-6-17).

14.60.180 Floodways.

Located within areas of special flood hazard established in GMC 14.60.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of GMC 14.60.160, General standards, and GMC 14.60.170, Specific standards. (Ord. 9-2000 § 1; Code 1997 § 14-6-18).

14.60.190 Penalty.

Any person, firm, or corporation violating any provision of this chapter shall be fined or imprisoned in accordance with GMC 4.20.010, and a separate offense shall be deemed committed on each day a violation occurs or continues. (Ord. 9-2000 § 1; Code 1997 § 14-6-19).