

## THIRTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 10, 2020 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chairperson Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Dwayne McFall	Commissioner	Present
Tim Payne	Commissioner	Present
Justin Grantham	Clerk & Recorder	Absent
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Tammy Childs	Assistant County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

### INVOCATION

None.

### PLEDGE OF ALLEGIANCE

Those present cited the Pledge of Allegiance to the flag of the United States of America.

### APPROVAL OF AGENDA

**Commissioner McFall** moved to approve the Agenda, with the change to remove the County Clerk's Monthly Report from Staff and Elected Officials under Administrative/Informational. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

### CONSENT AGENDA

1. Approval of Minutes / October 27, 2020
2. Approval of Bills for \$2,967,533.23
3. Ratification for Chairman's signature on a Fremont County Single Family Owner Occupied Grant Agreement for Upper Arkansas Council of Governments
4. Approval of agreement with Reilly Johnson Architecture for Architecture/Engineering Services for the Fremont County Courthouse 2<sup>nd</sup> Floor Courtroom Remodel
5. Schedule Public Hearing: December 8, 2020 at 10:00 a.m.
  - a. Request: SRU 20-008 Central Colorado Concrete  
Requesting approval of a Special Review Use, Department File # SRU 20-008 Central Concrete for a Contractor's yard for a concrete business. The proposal includes a shop and outside storage area. The .56-acre site is located off of Maple Lane, North of Walmart and is within the Business Zone District.
  - b. Request: CUP 02-003 Ranch Land Rock Pit #1 Major Modification  
Requesting approval of a Major Modification of CUP 20-003 Ranch Land #1 Major Modification to add a section of ground to the existing permit boundary for the purpose of exploration. The site is located south of State Highway 120 and borders the Pueblo County Line.



**Commissioner Payne** moved to approve the Consent Agenda. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

### **ADMINISTRATIVE/INFORMATIONAL**

#### 1. Staff / Elected Officials:

**Commissioner Bell** explained that there are already some staff being quarantined for COVID-19 out an abundance of caution. She said that the State has forced the County to move into the yellow zone, which will allow restaurants and businesses to remain open at 50% capacity. They having an upcoming review with CDPHE in 10-14 days, and were advised that it may drop from yellow all the way to red. Red will close businesses and orange will reduce capacity to 25%. **Commissioner Bell** urged every citizen to do their very best to stay home, wear masks, and keep everyone safe.

**Commissioner McFall** reminded everyone that the building would be closed tomorrow, November 11<sup>th</sup>, in observance of Veteran's Day. He also thanked all Veterans for their service.

**Commissioner Payne** wanted to let everyone know that there is a new float trail on the Recreation District property that will be opening soon.

#### 2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda

None.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

#### 1. Resolution #58 to Suspend Fire Restrictions Representative: Allen Cooper, Fremont County Sheriff

**Sheriff Cooper** said he would like to lift the current fire restrictions, even though weather conditions are not ideal. He urged residents to continue to practice good fire safety.

**Commissioner McFall** moved to approve Resolution #58. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

#### 2. Appeal of denial of Cares Act Grant submittal for Main Street Fitness Representative: Michelle Miller

**Michelle Miller** explained that due to the rules of Fremont County during the COVID Pandemic, she had to sell her other business and had major hardship, including bankruptcy. She was able to change her business from Snap Fitness to Main Street Fitness, getting rid of the expensive franchise fees. She stated she has not received assistance from anyone else and is cleaning homes to keep afloat. She has lost 75 members since the start of the pandemic. The roof on her building also collapsed during the last snow storm.

**Commissioner Bell** said that one of the requirements for the grant is to be registered with the Colorado Secretary of State's Office and be in good standing. She said upon a search, Main Street Fitness 24/7 LLC is not in good standing, being noncompliant with a failure to file a periodic report and will become delinquent as on November 30, 2020.



**Michelle Miller** said she was not aware of the situation, her business manager used to handle all of that.

**Commissioner McFall** said that they are trying to help as many businesses as possible. He said they are also trying to return businesses to profitability, but her business was not profitable even before the COVID Pandemic.

**Michelle Miller** said that there were unforeseen issues with the building, and that she would use the funds for marketing and rehire the staff she had to let go.

**Commissioner McFall** asked if the equipment from the gym was included in the bankruptcy.

**Michelle Miller** said that it was, but she had equipment from her other gym in storage, from the other gym that she had sold prior.

**Commissioner Payne** asked County Attorney Jackson that if the criteria for the grant comes from the Federal government.

**County Attorney Jackson** said they are based on the Treasury guidelines and then are modified to fit Fremont County.

**Commissioner Bell** said that another criteria is that the business must have been operating continuously since March 26, 2019. She said that Ms. Miller was not the sole owner of the business at the time of the bankruptcy in May of 2019, and there was no mention of Main Street Fitness in the petition of the bankruptcy and that the business did not exist. She said that Main Street Fitness was formed with the Secretary of State's Office on July 9, 2019.

**Michelle Miller** said she didn't file with the Secretary of State's Office earlier, because she was unaware she needed to.

**Commissioner Bell** said that 3 of the 7 criteria that are required by the Treasury are not being met by her business. Upon an audit, the County may be at fault and have to pay any money granted back.

**Commissioner Payne** moved to uphold the original decision of County Manager Sunny Bryant, denying the CARES Grant Act request for Main Street Fitness. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

3. Award bid for the Pathfinder Park Community Center Project  
Representative: Sunny Bryant, County Manager

**County Manager Bryant** said that 3 bids were submitted, the lowest bid was from Farrington Construction for \$2,805,041.00. They were able to reduce some different fees in various areas, from the original bid by \$167,000.00, and added some add alternates totaling \$815,287.00. Her recommendation is to award the bid to Farrington Construction as outlined. She said that the County has a \$1,000,000.00 grant from DOLA, \$700,000.00 allocated from Conservation Trust Funds, the 4-H Foundation is contributing \$500,000.00, and the County has a Sales and Use Tax Fund that would make up any difference needed.

**Commissioner McFall** moved to approve the bid to Farrington Construction, not to exceed \$3,453,328.00. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

4. Resolution adopting the 2018 International Fire Code as adopted by the Cañon City Area Fire Protection District  
Representative: Brenda Jackson, Attorney



**County Attorney Jackson** explained that while the fire protection district has the authority to adopt and enforce the 2018 International Fire Code, by statute they do not have the jurisdictional limits within a municipality or county that has not approved the district's enforcement of the code within their boundaries. This resolution is to approve the code for the protection district to enforce within their boundaries in the unincorporated areas of Fremont County.

**Commissioner Payne** moved to approve Resolution #61. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

5. Agreement regarding augmentation of Fremont County Department of Transportation depletions with the Upper Arkansas Water Conservancy District  
Representative: Brenda Jackson, Attorney

**County Attorney Jackson** said that this would be a cooperative agreement between the County and the Upper Arkansas Water Conservancy District. They will be doing an exchange and conversion of the water that the County owns in the form of ditch shares in order to get water for the Fremont County Department of Transportation for road use from the Arkansas River. It also allows the County to move toward permanent water rights by 2023.

**Commissioner Payne** moved to approve the agreement. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

### **PUBLIC HEARINGS**

1. CUP 98-008 Spotted Burro Pit Major Modification  
Requesting approval of a Major Modification of CUP 98-008 Spotted Burro to add 33.6 acres of area for a gravel pit operation. The properties are located off of County Road 123, East of County Road 67 and are within the Agriculture Forestry Zone District. (Resolution #59)  
Representative: Kenneth Klco

**Rebecka Kagan**, the owner of the Spotted Burro Pit, explained that they are running out of material. She purchased the parcel of land next to hers in order to expand the current pit to the east. She said another neighbor wanted to be included, so 6 acres of his property are also included. She said they have State approval, pending their bond.

**Commissioner Bell** opened the Public Hearing.

**Planning and Zoning Director Garrett** said that the application is in order. There are 2 contingency items, minor changes to the site plan and a copy of the Mining and Reclamation Permit. There are 2 waiver requests, hard surfacing for the parking area and the landscaping of the parking area. The department has no concerns and recommends approval with the waiver requests. He said that they will be required, as agreed upon by Fremont County Department of Transportation, to report and pay .20 cents per ton removed from the site monthly.

There were no comments from the public.

**Commissioner Bell** closed the Public Hearing.

**Rebecka Kagan** explained that as they go, when they get off the old ground, it gets reclaimed. She said that if approved, the new ground would allow them to do even more. She said hours and day of operation remain the same and no additional parking spaces are needed.





**Commissioner Payne** moved to approve Resolution #59 with the 2 contingency items and 2 waiver requests. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

2. Adoption of the 2018 International Building Code  
Representative: Wyatt Sanders, Building Official

**Building Official Wyatt Sanders** said that for the last 12 years, Fremont County has been enforcing the 2006 International Building Code. He is purposing to adopt the 2018 International Building Code, the International Residential Code, and the International Energy Conservation Code, along with the amendments, additions, and deletions as referenced in the exhibits, some of which he read out loud.

**Commissioner Bell** opened the Public Hearing.

There were no comments from the public.

**Commissioner Bell** closed the Public Hearing.

**Building Official Sanders** said that they have not been in contact with the City of Florence, but that they are working closely with the City of Canon City, trying to keep things uniform, with the exception that the City of Canon City has a Mechanical Code. All of this would take effect on January 1, 2021.

**Commissioner McFall** moved to approve Resolution #60. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

3. Proposed 2021 Fremont County Budget  
Representative: Sunny Bryant, County Manager

**Commissioner Bell** opened the Public Hearing.

**County Manager Bryant** gave the presentation for the Proposed 2021 Fremont County Budget, which can be found on the County's website, [www.fremontco.com](http://www.fremontco.com).

There were no comments from the public.

**Commissioner Bell** closed the Public Hearing.

**Commissioner Bell** explained that this is a no action item. The Board will take action on this item in December.

**Commissioner Bell** adjourned the meeting.

  
Clerk to the Board of County Commissioners



County of Tarrant, Texas, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County of Tarrant, Texas, and that the same is a true and correct copy of the original as the same appears in the records of the County of Tarrant, Texas.

Attest: This 15th day of January, 1907.

County Clerk of Tarrant County, Texas

Notary Public for Tarrant County, Texas

My commission expires on the 15th day of January, 1907.

Notary Public for Tarrant County, Texas

Attest: This 15th day of January, 1907.

County Clerk of Tarrant County, Texas

Notary Public for Tarrant County, Texas

My commission expires on the 15th day of January, 1907.

County Clerk of Tarrant County, Texas

Notary Public for Tarrant County, Texas

My commission expires on the 15th day of January, 1907.

County Clerk of Tarrant County, Texas

Notary Public for Tarrant County, Texas

My commission expires on the 15th day of January, 1907.



**RESOLUTION NO. SB SERIES OF 2020**  
**A RESOLUTION SUSPENDING THE FIRE RESTRICTIONS (FIRE BAN) FOR**  
**FREMONT COUNTY PURSUANT TO ORDINANCE NO. 2012-1**

**WHEREAS**, on June 26, 2012, Fremont County adopted Ordinance number 1, Series of 2012, which imposes county-wide fire restrictions in Fremont County; and

**WHEREAS**, Section 10 of the language of the Fire Ban Ordinance allows for the Board of Commissioners to temporarily suspend the Fire Ban if conditions and circumstances warrant such a suspension; and

**WHEREAS**, Sheriff Allen Cooper, in his capacity as fire warden for Fremont County in accordance with §30-10-512, C.R.S., has consulted with other entities sharing jurisdiction concerning fires within the county, has assessed the fire danger for Fremont County and has concluded that the Ordinance imposing Fire Restrictions may be temporarily suspended at this time; and

**WHEREAS**, the Sheriff of Fremont County has requested that the Board of Commissioners adopt a resolution that suspends the Fire Restriction Ordinance and the Commissioners hereby defer to his request.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FREMONT COUNTY**, that Fremont County Ordinance Number 2012-1, restricting open fires and open burning in the unincorporated areas of Fremont County, shall be temporarily suspended in accordance with Section 10 of said Ordinance. This suspension shall be effective as of **10:00 a.m. on November 10, 2020**. The Board of County Commissioners and the Sheriff of Fremont County strongly encourage residents of Fremont County, and visitors to Fremont County, to continue exercise great caution with fires and sources that contribute to the fire danger to keep Fremont County safe from wild fires.

Commissioner McFall moved for adoption of this Resolution, with a second by Commissioner Payne. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: 10 November, 2020

ATTEST:

Debbie Bell  
Chairman

[Signature]  
Clerk to the Board





**RESOLUTION NO. 59**  
**Series of 2020**

**RESOLUTION FOR CONDITIONAL USE PERMIT - FILE NUMBER CUP 98-008 SPOTTED BURRO PIT MAJOR MODIFICATION**

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board")

THAT WHEREAS, Andy and Rebecca Kagan, (hereafter "Applicants") have made application for a major modification of an existing Conditional Use Permit CUP 98-008 pursuant to 8.2 of the Zoning Resolution of Fremont County to add 33.6 acres of area for a gravel pit operation. Said application has been designated as file **#CUP 98-008 Spotted Burro Pit Major Modification**;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **October 6, 2020**, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing, telephone number of the Department of Planning and Zoning (hereafter "Department") and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel; and to appropriate agencies, in accordance with regulations; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on **November 10, 2020**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the county's file concerning the application; and

WHEREAS, it appears that the issuance of a Conditional Use Permit is appropriate;

NOW THEREFORE, BE IT RESOLVED by the Board that:

1. The Board did make the following findings with respect to the application for a Conditional Use Permit as follows:
  - a) The procedural requirements of 8.2 of the Fremont County Zoning Resolution have been met.



- b) The location of the proposed use is compatible with other land uses in the area and does not place an undue burden on existing transportation, utilities, and service facilities in the vicinity, except as otherwise noted in these findings.
  - c) The site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.
  - d) The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.
  - e) The proposed use, if it complies with all conditions on which this approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the county, and will not cause significant air, water, noise or other pollution.
2. A Conditional Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions:
- A. The term of the Conditional Use Permit shall be for Life of Use.
  - B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations.
  - C. Applicants shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.
  - D. Applicants shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments, and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.
  - E. Applicants shall obtain and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
  - F. The applicant shall provide the Fremont County Department of Planning and Zoning with copies of any technical revisions to its Mined Land Reclamation permit, and with any copies of any and all other permits, which may be required by any governmental agency.
  - G. All loads of material transported from the site shall comply with applicable Colorado Revised Statutes.
  - H. Hours and days of operation shall be limited from Sunrise to Sunset Monday through Saturday.





- I. If a conditional use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to, or does temporarily cease the conditional use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department prior to the expiration of the six (6) month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board.
- J. If a Conditional Use Permit is to be transferred, it shall comply with all applicable Federal, State and Local regulations regarding such transfer.
- K. The applicant shall provide documentation indicating the total amount of material removed from the site and shall pay .20 per ton removed to the Fremont County Department of Transportation monthly. The per ton fee shall be evaluated every two (2) years and shall not increase more than ten (10) percent at any time.
- L. When the holder hauling is in excess of ten (10) trucks per day for more than ten (10) consecutive working days or fifteen (15) days per month, and it is determined that a dust suppressant is required by the Planning Department, such dust suppressant will be applied by the County and purchased by the holder. Holder shall notify the Planning Department when hauling is to exceed the above described rates. This is subject to annual review by the Board of County Commissioners for modification if unanticipated changes in scope of operation occur or there is damage to the road.
- M. Fremont County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant, at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.
- N. Approval of the access location exiting the gravel pit, by the County Road Forman. The location shall not interfere with the driveway across the street.
- O. The haul route will be from the property, West on County Road 123 to County Road 67, and then South on County Road 67 to US Highway 50. Customer Deliveries will be permitted to the area East of the pit on County Road 123 and West of Highway 115.

**WAIVER REQUESTS:** Waivers of the following have been requested and granted:

5.3.2 Surfacing: Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface unless waived by the Board. If asphalt or concrete, spaces shall



be clearly marked. Curbs or barriers shall be installed to prevent parking vehicles from extending over any lot lines.

5.3.4 Landscaping: All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

**CONTINGENCY ITEMS TO BE COMPLETED PRIOR TO COMMENCING OPERATIONS:**

1. Minor revisions to the site plan.
2. Copy of the DRMS permit.

Commissioner Payne moved the adoption of the foregoing Resolution, seconded by Commissioner McFall and approved by roll call vote as follows:

Mrs. Commissioner Bell:  Aye / Nay / Abstain / Absent

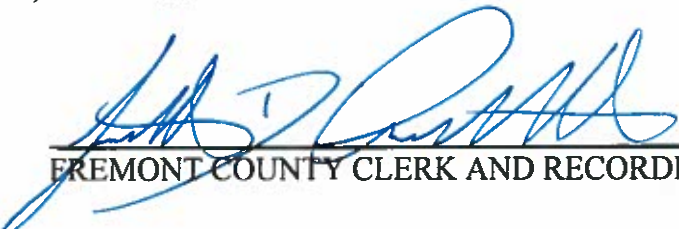
Mr. Commissioner Payne:  Aye / Nay / Abstain / Absent

Mr. Commissioner McFall:  Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: November 10, 2020

  
\_\_\_\_\_  
CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:   
\_\_\_\_\_  
FREMONT COUNTY CLERK AND RECORDER





RESOLUTION NO. 60, SERIES OF 2020

**A RESOLUTION ADOPTING THE INTERNATIONAL BUILDING CODE,  
INTERNATIONAL RESIDENTIAL CODE AND THE INTERNATIONAL ENERGY  
CONSERVATION CODE, 2018 EDITIONS AS THE BUILDING CODE OF FREMONT  
COUNTY EFFECTIVE JANUARY 1, 2021**

WHEREAS, the Board of County Commissioners for Fremont County, pursuant to §30-28-201, C.R.S., is authorized to adopt a building code for the unincorporated portions of Fremont County; and

WHEREAS, the Building Official for Fremont County has recommended adoption of the 2018 International Building Code, the 2018 International Residential Code and the 2018 International Energy Conservation Code; and

WHEREAS, the 2006 International Building Code, the 2006 Residential Code and the 2006 International Energy Conservation Code are currently in effect for Fremont County and the Board agrees that a newer code should be adopted to govern building standards for Fremont County; and

WHEREAS, the Building Official for Fremont County has made recommendation for certain amendments, additions and deletions to the 2018 International Building Code, the 2018 International Residential Code and the 2018 International Energy Conservation Code, attached hereto as Exhibits A and B; and incorporated herein by reference; and

WHEREAS, a public hearing was held before the Board of County Commissioners of Fremont County on November 10, 2020, after notice of the same was published in a newspaper of general circulation in the county at least fourteen days prior to said hearing; and

WHEREAS, the Board of County Commissioners finds that such Building Code should be adopted and enforced in the unincorporated area of Fremont County that are not embraced within the limits of any incorporated city or town; and

WHEREAS, the Board of County Commissioners of Fremont County hereby finds that the provisions of the 2018 edition of the International Building Code, the 2018 edition of the International Residential Code and the 2018 edition of the International Energy Conservation code, together with the amendments, additions and deletions to the same, attached hereto as Exhibits A and B take into consideration the public health, safety, morals and general welfare; and the safety, protection and sanitation of dwellings, buildings and structures within the county.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fremont County that the 2018 edition of the International Building Code, the 2018 edition of the International Residential Code and the 2018 edition of the International Energy Conservation Code, together with the amendments, additions and deletions to the 2018 International Building Code, the 2018 International Residential Code and the 2018 International Energy Conservation



Code, attached hereto as Exhibits A and B are hereby adopted and approved to be the official building codes for unincorporated areas of Fremont County.

BE IT FURTHER RESOLVED that the 2006 International Building Code, the 2006 International Residential Code and the 2006 International Energy Conservation Code presently in effect for Fremont County is hereby repealed and shall have no further binding effect in Fremont County as of the effective date of this Resolution.

BE IT FINALLY RESOLVED that the 2018 International Building Code, the 2018 International Residential Code and the 2018 International Energy Conservation Code, together with those amendments, additions and deletions set forth in Exhibits A and B attached hereto, shall become effective the FIRST DAY OF JANUARY, 2021, and shall remain in full force and effect thereafter, except as may be modified from time to time by formal action of the Board of Commissioners of Fremont County.

Commissioner McFall moved the adoption of the foregoing Resolution with a Second by Commissioner Payne.

Commissioner Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Commissioner Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Commissioner McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date 10 November, 2020

Chairman Delores Bell

Attest [Signature]  
Clerk







## EXHIBIT A

### **I. TITLE, AUTHORITY & TEXT OF BUILDING CODE**

The *International Building Code*, 2018 Edition, hereinafter to be known as the Building Code of Fremont County, is adopted pursuant to the authority granted at C.R.S. 30-28-201. The text of the Building Code of Fremont County shall consist of the *International Building Code*, the *International Residential Code* and the *International Energy Conservation Code*, 2018 Editions, published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60478-5795; including the errata sheets accompanying said *International Building Code*, *International Residential Code* and *International Energy Conservation Code* (all of which is hereinafter referred to as "The Building Code Of Fremont County") all to have the same force and effect as if set forth herein in every particular, for Commercial, industrial, residential and accessory structures construction, alteration, movement, enlargement, replacement, repair, use and occupancy, removal and demolition within the entire unincorporated portion of Fremont County, Colorado and Providing for the issuance of building permits and inspections except as said *International Building Code*, *International Residential Code*, and *International Energy Conservation Code* are modified by Section III hereunder, which exceptions will also constitute the text of the Building Code of Fremont County.

### **II. REPEAL**

The previously adopted Resolution No. 40, Series of 2008 and Resolution 37, Series of 2014 are hereby repealed in the entirety.

### **III. AMENDMENTS, ADDITIONS & DELETIONS**

#### **A) International Building Code**

**Section 101.1** is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Building Code of Fremont County, Colorado*, hereinafter referred to as "this code."

**Section 101.4 and subsections 101.4.1 through 101.4.7** are hereby deleted in their entirety and the following section and subsections are substituted therefore:

**101.4 Reference codes.** The other codes listed in sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered to be part of the requirements of this to the prescribed extent of each such reference.

**101.4.1 Electrical.** All provisions of this code that reference the *International Electrical Code* shall be interpreted as a reference to the corresponding provisions in the versions or editions of the electrical code that is currently adopted and enforced by the Colorado State Electrical Board, including any subsequent versions which may be adopted by the State of Colorado after the date of this resolution.

**101.4.2 Gas.** All provisions of this code that reference the *International Fuel Gas Code* shall be interpreted as a reference to the corresponding provisions in the versions or editions of the gas code that are currently adopted and enforced by the Colorado State Board of Examining Plumbers, including any subsequent versions which be adopted by the State of Colorado after the date of this resolution.

**101.4.3 Mechanical.** Provisions of the *International Mechanical Code* which cross over to this code, and specific provisions in this code which reference mechanical installations, will be enforced as provided in this code.

**101.4.4 Plumbing.** All provisions of this code that reference the *International Plumbing Code* shall be interpreted as a reference to the corresponding provisions in the versions or editions of the plumbing code that are currently adopted and enforced by the Colorado State Board of Examining Plumbers, including any subsequent versions which be adopted by the State of Colorado after the date of this resolution.

**101.4.5 On-Site Wastewater Treatment Systems.** All provisions of this code that reference the *International Private Sewage Disposal Code* shall be interpreted as a reference to the corresponding provision in the *On-Site Wastewater Treatment System Regulations*, adopted by resolution of the Fremont County Board of County Commissioners, in Resolution No. 16, Series of 2019, or such future Resolution as may be approved by the Fremont County Board of County Commissioners.

**101.4.6 Property Maintenance.** All land use regulations governing Fremont County shall be as set forth in the *Fremont County Zoning Resolution*. In the event that there shall be a conflict between the provisions of this code and the *Fremont County Zoning Resolution*, the *Fremont County Zoning Resolution* shall prevail and shall supersede the provisions of this code.

**101.4.7 Fire Prevention.** All provisions of this code which reference the *International Fire Code* shall be interpreted as a reference to the corresponding provision in the fire prevention / protection code adopted and enforced by the fire protection jurisdiction having authority and Fremont County, Colorado.

**101.4.8 Energy.** The provisions of the *International Energy Conservation Code* shall apply to all matters governing the design and construction of buildings for energy efficiency.

**101.4.9 Existing Buildings.** The provisions of the *International Building Code* shall apply to all matters governing the *repair, alteration, change of occupancy, addition* to and relocation of existing buildings.

**Section 103 and subsections 103.1 through 103.3** are hereby deleted in their entirety and the following section and subsections are substituted therefor:

**SECTION 103  
DEPARTMENT OF BUILDING SAFETY**

**103.1 Creation of enforcement agency.** There is hereby established the Fremont County Department of Building and Environmental Health which shall be under the administrative and operational control of the Building Official.

**103.2 Appointment.** The Building Official shall be appointed by the Fremont County Board of County Commissioners.

**103.3 Deputies.** In accordance with the prescribed procedures of Fremont County and with the concurrence of the Board of County Commissioners, the Building Official shall have the authority to appoint technical officers, inspectors, plans examiners and other staff persons. Such persons shall have the powers and authority as delegated by the Building Official.

**Section 104.10.1** is hereby deleted in its entirety and the following section is substituted therefore:

**104.10.1 Flood Hazard Areas.** All development in flood hazard areas shall comply with the *Fremont County Flood Damage Prevention Regulations* as adopted by Resolution of the Fremont County Board of County Commissioners in Resolution No. 38, Series of 2011 and all subsequent amendments, reenactments or revisions of the same. In any case where there is a conflict between the provisions of this code and the provisions of the *Fremont County Flood Damage Prevention Regulations*, the *Fremont County Flood Damage Prevention Regulations* shall prevail and shall supersede the provisions of this code.

**Section 105.2** is hereby deleted in its entirety and the following section is substituted therefore:

**105.2 Work exempt from permit.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of Fremont County, the state of Colorado or the United States of America. *Building Permits* shall not be required for the following:

1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed two hundred (200) square feet.
2. Agricultural buildings and/or structures which are directly associated with agricultural use, and are constructed on property which has received agricultural declaration status through the Fremont County Assessor's Office. Such buildings and /or structures are to be used solely for providing shelter for agricultural implements, farm products, livestock, or poultry and shall not contain mixed uses.  
Prior to the proposed erection, construction, reconstruction, alteration, or remodeling, the owner and/or contractor shall submit application to the building official for review to determine if the building(s) and/or structure(s) fully conform to the regulations and restrictions of the Fremont County Building Code and the Fremont County Zoning Resolution.
3. Solid fences not over seven (7) feet in height and wire or iron fences that are more than fifty percent (50%) open.
4. Oil derricks.
5. Retaining walls that are not over four (4) feet in height measuring from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
6. Water tanks supported directly on grade if the capacity is not greater than five thousand (5000) gallons and the ratio of height to diameter or width is not greater than 2:1.
7. Sidewalks, driveways and platforms not more than thirty (30) inches above the adjacent grade, and not over any basement or *story* below.
8. Decks associated with one- and two-family dwellings not exceeding thirty (30) inches above grade at any point
9. Painting, papering, tiling, carpeting, cabinets, counter tops, trim work and similar finish work.
10. Temporary motion picture, television and theater stage sets and scenery.

11. Prefabricated swimming pools that are entirely installed above ground and in-ground swimming pools which are accessory to a Group R-3 occupancy.
12. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
13. Swings and other playground equipment.
14. Window awnings supported by an exterior wall that do not project more than fifty-four (54) inches from the *exterior wall* and do not require additional support.
15. Nonfixed and moveable fixtures, cases, racks, counters and partitions not over eight (8) feet in height.

**Subsections 105.2.1 and 105.2.2** shall remain as published.

**Section 105.5** is hereby deleted in its entirety and the following section and subsections are substituted therefore:

**105.5 Expiration.** Every *permit* issued by the *Building Official* under the provisions of this code shall expire one year from the date of issuance and become invalid.

- Exceptions:**
1. Demolition permits expire 180 days from issuance date.
  2. Re-roofing permits expire 90 days from issuance date.

**105.5.1 Renewal.** The *building official* is authorized to grant the renewal of any permit for an additional year provided the request comes from the permit holder along with the required renewal fee submitted to the building department prior to the expiration of the active permit. No permit may be renewed more than once.

- Exceptions:**
1. Demolition permits may not be renewed.
  2. Re-roofing permits may not be renewed.
  3. Mobile home placement permits may not be renewed.

**105.5.2 Extended time.** Any project which will not be completed before the end of the renewal period will be eligible for application for a new permit for a fee which is equal to one half the original permit fee. This new permit may be renewed under the provisions section 105.5.1.

**105.5.3 Expired Permit.** Any project which the permit has expired in excess of ninety (90) days will be eligible for application for a new permit for a fee which is equal to half the original permit fee. This new permit may be renewed under the provisions section 105.5.1.

**Section 105.7 Placement of permit** is hereby deleted in its entirety and the following section is substituted therefore:

**105.7 Placement of permit.** The building *permit* or copy shall be kept on the site of the work until the completion of the project. A building *permit* card that is lost, stolen, laminated or damaged is subject to a replacement fee pursuant to the Fremont County Building Department Fee Schedule.

**Subsection 107.1 Submittal Documents** is hereby amended as follows:

**107.1 General.** Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* registered in the State of Colorado and shall include but not be limited to:

- 1.) Site plan as described in section 107.2.6
- 2.) Foundation design including dimensions and reinforcing details
- 3.) Floor plan identifying dimensions, layout and intended use of floor space
- 4.) Construction details of all structural members and their connections
- 5.) Manufacturer's engineered truss design
- 6.) Energy conservation details showing compliance with the *International Energy Conservation Code* or chapter 11 of the International Residential Code
- 7.) Drainage study and report of the property being developed (Commercial and multi-family only)
- 8.) Fire Department Permit (Commercial and multi-family in Cañon City Fire District only).
- 9.) Other required information including but not limited to:
  - A.) Evidence of ownership
  - B.) Evidence of an approved water supply
  - C.) Evidence of Sanitation
  - D.) County road or State highway access inspection
  - E.) Legally issued address
  - F.) Flood elevation certificate (when required)

**Exception:** The building official is authorized to waive the

requirement for construction documents and other data needing to be prepared by a registered design professional if it is found that the nature of the work applied for is such that does not require engineering.

**Subsections 107.1.1 and 701.1.2** are hereby added to read as follows:

**107.1.1 Evidence of water.** Evidence of an approved water supply shall be demonstrated by one of the following:

- 1.) A signed water tap contract from a public water purveyor reflecting the owner's name and subject address.
- 2.) A recent water bill from a public water purveyor reflecting the owner's name and subject address.
- 3.) A "Well construction and test report" completed by a Colorado licensed well driller. The report shall include at a minimum the owner's name and address, the Well permit number, location of the well, well depth, production rate in gallons per minute, driller's license number and the driller's signature.
- 4.) A "Bulk Water/Cistern Letter" provided by the Fremont County Building Department, signed by the property owner and notarized by a legally commissioned Notary Public. The Bulk Water/Cistern System letter will be accepted as evidence of a water supply only on parcels of land which were created prior to June 1<sup>st</sup>, 1972 or on parcels which are thirty five acres or larger and must be accompanied by one of the following:
  - A) A written disapproval of a well application from the Colorado Division of Water Resources, or;
  - B) A Well Construction and Test Report completed as described in item #3 above indicating a dry well drilled to a minimum depth of six hundred feet, or;
  - C) Written statements from two independent Colorado licensed well drillers indicating that history has proven that drilling a successful water well in the specific location is unlikely. The written statements must be signed by the licensed drillers and notarized by a legally commissioned Notary Public.

- 5.) The Building Official is authorized to waive the submission of evidence of water requirements at time of application. Prior to the issuance of a Certificate of Occupancy, evidence of water shall be demonstrated as specified in section 107.1.1.

**107.1.2 Evidence of Sanitation.** Evidence of sanitation shall be demonstrated by one of the following:

- 1) A signed tap contract from a public sanitation provider reflecting the owner's name and subject address.
- 2) A recent sewer bill from a public sanitation provider reflecting the owner's name and subject address.
- 3) An On-Site Wastewater Treatment System (OWTS) permit issued by the Fremont County Building/Environmental Health Department.
- 4) An Existing On-Site Wastewater Treatment System letter provided by the Fremont County Building Department, signed by the property owner and notarized by a legally commissioned Notary Public.

Prior to issuance of a Certificate of Occupancy, the On-Site Wastewater Treatment System must be installed, inspected and approved by the Fremont County Building/Environmental Health Department.

**Section 107.2 through subsection 107.2.5 Construction Documents** shall remain as published.

**Subsection 107.2.6** is hereby amended as follows:

**107.2.6 Site Plan.** The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing the configuration and all dimensions of the property, the size and location of the new construction and existing structures on the site, set back distances from property lines and any existing structures on the property. The location and names of any public or private roads adjacent to the property and an arrow indicating the direction of North. (Driveway access to the property will determine the front of the property and address) In the case of demolition the site plan shall show the construction to be demolished and all the existing structures or construction that are to remain on the site or plot.



The Building Official is authorized to waive or modify the requirement for a site plan when the application is for alteration or repair or when otherwise warranted.

**Section 108.3 Temporary Power** is hereby deleted in its entirety.

**Section 109.2** is hereby amended to read as follows:

**109.2 Schedule of permit fees.** On buildings, structures, additions, alterations or repairs requiring a permit, a fee for each permit shall be paid as required, in accordance with the Fremont County Building Department Fee Schedule as established by Resolution of the Fremont county Board of County Commissioners.

**Section 109.3** is hereby amended to read as follows:

**109.3 Building permit valuations.** Building permit valuations shall include total value work, including material and labor, for which the permit is being issued and shall be determined from the most recent Building Valuation Data as published by the International Code Council on a semi-annual basis.

**Exception:** If evidence is demonstrated that the valuation estimate from the Building Valuation Data does not accurately reflect the valuation of an individual project, then the final building permit valuation shall be set by the building official.

**Section 109.4** is hereby amended to read as follows:

**109.4 Work commencing before permit issuance.** Any person who commences work on a building or structure before obtaining the necessary permits shall be subject to a penalty or additional fee, the amount of which is equal to the required permit fee, and shall be payable in addition to the required permit fee. Civil penalties may also be assessed pursuant to Article 28 of Title 30, Colorado Revised Statutes as amended.

**Section 109.6** is hereby amended to read as follows:

**109.6 Refunds.** The building official will apply to the Fremont County Finance Office for any refund only upon receipt of a written request for refund from the original applicant and not later than ninety (90) days after the date of fee payment. The building official is authorized to deduct from the fee payment any expenses incurred by the building department for administrative cost or plan review time.

**Section 109.7** is hereby added:

**109.7 Re-inspection fee.** Re-inspection fees shall be paid as required in accordance with the Fremont County Building Department Fee Schedule.

**Subsection 110.3.5 Lath, gypsum board inspection** is hereby amended by deleting the Exception.

**Subsection 110.3.11** is hereby amended as follows:

**110.3.11 Final inspection.** The final inspection shall be made after all work required by the building permit is completed and the final inspections from a Colorado State Electrical Inspector and Colorado State Plumbing Inspector have been approved.

**Section 117** is hereby added:

## SECTION 117 CONTRACTOR LICENSING

**117.1 General.** This section shall regulate the rules and procedures for licensing general building contractors and limited trade contractors in the unincorporated portions of Fremont County, Colorado, consistent with §30-11-125 Colorado Revised Statutes, as amended.

**117.2 Definitions.** As used in this section:

- 1) "Board of Appeals" means the Fremont County Building Code Board of Appeals. A Board created pursuant to the International Building Code and appointed by the Board of County Commissioners to hear and decide appeals of orders, decisions or determinations made by the Building Official.
- 2) "Contractor" means any person, firm or corporation, who, for compensation, directs, supervises or undertakes any work for which a county building permit is required. This definition excludes any person whose sole function in the work for which a county building permit is required is to perform labor under the supervision or direction of a Contractor.

- 3) "County" means the unincorporated areas of Fremont County, Colorado, which excludes any statutory or home rule city or town.
- 4) "General Contractor" means any contractor who undertakes, directs or supervises any construction work requiring the services of a person or persons engaged in two or more specific trades.
- 5) "Limited Trade Contractor" means any contractor who undertakes, directs or supervises any construction work requiring the services of a person or persons engaged in one specific trade.
- 6) "Person" means any individual, corporation, limited liability company, partnership, association, or other legal entity.
- 7) "Trade" means any occupation, vocation or profession performed in the course of any construction, alteration, repair or demolition of a building or structure.

**117.3 License – Required.** Subject to the requirements of this section, no person shall engage in the business of being a contractor within the county jurisdiction without first obtaining a license from the county building department. Nothing in this section shall be construed to require any individual to hold a license to perform any work on his or her own property, nor shall it prevent a person from employing an individual who is not licensed under the provisions of this section, to perform repair or maintenance work on his or her own property. For the purposes of this section, repair or maintenance work is any work which would not require a county building permit.

**117.4 Qualifications and Testing.** In an effort to assure the citizens of Fremont County that those individuals licensed in the construction trades have essential knowledge regarding building safety codes and standards adopted by the county, all contractors, prior to being issued a license, shall successfully complete a written examination designed to demonstrate competency in the appropriate construction field.

**General Contractor**

Any person able to show evidence of having achieved a passing grade on a nationally recognized examination promulgated by the International Code

Council that is commonly used and accepted in the industry may qualify for county licensing.

Alternatively, general contractor candidates may achieve eligibility by successfully completing a written examination prepared and administered by the Building Official.

Exception: Additional testing will not be required for manufactured home installers.

**Limited Trade Contractor**

All limited trade licensing examinations shall be prepared and administered by the Building Official.

Examinations administered by the Building official shall be subject to a fee. (See section 117.7)

**117.5 License Classifications.**

**Class A General:** Any person holding a Class A General Contractor's license shall be eligible to contract all or any phase of a residential or commercial construction project. Examination questions for this license are derived from the International Building Code, the International Residential Code and the International Energy Conservation Code in the currently adopted editions.

**Class B General:** Any person holding a Class B General Contractor's license shall be eligible to contract all or any phase of a commercial or multi-family construction project. Examination questions for this license are derived from the International Building Code and the International Energy Conservation Code in the currently adopted editions.

**Class C General:** Any person holding a Class C General Contractor's license shall be eligible to contract any or all phases of a one- or two-family residential construction project. Examination questions for this license derive from the International Residential Code in the currently adopted addition.

**Class D General:** Any person holding a Class D General Contractor's license shall be eligible to install manufactured housing. In lieu of additional examination, applicants for a Class D General Contractor's license shall be required to produce

evidence of a current Registered Installers Certificate issued by the Colorado State Division of Housing.

**Class E Limited Trade:** Any person holding a Class E Limited Trade license shall be eligible to contract residential or commercial construction projects only in the trade for which the license was issued. Examination questions for these license are derived from the International Building Code, the International Residential code and /or the International Energy Conservation Code in the currently adopted editions. Class E Limited Trade license are offered for (but not limited to) the following trades.

- 1) Foundations and concrete
- 2) Framing and Carpentry
- 3) Roofing
- 4) Solar Installation

**Class F Limited Trade:** Any person holding a Class F Limited Trade license shall be eligible to contract residential or commercial construction projects only in the trade for which the license was issued. Examination questions for these license are derived from the International Building Code, the International Residential code and /or the International Energy Conservation Code in the currently adopted editions. Class F Limited Trade license are offered for (but not limited to) the following trades.

- 1) Masonry
- 2) Siding and exterior Trim
- 3) Insulation
- 4) Stucco and plastering
- 5) Drywall

**117.6 Application Procedure.** All applicants for a contractor's license shall submit a complete, accurate and legible written application on a form provided by the Building Department. To be considered complete, the application form shall be accompanied by evidence that the applicant has successfully completed the appropriate ICC examination (when applicable); any required additional or alternative examination; insurance certificate; and payment of any required licensing fees.

The county shall issue a provisional license to a contractor no later than seven business days after the contractor has submitted a complete application. A contractor

who has satisfied all other requirements for obtaining a license shall be issued a non-provisional license no later than 45 days after submission of a complete application.

**117.6.1 License and Examination Fees.** License, Examination and Replacement Fees shall be as specified in Table 117.6.1.

**Table 117.6.1  
Annual License Fees**

Class A	General Contractor	\$75
Class B	General Contractor	\$60
Class C	General Contractor	\$60
Class D	General Contractor	\$50
Class E	Limited Trade Contractor (All Categories)	\$40
Class F	Limited Trade Contractor (All Categories)	\$30
	Additional Limited Trade Categories	\$15
<b>Examination Fees</b>		
Class A	General Contractor	\$120
Class B	General Contractor	\$100
Class C	General Contractor	\$100
Class E	Limited Trade Contractor (All Categories)	\$35
Class F	Limited Trade Contractor (All Categories)	\$25
	Re-examination (updated code requirement)	\$25
<b>License Replacement Fee</b>		
	New license replacement Identification Card	\$10

**117.7 Expiration.** All license shall expire on the last day of the twelfth (12<sup>th</sup>) month following the date of issuance. Regardless of the actual renewal date, the licensing period shall be as established by the original issue date. Early or late renewal upon payment of the fees required by section 117.6.1 without re-examination provided that the renewal is completed within 45 calendar days after the expiration date of the license. Each licensee will receive expiration notification by mail approximately 30 calendar days prior to the expiration date.

**Exception:** Re-examination may be required at the time of renewal when an updated code edition is adopted.

**117.8 Insurance Requirements.** Upon application for a contractor's license, the applicant shall submit to the Building Department a certificate, signed by a licensed agent of an insurance company, stating that a general liability policy has been issued to the applicant. The certification shall include the insured party's name, the policy number and the name of the company, the effective date, the expiration date and the limits of the policy. Each general liability insurance policy shall contain an endorsement to the effect that the insurance carrier shall notify the building department at least ten (10) calendar days in advance of the effective date of any reduction in coverage or cancellation of the policy.

**117.8.1 Insurance Coverage.** General liability insurance shall have a minimum coverage requirement as specified in table 117.9.1.

**Table 117.8.1**  
Minimum Insurance Coverage

License Category	Bodily Injury	Property Damage	C.S.L.*
General (Class A, B, C, D)	100,000/300,000	100,000	500,000
Limited Trade (Class E)	50,000/100,000	100,000	300,000

\*Combined Single Limit

**117.9 Workers Compensation Insurance.** Workers Compensation Insurance shall be provided in accordance with Colorado Revised Statutes and compliance shall be the sole responsibility of the licensed contractor.

**117.10 Suspension or Revocation.** Grounds for suspension or revocation of a contractor license or building permit issued by the Building Official are specified in the following sections. (117.10.1 through 117.10.4)

**117.10.1 Letter of Reprimand.** As used in this section, a letter of reprimand is an admonishment issued to a licensed contractor by the Building Official. Minor violations shall result in an official letter of reprimand to be placed in the contractor's permanent file of records. Letters of reprimand are not intended for standard corrections resulting from an inspection. Violations which may result in a letter of reprimand shall include, but may not be limited to, the following:

- 1) Failure to request a required inspection;
- 2) Failure to renew an expired permit;

- 3) Performing work that is beyond the scope of the permit;
- 4) Performing work that is beyond the scope of the contractor's license classification;
- 5) Verified complaint of abandonment of a project;
- 6) Multiple incidents of the same corrections being issued as a result of an inspection.

**117.10.2 Critical Violations.** Critical violations, which may result in immediate suspension of a contractor's license, shall include, but may not be limited to, the following:

- 1) Performing any work which requires a building permit without first obtaining the permit;
- 2) A contractor who uses their license to obtain a permit for work which they will not be supervising or performing;
- 3) Willfully providing false or misleading information on a permit application;
- 4) Failure or the inability to provide a current and valid Registered Installer Certificate issued by the Colorado State Division of Housing (applies to Class D General Contractors only);
- 5) Allowing a lapse, cancellation or reduction in general liability insurance coverage below the minimum amounts required in Table 117.8.1.
- 6) Conviction of the contractor, by a court having competent jurisdiction, for civil or criminal fraud related to construction activity regulated by the building code;
- 7) Accumulation of three (3) letters of reprimand in a twelve (12) month Period.



**117.10.3 Suspension of License.** Any contractor's license issued by the County shall be subject to suspension for repeated violations of any Federal, State or county laws, rules, codes or resolutions. Critical violations may result in immediate suspension by the Building Official. A critical violation is any violation specifically listed in section 117.10.2 or any other act which causes or has potential to cause harm or damage to any person or any other person's property. Suspension of a license shall remain in effect until the violation (s) is (are) corrected to satisfaction of the Building Official but not to exceed ninety (90) calendar days. Work being performed under any active building permit, issued to a licensee whose license has been suspended, shall cease and desist in accordance with directions from the Building Official, until the license is reinstated or until the permit is transferred to another licensed contractor or the owner. Permit transfer may only be initiated by written consent of the owner of subject property.

**117.10.4 Appeal of Suspension.** Any license suspension issued by the Building Official may be appealed to the Fremont County Board of Appeals pursuant to the Department's appeals process. The decision of the Board of Appeals shall constitute final county action, subject to judicial review at the option of the licensee.

**117.10.5 Revocation.** Any contractor's license issued by the county is subject to revocation. Upon issuance of a third suspension of a license, the Building Official is authorized to summon the licensee to a hearing before the Board of Appeals. As a result of that hearing, the Board of Appeals shall vote on the outcome and may decide to grant reinstatement of the license, grant an extension of the suspension period or order revocation of the license. Final decision shall be made by majority vote of the Board. Revocation shall remain in effect for a minimum of one (1) calendar year. Work being performed under any active building permit, issued to the licensee whose license has been revoked, shall cease and desist in accordance with directions from the Building Official, until the permit is transferred to another licensed contractor or the owner. Permit transfer may only be initiated by written consent of the owner of subject property.

**117.10.6 Reinstatement.** Any contractor wanting to reinstate their license after the one year revocation, must reapply for a new license from the county building department.

**Chapter 11** is hereby amended by adding the following section:

**1102.2 Residential building project requirements.** Before any construction of a residential building project may be started, which project includes seven (7) or more residential units, a contract shall be entered into with the Fremont County Board of County Commissioners (Board). This contract shall guarantee to the Board that the specified number of accessibility points based on accessible residential units contained within the project as provided for in §9-5-105 Colorado Revised Statutes, as amended, shall be provided. The builder of each project shall be required to certify that these accessible and adaptable units will be in compliance with ICC/ANSI A117.1 standards.

**Section 1202.2.1** is hereby amended as follows:

All provisions for attic ventilation which require a 1/150 ratio shall be decreased to a 1/300 ratio.

All provisions for attic ventilation which require a 1/300 ratio shall be decreased to a 1/600 ratio.

All other provisions and requirements of this section shall remain as published.

**Section 1202.4.1.1** is hereby amended as follows:

The net area of ventilation openings for crawl spaces with uncovered earth floors shall be decreased from one (1) square foot of ventilation openings for each 150 square feet to one (1) square foot of ventilation openings for each 500 square feet.

All other provisions and requirements of this section shall remain as published.

**Section 1210** is hereby added:

**1210 LPG fired appliances.** Liquid petroleum gas-burning appliances shall not be installed in a pit, crawlspace, basement or similar locations where heavier-than-air gas might collect. Appliances so fueled shall not be installed in an above grade under floor space or basement unless such location is provided with an approved means for removal of unburned gas.

**Exception:** Direct vent appliances with a sealed combustion chamber.

**Section 1608** is hereby deleted in its entirety and the following is substituted therefore:

**SECTION 1608  
SNOW LOADS**

**1608.1 Roof snow loads.** Design snow loads for roofs shall be site specific, based on elevation, and shall be determined in accordance with the snow load chart prepared by Ketchum, Ryan & Fleming of Denver, Colorado, Consulting Engineers. (See exhibit "B")

**Section 1809.5** is hereby amended to establish the frost line of the locality at a minimum of 27 inches below finished grade.

**B) International Residential Code**

**Chapter 1 – Administration** is hereby deleted in its entirety and shall be replaced by Chapter 1 of the *International Building Code* as amended by this Resolution.

**Section R202** is hereby amended by deleting the published definition of Manufactured Home and adding the following:

**Section R202 MANUFACTURED HOME.** Manufactured home means a structure which is built in a factory or other off-site location to comply with HUD or IRC standards, transportable in one or more sections to a permanent location and placed on a foundation which is designed by a Colorado Registered Professional Engineer or Architect and intended for use as a single family dwelling and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

**Table R301.2 (1) Climatic and Geographic Design Criteria** is hereby amended by adding the following information to the corresponding columns:

Roof snow load – varies with elevation (refer to Exhibit B)  
Wind Speed – 90 miles per hour (3 second gust) 76 miles per hour (fast mile)  
Topographic Effects – No  
Special Wind Region – No  
Wind-borne Debris Zone – No  
Seismic design category – B  
Weathering – Severe  
Frost line depth – 27 inches, minimum

Termite damage – Slight to moderate

Winter design temperature – 0

Ice barrier underlayment required – Yes

Flood hazards – a) 29 September 1989, b) 19 September 2007, c) 3 July 2012, Entered National Insurance Program 09/29/1989 through Resolution 81 Series of 1989, Flood Insurance Study Effective Date 09/19/2007, Panel Numbers begin with 08043C and are followed by Panel Map Numbers; 0050, 0075, 0100, 0125, 0150, 0175, 0225, 0250, 0275, 0300, 0325, 0350, 0375, 0400, 0425, 0450, 0500, 0525, 0550, 0575, 0600, 0605, 0607, 0608, 0609, 0615, 0675, 0700, 0750, 0775, 0800, 0825, 0850, 0855, 0856, 0857, 0860, 0870, 0900, 0925 all map numbers are followed by suffix “E” – Map Revised 07/03/2012, Panel Numbers begin with 08043C and are followed by Panel Map Numbers; 0617, 0619, 0620, 0626, 0627, 0628, 0629, 0633, 0634, 0635, 0636, 0637, 0638, 0639, 0641, 0642, 0643, 0644, 0663, 0664, 0665, all map numbers are followed by suffix “F”

(61 panels, 1 index)

Air freezing index – 2000

Mean annual temperature – 40

**Section R301.6** is hereby amended to read as follows:

**R301.6 Roof load.** The roof live load shall be site specific, based on elevation, and shall be determined in accordance with the snow load chart prepared by Ketchum, Ryan & Fleming of Denver, Colorado, Consulting Engineers. (See Exhibit “B”)

**Subsection R302.5.1 Opening protection** is hereby amended by deleting “equipped with a self-closing or automatic-closing device”

**Section R303.4** is hereby amended to read as follows:

**R303.4 Mechanical ventilation.** Where the air infiltration rate of a dwelling is 5 air exchanges per hour or less where tested with a blower door at a pressure of 0.2 inch w.c (50 Pa), the dwelling unit shall be provided with whole house ventilation. This section shall not be interpreted as requiring blower door testing.

**Section R309.5 Fire sprinklers in private garages** is hereby deleted in its entirety.

**Section R313 Automatic Fire Sprinkler Systems** is hereby amended as follows:

**R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in townhouses with 4 or more dwelling units.

**R313.2 One- and two-family dwellings automatic fire sprinkler systems.** is hereby deleted in its entirety.

**Section R322.1 Flood-Resistant Construction** is hereby deleted in its entirety and the following section is substituted therefore:

**R322.1 General.** Buildings and structures constructed in whole or in part in flood hazard areas shall comply with the *Fremont County Flood damage Prevention Regulations* as adopted by Resolution of the Fremont County Board of County Commissioners in Resolution No. 43, Series of 2007 and all subsequent amendments, reenactments of the same. In any case where there is a conflict between the provisions of this code and the provisions of the *Fremont County Flood Damage Prevention Regulations*, the *Fremont County Flood Damage Prevention Regulations* shall prevail and shall supersede the provisions of this code.

**Section R326 Swimming Pools, Spas and Hot Tubs** is hereby deleted in its entirety.

**Section R327.3.1** Is hereby added:

**R327.3.1 Battery Storage Location.** If battery storage is proposed, the batteries shall be separated from habitable space of a dwelling unit by one of the following methods:

- 1) In a room or space not exceeding 850 square feet in area, providing a minimum separation of ½ inch gypsum board applied to the wall and ceiling framing.
- 2) In a manufactured battery storage cabinet in which it is installed in accordance with manufacturer's installation instructions and is listed and labeled for its intended use.
- 3) By an approved method provided in section R104.11 of the Building Code of Fremont County.

**Section R327.5** is hereby amended to read as follows:

**R327.5 Battery Storage Room Ventilation.** Rooms where battery storage systems are installed, ventilation shall be by natural means to prevent the accumulation of hydrogen or other flammable gases during charging. Mechanical ventilation shall not be allowed in rooms for battery storage. The minimum net area of ventilation

shall not be less than 1 square foot for each 150 square feet of room area. Such ventilation requirement shall communicate directly to the exterior of the building, with 50 percent of the required ventilation located within 12 inches of the ceiling and 50 percent located within 12 inches of the floor.

**Section R327.7** Is hereby added:

**R327.7 Spill Containment.** An approved method for the containment of a spill of electrolyte, shall be provided in storage areas containing batteries with liquid electrolyte.

**Section R401.4** is hereby amended to read as follows:

**R401.4 Soil Test.** Where quantifiable data created by accepted soil science methodologies indicate expansive soils, compressible, shifting soils or other questionable characteristics are likely to be present, the *building official* may require a soils investigation or recommendation from a Colorado licensed engineer to demonstrate the foundation, at a particular location, has been designed to satisfy the intent of this section.

**Section R402.1** is hereby amended to read as follows:

**R402.1 Wood Foundations.** Wood foundation systems shall be designed by a Colorado licensed architect or engineer and installed in accordance with the provisions of this code.

All other provisions and requirements of this section shall remain as published.

**Section R403.1 Footings** is hereby amended by adding the following sentence; All footings shall be designed and certified by a Colorado licensed architect or engineer.

**Section R408.1 and 408.2 Under-Floor Ventilation** is hereby amended as follows:

The under-floor ventilation requirement shall be decreased from one (1) square foot for every 150 square feet to one (1) square foot in 500 square feet of under floor space.

All other provisions and requirements of this section shall remain as published.

**Section R806.2 Roof Ventilation** is hereby amended as follows:

All provisions for attic ventilation which require a 1/150 ratio shall be decreased to a 1/300 ratio.

All provisions for attic ventilation which require a 1/300 ratio shall be decreased to a 1/600 ratio.

All other provisions and requirements of this section shall remain as published.

**Chapters 24 through 43** are hereby deleted in their entirety.

C) **International Energy Conservation Code**

**Chapter 1 - Administration** is hereby deleted in its entirety and shall be replaced by Chapter 1 of the *International Building Code* as amended by this Resolution.

**Section N1102.4 (R402.4) Air leakage** is hereby amended by deleting the word Mandatory.

**Section N1102.4.1.2 (R402.4.1.2 Testing** is hereby deleted in its entirety.

**Section N1103.3.3 (R403.3.3) and N1103.3.4 (R403.3.4) Duct Testing** is hereby deleted in its entirety.

**Appendix Chapter E Manufactured Housing** is hereby adopted to read as follows:

**APPENDIX E  
MANUFACTURED HOUSING USED AS DWELLINGS**

**SECTION AE101  
SCOPE**

**AE101.1 General.** These provisions shall be applicable only to a manufactured home used as a single dwelling unit and shall apply to the construction, alteration and repair of any foundation system which is necessary to provide for the installation of a manufactured home unit as well as alterations, additions or repairs to existing manufactured homes.

These provisions shall not be applicable to the design and construction of manufactured homes and shall not be deemed to authorize either modifications or additions to manufactured homes where otherwise prohibited.

**SECTION AE102  
COLORADO STATE MANUFACTURED HOUSING INSTALLATION  
PROGRAM**

**AE102.1 Participating Jurisdiction.** Effective July 1, 2009, Fremont County officially adopted the provisions, standards and requirements of the Manufactured Housing Installation program as outlined in this code and the State of Colorado Division of Housing Installation Handbook. The Fremont county Building Department is directed to take all actions necessary to implement said program consistent with the requirements of the law.

**SECTION AE201  
PERMITS**

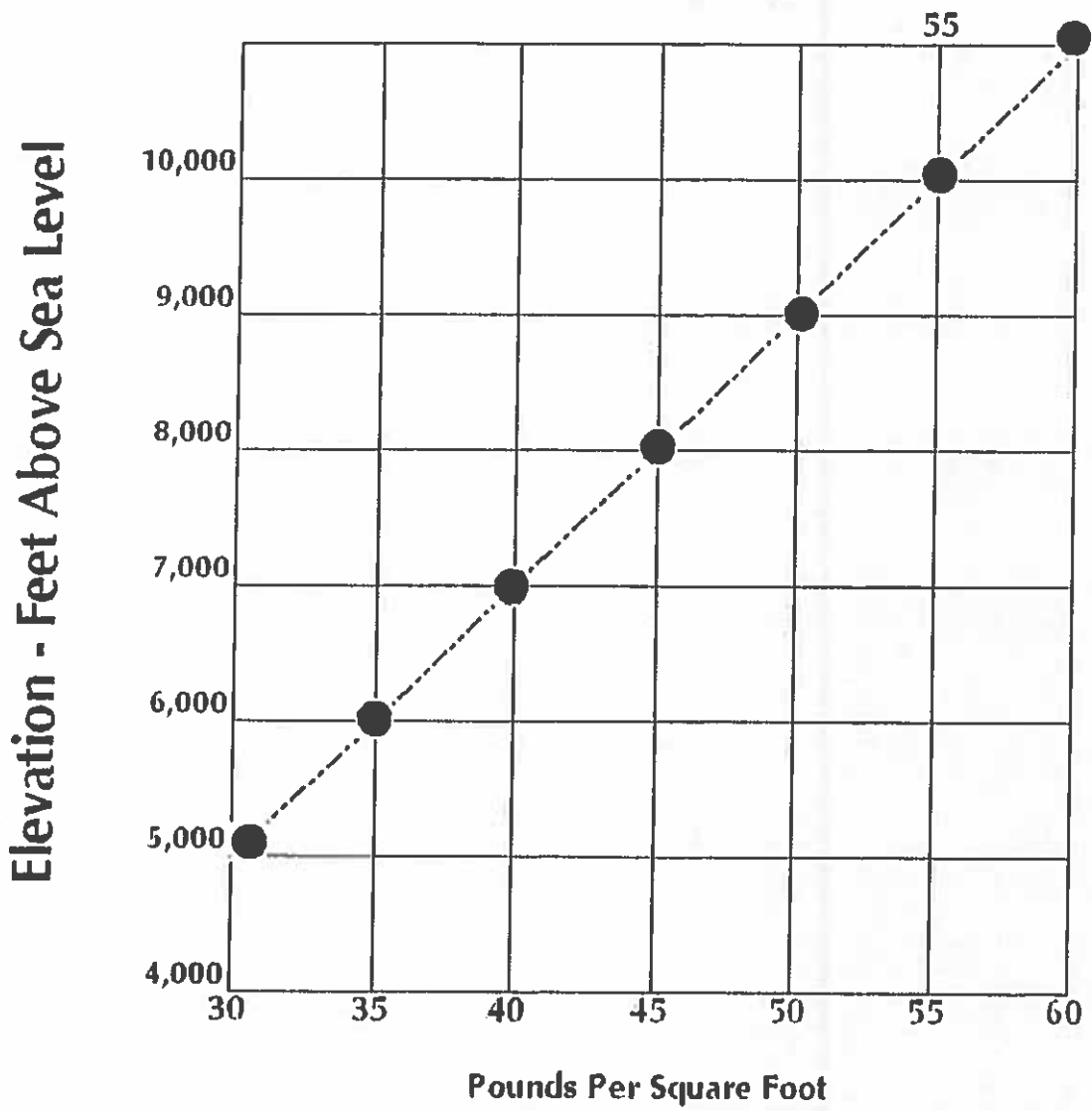
**AE201.1 Initial Installation.** A manufactured home shall not be installed on a foundation system. Reinstalled or added on to without first obtaining a permit from the Building Official. The Building Official shall issue the building permit along with the installation authorization form required by the Colorado Division of Housing Manufactured Housing Installation Program.

**AE201.2 Additions, Alterations and Repairs.** All additions, structural alterations or repairs to an existing manufactured home shall require plans to be prepared, signed and sealed by a Professional Engineer licensed in the State Of Colorado. The engineered design shall include foundation design specifications as well as an attachment method to the existing manufactured home along with any additional loading reinforcement needed for the existing structure.

**AE201.3 Attachment of multiple units.** Attachment of two or more manufactured homes by any method shall not be permitted under any circumstances.



## Exhibit 'B' Roof Snow Load



**Basis: Average Weight of Snow = 14 Pounds Per Cubic Foot**

Study by Ketchum, Ryan & Fleming - Consulting Engineers, Denver, Colorado

Revised 06/02/2008



# **Summary of the 2018 Building Code of Fremont County**

## **10<sup>th</sup> November 2020**

Over the past 12 years, (four Code Cycles) Fremont County has been enforcing the 2006 International Building Code.

Today I stand before you to discuss the adoption of a newer code, the 2018 International Building Code, the 2018 International Residential Code, and the 2018 International Energy Conservation Code along with the amendments, additions and deletions as referenced in Exhibits A and B.

In a brief summary here are some of the changes of interest.

Section 105.2.2      **Work exempt from permit/ Agricultural buildings/** further defines the definition of Agricultural buildings and allows the building official to make the determination if the proposed building conforms to Fremont County Regulations.

Agricultural buildings and/or structures which are directly associated with agricultural use, and are constructed on property which has received agricultural declaration status through the Fremont County Assessor's Office. Such buildings and /or structures are to be used solely for providing shelter for agricultural implements, farm products, livestock, or poultry and shall not contain mixed uses.

Prior to the proposed erection, construction, reconstruction, alteration, or remodeling, the owner and/or contractor shall submit application to the building official for review to determine if the building(s) and/or structure(s) fully conform to the regulations and restrictions of the Fremont County Building Code and the Fremont County Zoning Resolution.

Section 105.2.3      **Work exempt from permit/ Fences/** This is changed from 2006 Codes

Solid fences not over seven (7) feet in height and wire or iron fences that are more than fifty percent (50%) open. (Was 6ft)

Section 105.5      **Expiration of Building Permits,**

**105.5 Expiration.** Every *permit* issued by the *Building Official* under the provisions of this code shall expire one year from the date of issuance and become invalid.

**Exceptions:** 1. Demolition permits expire 180 days from issuance date.  
2. Re-roofing permits expire 90 days from issuance date.

**105.5.1 Renewal.** The *building official* is authorized to grant the renewal of any permit for an additional year provided the request comes from the permit holder along with the required renewal fee submitted to the building department prior to the expiration of the active permit. No permit may be renewed more than once.

- Exceptions:**
1. Demolition permits may not be renewed.
  2. Re-roofing permits may not be renewed.
  3. Mobile home placement permits may not be renewed.

**105.5.2 Extended time.** Any project which will not be completed before the end of the renewal period will be eligible for application for a new permit for a fee which is equal to one half the original permit fee. This new permit may be renewed under the provisions section 105.5.1.

**105.5.3 Expired Permit.** Any project which the permit has expired in excess of ninety (90) days will be eligible for application for a new permit for a fee which is equal to half the original permit fee. This new permit may be renewed under the provisions section 105.5.1. (Changed from 2006)

Table R301.2 (1)

**Climatic and Geographic Design Criteria (1 change from 2006)**

**Ice barrier underlayment is required, changed from 2006 codes.**

Section R302.13

**Fire protection for floors.** Exposed floor assemblies shall be protected with ½ inch Drywall, 5/8 inch wood structural panel or equivalent on the underside of the floor framing member.

**Exceptions:**

1. Floor assemblies located directly over a space protected by an automatic sprinkler system.
2. Floor assemblies located directly over a crawl not intended for storage or for the installation of fuel-fired or electric-powered heating appliances.
3. Portions of the floor assemblies shall be permitted to be unprotected where complying with the following:

- 3.1. The aggregate area of the unprotected area does not exceed 80 square feet per story.
- 3.2. Fire blocking in accordance with Section R302.11.1 is installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.
4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance. (An approved means of protection would be an intumescent coating or fire guard.)

Section R309.5	<b>Fire sprinklers in private garages. This section has been deleted.</b>
Section R313.1	<b>This section has been amended to require fire sprinklers in 4 or more townhouses.</b>
Section R313.2	<b>Fire sprinklers in one- and two- family dwellings. This section has been deleted. (Not required)</b>
Section R326	<b>By deleting this section permits for swimming pools, spas and hot tubs are not required.</b>
Section R327.3.1	<b>Defines where stationary battery storage can be located. R104.11 references alternative methods of construction and design. Allows the building official the authority to approve different materials and designs.</b>
Section R327.5	<b>Describes acceptable methods of battery ventilation.</b>
Section R327.7	<b>Requires an approved method of battery spill containment.</b>
Section R401.4	<b>Allows the building official the authority to require soils testing for a specified location or require the engineer of design, state that the foundation was designed according to existing soil conditions.</b>
Section R402.1	<b>and R403.1 requires both wood and all residential dwelling footings to be designed by a certified licensed architect or engineer.</b>

## ENERGY EFFICENCY

- Section N1102.4 This eliminates the mandatory requirement for leak testing of the building envelope.
- Section N1102.4.1.2 **TESTING is deleted in its entirety. (Eliminates the requirement for blower door testing.)**
- Section N1103.3.3 By deleting this section HVAC duct testing is not required.

**TABLE N1102.1.2 (R402.1.2)**

### **INSULATION AND FENESTRATION (window) REQUIREMENTS BY COMPONENT**

Climate Zone = 5 and Marine 4	<b>SAME</b>
Fenestration U-Factor = 0.30 footnotes (b)	<b>0.35 Change from 2006</b>
Skylight U-Factor = 0.55 footnotes (b)	<b>0.60 Change from 2006</b>
Glazed Fenestration (SHGC) = NR (Not Required)	<b>SAME</b>
Ceiling R-Value = 49	<b>38 Change from 2006</b>
Wood Frame Wall R-Value = 20 or 13 +5 footnotes (h)	<b>19 or 13+5 Change from 2006</b>
Mass Wall R-Value =13/17 footnotes (i)	<b>13 Change from 2006</b>
Floor R-Value = 30 see footnotes (g)	<b>SAME</b>
Basement Wall R-Value = 15/19 footnotes (c)	<b>10/13 Change from 2006</b>
Slab R-value & Depth = 10, 2 ft. footnotes (d)	<b>SAME</b>
Crawl Space Wall R-Value = 15/19 footnotes (c)	<b>10/13 Change from 2006</b>

For SI: 1 foot = 304.8 mm. NR = Not Required.

- a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall be not less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration. Exception: In Climate Zones 1 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.

- c. **"10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation on the interior of the basement wall. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation on the interior of the basement wall. Alternatively, compliance with "15/19" shall be R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home.**
- d. **R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs, as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.**
- e. **There are no SHGC requirements in the Marine Zone.**
- f. **Basement wall insulation shall not be required in warm-humid locations as defined by Figure N1101.10 and Table N1101.10.**
- g. **Alternatively, insulation sufficient to fill the framing cavity providing not less than an R-value of R-19.**
- h. **The first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, "13+5" means R-13 cavity insulation plus R-5 continuous insulation.**
- i. **Mass walls shall be in accordance with Section N1102.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.**



## **IN CLOSING**

Together with the amendments, additions and deletions as noted in Exhibits A and B and to take into consideration the public health, safety, morals and general welfare; and the safety, protection and sanitation of dwellings, buildings and structures within the County, as the Building Official for Fremont County I recommend the Adoption of the 2018 International Building Code, the 2018 International Residential Code and the 2018 International Energy Conservation Code to become the Building Code for the Unincorporated areas of Fremont County.



RESOLUTION NO. 61, SERIES OF 2020

**A RESOLUTION ADOPTING THE 2018 INTERNATIONAL FIRE CODE REGULATING AND GOVERNING STRUCTURES, PROCESSES, PREMISES AND SAFEGUARDS REGARDING:**

- 1. THE HAZARD OF FIRE AND EXPLOSION ARISING FROM THE STORAGE, HANDLING OR USE OF STRUCTURES, MATERIALS OR DEVICES;**
- 2. CONDITIONS HAZARDOUS TO LIFE, PROPERTY OR PUBLIC WELFARE IN THE OCCUPANCY OF STRUCTURES OR PREMISES;**
- 3. FIRE HAZARDS IN THE STRUCTURE OR ON THE PREMISES FROM OCCUPANCY OR OPERATION;**
- 4. MATTERS RELATED TO THE CONSTRUCTION, EXTENSION, REPAIR, ALTERATION, OR REMOVAL OF FIRE SUPPRESSION OR ALARM SYSTEM;**
- 5. CONDITIONS AFFECTING THE SAFETY OF FIRE FIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS;**

**TO BE EFFECTIVE WITHIN THE BOUNDARIES OF THE CAÑON CITY AREA FIRE PROTECTION DISTRICT THAT ARE ALSO IN THE UNINCORPORATED AREA OF FREMONT COUNTY; REPEALING RESOLUTION NUMBER 55, SERIES OF 2008 AND ALL OTHER RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH.**

WHEREAS, on October 19, 2020, the Board of Directors of the Cañon City Area Fire Protection District adopted the 2018 Edition of the International Fire Code, for application within the boundaries of said district; and

WHEREAS, the City of Cañon City is in the process of adopting such code within its limits; and

WHEREAS, the County of Fremont is in the process of adopting the 2018 International Building Code, 2018 International Residential Code and 2018 International Energy Conservation Code, with which the 2018 International Fire Code is compatible; and

WHEREAS, the Board of County Commissioners of Fremont County has determined that it would be in the best interests of the inhabitants of the Cañon City Area Fire Protection District for said code to be applicable within the entire fire district and that the Cañon City Area Fire Protection District be authorized by Fremont County to enforce said code.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fremont County, that the International Fire, (2018 Edition) in the form as adopted by the Cañon City Area Fire Protection District, including amendments thereto, as indicated on Resolution Number 11, Series of 2020 of the Fire District, attached hereto as Exhibit A, shall be applicable and enforceable in the area of the Cañon City Area Fire Protection District which lies within the



unincorporated area of Fremont County, except to the extent it may conflict with any existing or future County regulations, and that the Cañon City Area Fire Protection District is authorized by Fremont County to enforce said code within its jurisdictional limits.

BE IT FURTHER RESOLVED, that Fremont County Resolution Number 55, Series of 2008, which adopted the 2006 International Fire Code, is hereby repealed, as are all other resolutions and/or parts of resolutions that may be in conflict with the 2018 IFC adoption provided herein.

**THE EFFECTIVE DATE FOR THIS ADOPTION OF THE 2018 INTERNATIONAL FIRE CODE AND REPEAL OF THE 2006 INTERNATIONAL FIRE CODE SHALL BE JANUARY 1, 2021.**

Commissioner Payne moved the adoption of the foregoing Resolution with a second by Commissioner McFall.

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: 10 November, 2020

Debbie Bell  
Chairman

Attest:

[Signature]  
Clerk





**EXHIBIT A**

**RESOLUTION NO. 11, SERIES OF 2020**  
**CAÑON CITY AREA FIRE PROTECTION DISTRICT**

**A RESOLUTION ADOPTING THE 2018 INTERNATIONAL FIRE CODE**

**REGULATING AND GOVERNING STRUCTURES, PROCESSES, PREMISES AND SAFEGUARDS REGARDING:**

- 1. THE HAZARD OF FIRE AND EXPLOSION ARISING FROM THE STORAGE, HANDLING OR USE OF STRUCTURES, MATERIALS OR DEVICES;**
- 2. CONDITIONS HAZARDOUS TO LIFE, PROPERTY OR PUBLIC WELFARE IN THE OCCUPANCY OF STRUCTURES OR PREMISES;**
- 3. FIRE HAZARDS IN THE STRUCTURE OR ON THE PREMISES FROM OCCUPANCY OR OPERATION;**
- 4. MATTERS RELATED TO THE CONSTRUCTION, EXTENSION, REPAIR, ALTERATION, OR REMOVAL OF FIRE SUPPRESSION OR ALARM SYSTEM;**
- 5. CONDITIONS AFFECTING THE SAFETY OF FIRE FIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS;**

**PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING RESOLUTION NUMBER 7, SERIES OF 2008 AND ALL OTHER RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH.**

Be it resolved by the Board of Directors of the Cañon City Area Fire Protection District:

**Sec. 1. ADOPTION OF INTERNATIONAL FIRE CODE.**

There is hereby adopted by the Board of Directors of the Cañon City Area Fire Protection District for the purpose of 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 in the Cañon City Area Fire Protection District, that certain Code known as the *International Fire Code*, 2018 Edition, save and except such portions as are hereinafter deleted, modified or amended by Section 5 of this resolution, three (3) copies of which have been and are now filed in the office of the Cañon City Area Fire Protection District and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this resolution shall take effect, the provisions thereof shall be controlling within the limits of the Cañon City Area Fire Protection District.

**Sec. 2. APPOINTMENT OF CODE OFFICIAL**

A. The *International Fire Code* as adopted and amended herein shall be enforced by the Department of Fire Prevention as provided in Section 103 of the *International Fire Code*. The function of the department shall be the implementation, administration and enforcement of the provisions of the *International Fire Code*.

B. The Fire Chief of the Cañon City Area Fire Protection District shall be and hereby is appointed by the Board of Directors as the fire code official, as specified in the *International Fire Code*. The fire code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees to assist in the implementation, administration and enforcement of the *International Fire Code*.





**Sec. 3. JURISDICTION.**

Wherever the word "jurisdiction" is used in the *International Fire Code*, it is the Cañon City Area Fire Protection District, a special district organized pursuant to the laws of the State of Colorado.

**Sec 4. LIMITS REFERENCED IN SECTIONS OF THE INTERNATIONAL FIRE CODE**

A. The limits referred to in Section 5706.2.4.4 of the *International Fire Code*, in which the storage of Class I and Class II liquids in above-ground tanks is prohibited shall be any area within which such use is prohibited by the applicable zoning resolutions or ordinances of the County of Fremont, of the City of Cañon City, Town of Brookside, Colorado, or by the laws of the State of Colorado or the United States.

B. The limits referred to in Section 5704.2.9.6.1 of the *International Fire Code*, in which storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited shall be any area within which such use is prohibited by the applicable zoning resolutions or ordinances of the County of Fremont, of the City of Cañon City, Town of Brookside, Colorado, or by the laws of the State of Colorado or the United States.

C. The limits referred to in Sections 5806.2 of the *International Fire Code* in which the storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited shall be any area within which such use is prohibited by the applicable zoning resolutions or ordinances of the County of Fremont, of the City of Cañon City, Town of Brookside, Colorado, or by the laws of the State of Colorado or the United States.

D. The limits referred to in Section 6104.2 of the *International Fire Code* in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas shall be any area within which such use is prohibited by the applicable zoning resolutions or ordinances of the County of Fremont, of the City of Cañon City, Town of Brookside, Colorado, or by the laws of the State of Colorado or the United States, however the aggregate capacity of any one installation in heavily populated or congested areas, shall not exceed a water capacity of 2,000 gallons. The Exception set forth in Section 6104.2 shall continue to apply.

**Sec. 5. AMENDMENTS TO THE INTERNATIONAL FIRE CODE.**

The 2018 *International Fire Code* is amended and changed in the following respects:

A. Appendix Chapter A is not adopted pursuant to this Resolution. Organization and procedure for the Board of Appeals established in Section 109 of the *International Fire Code* shall be established pursuant to separate Resolution of the District.

B. Section 105.6.32 is amended as follows: The exception for recreational fires shall be deleted.

C. Section 108.2.1 is amended as follows: Where any work or installation does not pass an initial review, test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for review, inspection or



testing. A re-inspection fee as authorized in Section 106.2 and as established through a District Fee Schedule shall be assessed for any additional review, inspection and/or testing.

D. Section 110.4 shall read: Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, 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 certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment not exceeding 364 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Jurisdictions adopting the *International Fire Code* shall have discretion to fix penalties in the ordinance or resolution of adoption, and such penalties shall apply to violations in such jurisdiction.

E. Section 112.4 shall read: 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 a fine of not less than \$100.00 or more than \$500.00.

F. Section 307.2 is amended as follows: A written permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural, range or wildlife management practices; prevention or control of disease or pests; agricultural practices, or a bonfire. Only the Owner of the premises where the fire is to be kindled, or the owner's designee, shall be eligible to apply and be approved for a permit.

G. Section 5601.1.3 is amended to include the following fifty exception: 5. The possession and discharge of permissible fireworks as defined in C.R.S. §24-33.5-2001(11) as amended, is allowed in accordance with C.R.S. §24-33.5-2001, et seq., unless prohibited or further regulated by the City of Cañon City, the Town of Brookside, County of Fremont, or the State of Colorado.

H. Section 912.2 is amended to add Section 912.2.3 as follows: An approved water supply for all Fire Department Connections shall be provided within one hundred fifty feet (150') of the Fire Department Connection.

#### **Sec. 6. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.**

The fire code official and the Board of Directors may determine and specify, after giving affected persons notice and the opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the *International Fire Code*. The fire code official shall post such list in a conspicuous place at the Fire District Stations and other appropriate locations, and distribute copies thereof to interested persons.

#### **Sec. 7. APPEALS.**

In accordance with the *International Fire Code*, Section 109.1, there is hereby established a Board of Appeals to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of the *International Fire Code*. An applicant who is affected by an order, decision or determination made by the code official or who claims that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, may



appeal from the decision of the code official to the board of appeals within 5 days from the date of the decision appealed.

**Sec. 8. REPEAL OF PREVIOUS RESOLUTION.**

That Resolution Number 7, Series of 2008, adopting the International Fire Code, 2006 Edition, Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire, Hazardous Materials or Explosion; Providing for the Issuance of Permits for Hazardous Uses or Operations; and Establishing a Code Official and Board of Appeals and Defining Their Powers and Duties, Adopted on September 8, 2008, by the Board of Directors of the Cañon City Area Fire Protection District and all other resolutions, or parts thereof in conflict herewith are hereby repealed.

**Sec. 9. SEVERABILITY.**

The Board of Directors hereby declares that should any section, paragraph, sentence or word of this resolution or of the *international Fire Code* as adopted and amended herein be declared invalid for any reason, it is the intent of the Board of Directors that it would have passed all other portions of this resolution independent of the elimination here from of any such portion as may be declared invalid.

**Sec. 10. DATE OF EFFECT.**

This resolution shall take effect and be in force in the unincorporated areas of Fremont County after its adoption of the *International Fire Code* by the Board of County Commissioners of Fremont County, and in the city limits of the City of Cañon City, Colorado, after adoption of the *International Fire Code* by the City Council for the City of Cañon City, and in the town limits of Brookside, after adoption of the *International Fire Code* by the Board of Trustees for the Town of Brookside, as provided by C.R.S. §32-1-1002(1)(d).

Adopted this 19<sup>th</sup> day of October, 2020.

CAÑON CITY AREA  
FIRE PROTECTION DISTRICT

By: \_\_\_\_\_



ATTEST:

