

ORDINANCE NO. 1
Series 2020

January 21, 2020: Introduced as Council Bill 1, Series 2020 by Councilor Al Blum, seconded by Councilor Randy Weil and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

February 18, 2020: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE
REPEALING AND RE-ENACTING ARTICLES I THROUGH XII OF AND ADDING A NEW
ARTICLE XIII TO CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING BUILDING REGULATIONS; ADOPTING BY REFERENCE, WITH CERTAIN
AMENDMENTS, THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL
EXISTING BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE, THE 2015
NATIONAL GREEN BUILDING STANDARD, THE 2018 INTERNATIONAL MECHANICAL
CODE, THE 2018 INTERNATIONAL PLUMBING CODE, THE 2018 INTERNATIONAL FUEL
GAS CODE, THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2017
NATIONAL ELECTRICAL CODE, AND THE 2018 INTERNATIONAL FIRE CODE;
REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES
FOR VIOLATIONS THEREOF**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City of Cherry Hills Village is authorized to adopt and enforce police power regulations in furtherance of the health, safety and welfare of its citizens; and

WHEREAS, periodically it is necessary for the City to update those building codes which are adopted by reference in order to remain technically current; and

WHEREAS, the City Council desires to repeal the existing building codes and adopt the 2018 editions of the International Building, Existing Building, Residential, Mechanical, Plumbing, Fuel Gas, Energy Conservation and Fire Codes, the 2017 National Electric Code, and the 2015 National Green Building Standard, and incorporate the same into the Cherry Hills Village Municipal Code (the "Codes"); and

WHEREAS, the City Council desires to make other amendments in Chapter 18 of the Municipal Code as more fully described in **Attachment A**.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS THAT:

Section 1. Chapter 18 Repealed and Re-Enacted. Chapter 18 of the Cherry Hills Village Municipal Code entitled "Building Regulations" is repealed in its entirety and re-enacted to read as set forth in **Attachment A**, a copy of which is attached hereto and incorporated herein by reference.

Section 2. Repeal. Existing ordinances or parts thereof covering the same matters as embraced in this ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed provided, however, that the repeal of any ordinance or parts of ordinances of the City of Cherry Hills Village shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

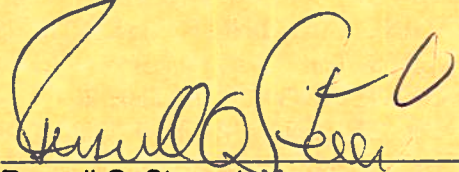
Section 3. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 4. Safety. This ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 5. Codification Amendments. The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Cherry Hills Village Municipal Code.

Section 6. Effective date and time. This Ordinance shall become effective ten days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 1, Series 2020, by the City Council of the City of Cherry Hills Village, Colorado this 18th day of February, 2020.




Russell O. Stewart, Mayor

ATTEST:



Laura Gillespie, City Clerk

APPROVED AS TO FORM:



Kathie B. Guckenberger, City Attorney

Published in *The Villager*
Published 2-27-2020
Legal # 9570

**CITY OF CHERRY
HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 1, SERIES 2020**

A bill for an ordinance of the City of Cherry Hills Village repealing and re-enacting Articles i through XII of and adding a new Article XIII to Chapter 18 of the Cherry Hills Village Municipal Code, concerning Building Regulations; adopting by reference, with certain amendments, the 2018 International Building Code, the 2018 International Existing Building Code, the 2018 International Residential Code, the 2015 National Green Building Standard, the 2018 International Mechanical Code, the 2018 International Plumbing Code, the 2018 International Fuel Gas Code, the 2018 International Energy Conservation Code, the 2017 National Electrical Code, and the 2018 International Fire Code; repealing all ordinances in conflict therewith; and providing penalties for violations thereof

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

Published in *The Villager*
Published: February 27, 2020
Legal # 9570

ATTACHMENT A

CHAPTER 18 - Building Regulations

ARTICLE I - International Building Code

Sec. 18-1-10. - Adoption.

There is hereby adopted by reference the *2018 International Building Code*, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771, except that portion of the *2018 International Building Code* entitled "2018 International Property Maintenance Code" and that portion entitled "ICC Electrical Code," which are not adopted by the ordinance codified herein. One (1) copy of such code and other codes adopted by reference in the *2018 International Building Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and standards regulating the construction, alteration, moving, demolition, occupancy, use, height, area, and maintenance of all buildings or structures within the City for the purpose of protecting the public health, safety, and general welfare.

Sec. 18-1-20. - Amendments.

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

(1) Section 101.1 is amended to insert "the City of Cherry Hills Village," so the section reads as follows:

101.1 Title. These regulations shall be known as the "Building Code of the City of Cherry Hills Village," hereinafter referred to as "this code."

(2) Section 101.4.4 is deleted.

(3) Section 105.2 is amended to read as follows:

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 this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached, prefabricated storage sheds and pergolas with solid roofs that do not exceed 120 square feet that are located within the building envelope as defined by the appropriate setbacks and bulk plane required for the zone district and meeting all other zoning requirements.

2. Fences, walls and berms three feet or less in height measured from natural grade and meeting all other zoning requirements.

3. Retaining walls that are not over four feet in height, measured from the bottom of the footing to the top of the wall, unless supporting surcharge or impounding Class I, II or II-A liquids, and meeting all other zoning requirements.

4. Sidewalks and driveways. For purposes of this code the term "driveways" shall mean an access route, paved or unpaved, for use by vehicles. Permits are required for driveways if they are:

- a. More than 30 inches above grade,
 - b. Located over any basement or constructed space, or
 - c. Not providing access to a garage used for the storage of automobiles.
5. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
6. Swings and other playground equipment that are accessory to single-family dwellings.
7. Movable cases, counters and partitions not over six feet in height.

(4) Section 105.3 item # 6 is hereby amended to read as follows:

6. Be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract, or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application.

(5) Section 105.3.2 is hereby amended to read as follows:

105.3.2 Time limitation of permit application. An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

(6) Section 105.5 is hereby amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within 90 days after its issuance or, if so commenced, the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced.

In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6.

(7) A new Section 105.5.1 is hereby added and shall read as follows:

105.5.1 Project completion. If the construction described in any building permit has not been completed to the point where a certificate of occupancy may be issued - or a final building inspection performed in cases where no certificate of occupancy is required - within 18 months after the date of issuance thereof, said building permit shall expire and be deemed canceled by the building official. Written notice thereof shall be given to the applicant, together with notice that further construction as

described in the canceled permit shall not proceed unless and until a new building permit has been obtained and all fees have been paid.

The building official may authorize up to two four-month extensions of a permit, provided that the applicant pays a fee calculated as follows:

1. 1st Extension: A fee equal to 25 percent of the original permit fee.
2. 2nd Extension: A fee equal to 50 percent of the original permit fee.

Upon expiration of the second four-month extension, the permit is expired. A new permit is required for any remaining work on the project.

(8) Section 107.2.5 is hereby amended by adding the following to the end of the paragraph:

Two sets of construction documents shall be submitted with the application for permit. Each set shall be accompanied by a site plan, drawn to scale and in accordance with an accurate survey, including the following information:

1. The size and location of new construction and existing structures on the site noting all portions of the structure, including but not limited to eaves, overhangs and cantilevered elements.
2. Setback distances from lot lines appropriate for the parcel's zoning.
3. Existing grade contours in one-foot intervals in North American Vertical Datum of 1988 (NAVD88) datum.
4. The established street grades and the proposed finished grades in NAVD88 datum.
5. Location of designated 100-year floodplain boundary.
6. For all new structures, or proposals to increase the square footage of a structure on a lot by more than 2,500 square feet (inclusive of only structure additions, hardscapes and pavements), the proposed contours and drainage plan required by the Arapahoe County Stormwater Management Manual, as the same may be amended from time to time. A copy of the manual is on file in the Community Development Department.
7. For all new structures and proposals to increase the square footage of a structure by 50 percent or more, a site plan showing the proposed location of all outdoor light fixtures, a light fixture schedule, and lumen output of each fixture.

In the case of demolition, two sets of a site plan shall be submitted with the demolition application, showing:

1. Construction to be demolished (structures and their foundations).

2. The location and size of existing structures and construction that are to remain on the site.
3. Existing contours in one-foot intervals in U.S.G.S. datum.

A site plan is required for projects such as, but not limited to, the addition of new square footage or a change in the use of existing square footage that requires changes to the site. Site plans are not required in most cases for electrical, plumbing, or mechanical work.

The building official may request a copy of the survey from which the site plan is based upon to verify the accuracy of the site plan and may waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

- (9) Section 108.1 is hereby amended to read as follows:

108.1 General. The building official is authorized to issue a permit for only such temporary structures and temporary uses that are allowed by the City of Cherry Hills Village Municipal Code. Such permits shall conform to the rules and regulations adopted by the City of Cherry Hills Village regarding temporary structures and uses.

- (10) A new Section 109.2.1 is hereby added and shall read as follows:

109.2.1 Fee schedules. Permit fees shall be set by resolution of the City Council.

- (11) Section 109.3 is hereby amended to read as follows:

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. For the purpose of determining the valuation for new construction, the building official for the City of Cherry Hills Village will use the value provided by the permit applicant or the most current Building Valuation Data table published by the International Code Council as of the application date, whichever is higher. No regional modifier will be used in calculating the valuation of construction.

- (12) Section 109.4 is hereby amended to read as follows:

109.4 Work commencing before permit issuance. Any person who commences work before obtaining any necessary permits shall be subject to penalties and enforcement set forth in Chapter 18, Article X, Cherry Hills Village Municipal Code.

- (13) Section 109.6 is hereby amended to read as follows:

109.6 Fee refunds. The City of Cherry Hills Village authorizes the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder that was erroneously paid or collected.

2. The full amount of any building permit fee paid hereunder, less a \$50.00 administrative fee, when no work has been done under a permit issued in accordance with this code.

3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.

4. The full amount of the plan review fee paid hereunder, less a \$50.00 administrative fee, for a permit application for which a plan review fee has been paid, but subsequently is withdrawn or canceled before any plan review effort has been expended.

(14) Section 113.3 is hereby amended to read as follows:

113.3 Qualifications; Rules of Procedure. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

(15) Section 114 is hereby amended to read in its entirety as follows:

114.1 General. Violations of this code shall be governed by Chapter 18, Article X, Cherry Hills Village Municipal Code.

(16) Section 115 is hereby amended to read in its entirety as follows:

115.1 General. The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-10-30, Cherry Hills Village Municipal Code.

(17) Section 1612.3 is hereby amended to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the City Council shall adopt a flood hazard map and supporting data pursuant to Article V of Chapter 16 of the Municipal Code. The flood hazard map shall include the areas of special flood hazard as identified in Subsection 16-5-120, Cherry Hills Village Municipal Code. Said areas of special flood hazard are hereby adopted by reference and declared to be part of this section.

(18) A new Section 3009 is hereby added and shall read as follows:

**Section 3009
Existing Elevators and Escalators**

3009.1 Scope. This section shall apply to existing installations of elevators, dumbwaiters, escalators, and moving walks and provides for the inspection and maintenance of such conveyances.

Exception: Conveyances located within a dwelling unit.

3009.2 Certificates of inspection required. It shall be unlawful to operate any elevator, dumbwaiter, escalator, moving walk, Limited Use Limited Access (LULA), stair chair, material lift, or vertical / inclined wheelchair lift (collectively, "lift") without a current certificate of inspection

issued by the building official. Such certificate shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspections and tests have been performed in accordance with Part X of the American Society of Mechanical Engineers (“ASME”) code. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3015.

3009.3 Application for certificates of inspection. The owner of any lift referenced in Section 3009.2 shall make application for an annual certificate of inspection. Permit fees shall be set by resolution of the City Council.

3009.3.1 Fees. Permit fees shall be set by resolution of the City Council.

(Each escalator or moving walk unit powered by one motor shall be considered as a separate escalator or moving walk.)

3009.4 Referenced standards. Elevators and escalators shall conform to ASME A17.1-2007. Vertical and Inclined platform lifts shall comply with ASME A18.1-2005 published by ASME.

3009.5 Requirements for operation and maintenance. The owner shall be responsible for the safe operation and maintenance of each lift referenced in Section 3009.2, and shall cause periodic inspections, tests, and maintenance to be made on such conveyances as required in this section.

3009.5.1 Periodic inspections and tests. Routine and periodic inspections and tests (including 5-yr. witnessed tests) shall be made as required by Part X of the ASME A17.1 Elevator and Escalator Safety Code and the State of Colorado Elevator and Escalator Certification Act. The owner shall pay all costs of such inspections and tests. A full and correct report of such inspection shall be filed with the building official after each required inspection.

(19) Only the following Appendix Chapters are hereby adopted:

Appendix C — Group U - Agricultural Buildings

Appendix I — Patio Covers

ARTICLE II - International Existing Building Code

Sec. 18-2-10. - Adoption.

There is hereby adopted by reference the *2018 International Existing Building Code*, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771, One copy of such code and other codes adopted by reference in the *2018 International Existing Building Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and standards regulating the repair, alteration, change of occupancy, addition to, and relocation of existing buildings within the City for the purpose of protecting the public health, safety, and general welfare.

Sec. 18-2-20. - Amendments.

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

(1) Section 101.1 is hereby amended to insert “the City of Cherry Hills Village,” so the section will read as follows:

101.1 Title. These regulations shall be known as the “Existing Building Code of the City of Cherry Hills Village,” hereinafter referred to as “this code.”

(2) Section 1401.2 is hereby amended to insert “January 1, 1970” so the first sentence of the section will read as follows:

1401.2 Applicability. Structures existing prior to January 1, 1970, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 5 through 13.

(3) Section 105 is hereby deleted and replaced with the following language.

105.1. Permits. Any owner or owner’s authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit in accordance with the applicable code for the work. This includes the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, International Energy Conservation Code and the National Electrical Code as adopted and amended by Chapter 18, Cherry Hills Village Municipal Code.

ARTICLE III - International Residential Code and National Green Building Standard

Sec. 18-3-10. - Adoption of International Residential Code.

There is hereby adopted by reference the *2018 International Residential Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One copy of such code and other codes adopted by reference in the *2018 International Residential Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes the design and construction of one- and two-family dwellings and townhomes in the City for the purpose of protecting the public health, safety, and general welfare.

Sec. 18-3-20. - Amendments to International Residential Code.

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

(1) Section R101.1 is hereby amended by inserting “City of Cherry Hills Village,” to read as follows:

R101.1 Title. These regulations shall be known as the “Residential Code for One- and Two-Family Dwellings of the City of Cherry Hills Village,” hereinafter referred to as “this code.”

(2) Section 101.2 is hereby amended to read in full as follows:

R101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use,

and occupancy, location, removal, and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures.

(3) Section R105.2 is hereby amended to read as follows:

R105.2 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 this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached, prefabricated storage sheds and pergolas with solid roofs that do not exceed 120 square feet that are located within the building envelope as defined by the appropriate setbacks and bulk plane required for the zone district and meeting all other zoning requirements.
2. Fences, walls and berms three feet or less in height, measured from natural grade and meeting all other zoning requirements.
3. Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting surcharge or impounding Class I, II or II-A liquids, and meeting all other zoning requirements.
4. Sidewalks and driveways. For purposes of this code, the term "driveways" shall mean an access route, paved or unpaved for use by vehicles. Permits are required for driveways if they are:
 - a. More than thirty inches above grade,
 - b. Located over any basement or constructed space, or
 - c. Not providing access to a garage used for the storage of automobiles.
5. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
6. Swings and other playground equipment that are accessory to single-family dwellings.
7. Movable cases, counters, and partitions not over six feet in height.

(4) Section 105.3(6) is hereby amended to read as follows:

6. Be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building

permit, such authority of the applicant shall be demonstrated with the permit application.

- (5) Section R105.3.2 is hereby amended to read as follows:

R105.3.2 Time limitation of permit application. An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

- (6) Section R105.5 is hereby amended to read as follows:

R105.5 Expiration of permits. Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within 90 days after its issuance or, if so commenced, if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *Building Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

- (7) A new Section R105.5.1 is hereby added and shall read as follows:

R105.5.1 Project completion. If the construction described in any building permit has not been completed to the point where a certificate of occupancy may be issued – or a final building inspection performed in cases where no certificate of occupancy is required – within 18 months after the date of issuance thereof, said building permit shall expire and be deemed canceled by the building official. Written notice thereof shall be given to the applicant, together with notice that further construction as described in the canceled permit shall not proceed unless and until a new building permit has been obtained and all fees have been paid.

The building official may authorize up to two four-month extensions of a permit, provided that the applicant pays a fee calculated as follows:

1. 1st Extension: A fee equal to 25 percent of the original permit fee.
2. 2nd Extension: A fee equal to 50 percent of the original permit fee.

Upon expiration of the second four-month extension, the permit is expired. A new permit is required for any remaining work on the project.

- (8) Section R106.2 is hereby amended by adding the following to the end of the section:

Two sets of construction documents shall be submitted with the application for permit. Each set shall be accompanied by a site plan,

drawn to scale and in accordance with an accurate survey including the following information:

1. The size and location of new construction and existing structures on the site noting all portions of the structure, including but not limited to eaves, overhangs and cantilevered elements.
2. Setback distances from lot lines appropriate for the parcel's zoning.
3. Existing grade contours in one-foot intervals in North American Vertical Datum of 1988 ("NAVD88") datum.
4. The established street grades and the proposed finished grades in NAVD88 datum.
5. Location of designated 100-year floodplain boundary on subject property.
6. For all new residences, or proposals to increase the square footage of a residence on a lot by more than 2,500 square feet (inclusive of only structure additions, hardscapes and pavements), the proposed contours and drainage plan required by the Arapahoe County Stormwater Management Manual, as the same may be amended from time to time. A copy of the manual is on file in the Community Development Department.
7. For all new residences and proposals to increase the square footage of a residence by 50 percent or more, a site plan showing the proposed location of all outdoor light fixtures, a light fixture schedule, and lumen output of each fixture.

In the case of demolition, two sets of site plans shall be submitted with the demolition application, showing:

1. Construction to be demolished (structures and their foundations).
2. The location and size of existing structures and construction that are to remain on the site.
3. Existing contours in one-foot intervals in U.S.G.S. datum.

A site plan is required for projects such as, but not limited to, the addition of new square footage or a change in the use of existing square footage that requires changes to the site. Site plans are not required in most cases for electrical, plumbing, or mechanical work.

The building official may request a copy of the survey from which the site plan is based upon to verify the accuracy of the site plan and may waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

(9) A new Section R106.1.5 is hereby added and shall read as follows:

R106.1.5 Electrical Drawings. Electrical drawings showing compliance with part VIII of this code and the *Electrical Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village

Municipal Code (“NEC”), shall be provided. The documents shall provide the following information.

1. Provide a one-line diagram that includes all of the electrical service equipment, all of the conduit and conductor sizes, all of the feeder panels, the entire grounding electrode system, and the grounding electrode conductor sizes, in order to demonstrate compliance with NEC 310.15(B), NEC 250.66 and NEC 250.122.
2. Provide a floor plan with the location of all of the electrical service equipment, service disconnect(s), and panel(s) in order to demonstrate compliance with NEC 110.26.
3. Provide fault current calculations. Provide the short circuit current rating of all of the service equipment and the feeder panel(s), in order to demonstrate compliance with NEC 110.9.
4. Provide the load calculations for the service, each service disconnect, each feeder panel, and each branch circuit to demonstrate compliance with NEC 220.
5. Provide a complete mechanical schedule.
6. Provide the location of all of the electrical outlets and switching devices.
7. All GFCI protected receptacles and weather-proof receptacles shall be identified on the floor plans to demonstrate compliance with NEC 210.8(A).
8. Identify each branch circuit that is AFCI protected on the panel schedules in order to demonstrate compliance with NEC 210.12(A).

(10) Section R107.1 is hereby amended to read as follows:

R107.1 General. The building official is authorized to issue a permit for only such temporary structures and temporary uses that are allowed by the Cherry Hills Village Municipal Code. Such permits shall conform to the rules and regulations adopted by the City of Cherry Hills Village regarding temporary structures and uses.

(11) A new Section R108.2.1 is hereby added and shall read as follows:

R108.2.1 Fee schedule. Permit fees shall be set by resolution of the City Council.

(12) Section R108.3 is hereby amended to read as follows:

R108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. For the purpose of determining the valuation for new construction, the building official will use the value provided by the permit applicant or the most recent Building Valuation Data table published by the International Code Council as of

the application date, whichever is higher. No regional modifier will be used in calculating the valuation of construction.

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

R108.5 Fee refunds. The City of Cherry Hills Village shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
2. The full amount of any building permit fee paid hereunder less a \$50.00 administrative fee when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.
4. The full amount of the plan review fee paid hereunder less a \$50.00 administrative fee for a permit application for which a plan review fee has been paid, but subsequently is withdrawn or canceled before any plan review effort has been expended.

(14) Section R112.3 is hereby amended to read as follows:

R112.3 Qualifications; Rules of Procedure. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

(15) Section R113.1 is hereby amended to read in its entirety as follows:

R113.1 General. Violations of this code shall be governed by Chapter 18, Article X, Cherry Hills Village Municipal Code.

(16) Section R114.1 is hereby amended to read in its entirety as follows:

R114.1 General. The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-10-30, Cherry Hills Village Municipal Code.

(17) The definition of *accessory structure* in Section R202 is hereby amended to read as follows:

ACCESSORY STRUCTURE. A structure not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot.

(18) Section 301.1 is hereby amended to add an exception at the end of the Section as follows:

Exception: Greenhouse structures having a floor area of 200 square feet or less shall not be required to comply with the wind and snow load requirements of this code.

(19) Table R301.2 (1) is hereby amended to read as follows:

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA								
Ground Snow Load	Wind Design				Seismic Design Category	Subject To Damage From		
	Speed (mph)	Topographic effects	Special wind region	Wind-borne debris zone		Weathering	Frost Line Depth	Termites
30 psf	115	No	No	No	B	Severe	36 in.	Slight/ Moderate

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA (continued)				
<i>Winter Design Temp</i>	<i>Ice Barrier Underlayment Required</i>	<i>Flood Hazards</i>	<i>Air Freezing Index</i>	<i>Mean Annual Temp</i>
1 degree	Yes	8/95	726	49.5°F

(20) A new Section R324.7 is hereby added and shall read as follows:

R324.7 Access and pathways. Roof access, pathways, and spacing requirements shall be provided in accordance with Section R324.6.

Exceptions:

1. Detached garages and accessory structures to one-and two-family dwellings and townhouses, such as parking shade structures, carports, solar trellises and similar structures.
2. Roof access, pathways, and spacing requirements need not be provided where an alternative ventilation method approved by the building official has been provided or where the building official has determined that vertical ventilation techniques will not be employed.

R324.7.1 Roof access points. Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors, and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires or signs.

R324.7.2 Solar photovoltaic systems. Solar photovoltaic systems shall comply with Sections R324.7.2.1 through R324.7.2.5.

R324.7.2.1 Size of solar photovoltaic array. Each photovoltaic array shall be limited to 150 feet by 150 feet (45 720 by 45 720 mm). Multiple arrays shall be separated by a clear access pathway not less than three feet (914 mm) in width.

R324.7.2.2 Hip roof layouts. Panels and modules installed on dwellings with hip roof layouts shall be located in a manner that provides a clear access pathway not less than three feet (914 mm) in width from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

Exception: These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (16.6 percent) and less.

R324.7.2.3 Single ridge roofs. Panels and modules installed on dwellings with a single ridge shall be located in a manner that provides two, three-foot-wide (914 mm) access pathways from the eave to the ridge on each roof slope where panels or modules are located.

Exception: This requirement shall not apply to roofs with slopes of two units vertical to 12 units horizontal (16.6 percent) and less.

R324.7.2.4 Roofs with hips and valleys. Panels and modules installed on dwellings with roof hips or valleys shall not be located less than 18 inches (457 mm) from a hip or valley where panels or modules are to be placed on both sides of a hip or valley. Where panels are to be located on one side only of a hip or valley that is of equal length, the 18-inch (457 mm) clearance does not apply.

Exception: These requirements shall not apply to roofs with slopes of two units vertical to 12 units horizontal (16.6 percent) and less.

R324.7.2.5 Allowance for smoke ventilation operations. Panels and modules installed on dwellings shall not be located less than three feet (914 mm) below the roof ridge to allow for fire department smoke ventilation operations.

Exception: Where an alternative ventilation method approved by the building official has been provided or where the building official has determined that vertical ventilation techniques will not be employed, clearance from the roof ridge is not required.

(21) Section R326 is hereby deleted in its entirety.

(22) A new Section R1007 is hereby added and shall read as follows:

**Section R1007
Pollution Control**

R1007.1. Fireplace pollution control. Any new or remodeled fireplace installed in any dwelling shall be one of the following:

1. A gas appliance;
2. An electric device; or
3. A fireplace or fireplace insert that meets the most stringent emission standards for wood stoves established by the State of Colorado Regional Air Quality Control Commission; or
4. Any other clean-burning device approved by the State of Colorado Regional Air Quality Control Commission.

(23) A new Section N1103.7 (R403.7) is hereby added and shall read as follows:

N1103.7 (R403.7) Equipment sizing and efficiency rating. Heating and cooling equipment shall be sized in accordance with ACCA Manual S based on building loads calculated in accordance with ACCA Manual J. New or replacement heating and cooling equipment shall have an efficiency rating equal to or greater than the minimum required by federal law for the geographic location where the equipment is installed.

(24) A new Section G2432.3.1 (602.3.1) is hereby added and shall read as follows:

G2432.3.1 Unvented decorative appliances. Unvented decorative appliances shall not be installed within a dwelling unit.

(25) Only the following Appendix Chapters of the *International Residential Code* are hereby adopted:

- a. Appendix H — Patio Covers.
- b. Appendix O — Automatic Vehicular Gates

Sec. 18-3-30. - Adoption of National Green Building Standard.

There is hereby adopted by reference the *National Green Building Standard ICC/ASHRAE 700-2015*, including Appendix Chapters, as published by the National Association of Home Builders of the United States, 1201 15th Street NW, Washington, DC 20005-2800. One copy of such code and other codes adopted by reference in the *National Green Building Standard ICC/ASHRAE 700-2015*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this Standard relates to criteria for rating the environmental impact of design and construction practices to achieve voluntary conformance with specified performance levels for green residential buildings in the City of Cherry Hills Village. The National Green Building Standard shall be referred to herein as the "Standard."

Sec. 18-3-40. - Amendments to National Green Building Standard.

(1) The Standard adopted in Section 18-3-30 is modified by the following amendments:

1. Section 103.1 shall be amended by the addition of new sub-sections 103.1.1 and 103.1.2 to read as follows:

103.1.1 The Bronze level shall be the minimum performance level to ensure compliance with the standard.

103.1.2 Verification for compliance shall be determined by the adopting entity or an approved third-party agency.

2. Section 305 shall be deleted in its entirety.

3. The first sentence of Section 503.4 shall be amended to read as follows:

503.4 Stormwater management. Stormwater management shall be deemed to comply with section 503.4(2) to receive 13 points when the stormwater requirements of Cherry Hills Village have been achieved. Further points may be obtained in this section by following low-impact development techniques:

4. The first sentence of Section 605.2 shall be amended to read as follows:

605.2 **On-site recycling.** On-site recycling measures are mandatory and will receive seven points provided that it is done in compliance with applicable regulations and codes

5. Section 605.3 shall be amended to read as follows:

605.3 **Recycled construction materials.** Construction materials (e.g., wood, cardboard, metals, drywall, plastic, asphalt roofing shingles, or concrete) are recycled offsite.

(1) a minimum of two types of materials are recycled (Mandatory) 3 points

6. Section 701.1.1 shall be amended to read as follows:

701.1.1 **Bronze level compliance.** Any building that qualifies as an ENERGY STAR Version 3.0 Quality Home or demonstrates compliance with the 2018 IECC or Chapter 11 of the 2018 IRC is deemed to meet all mandatory practices of Chapter 7 and achieves the bronze level for Chapter 7 and receives 10 points for compliance. Additional points may be awarded for practices in addition to these minimum practices, as provided in Sections 702 and 705.

(2) Green Plan Review Fees for All New Residences shall be set forth by resolution of the City Council.

Sec. 18-3-50. - Incentive rebate program.

(1) To encourage the construction of Dwelling Units to the Standard, the City authorizes the following rebates for Dwelling Units that achieve specified rating levels defined in Section 303 of the Standard, as evidenced by a “Home Innovation NGBS Green Certified” certificate issued by the National Association of Home Builders Research Center:

Rating Level	Building Permit Fee Rebate (% of Fee Paid Pursuant to City Council resolution)
Bronze	10%
Silver	15%
Gold	20%
Emerald	25%

(2) The rebate shall be paid to the owner of the Dwelling Unit within 90 days after:

1. the building official’s receipt of a “Home Innovation NGBS Green Certified” certificate issued by the National Association of Home Builders Research Center specifying the level of certification achieved; and

2. the City’s issuance of a certificate of occupancy for the Dwelling Unit.

ARTICLE IV - International Mechanical Code

Sec. 18-4-10. - Adoption.

There is hereby adopted by reference the *2018 International Mechanical Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One copy of such code and other codes adopted by reference in the *2018 International Mechanical Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the regulation and control of the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, comfort cooling and refrigeration systems, incinerators and other miscellaneous heat-producing appliances; construction, enlargement, alteration, repair, removal, demolition, equipment and use of buildings and structures and the standards for design and installation of heating, ventilation and air conditioning units; plumbing systems and fuel gas systems within buildings and structures within the City for the purpose of protecting the public health, safety, and general welfare.

Sec. 18-4-20. - Amendments.

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

(1) Section 101.1 is hereby amended by inserting “the City of Cherry Hills Village,” so the section will read as follows:

101.1 Title. These regulations shall be known as the “*Mechanical Code of the City of Cherry Hills Village*,” hereinafter referred to as “this code.”

(2) Section 106.3 is hereby amended to read as follows:

106.3 Application for Permit. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the building official.

(3) Section 106.4.3 is hereby amended to read as follows:

106.4.3 Expiration. Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within 90 days after its issuance or, if commenced, the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the

time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *Building Code of the City of Cherry Hill Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

- (4) Section 106.5.2 is hereby amended as follows:

106.5.2 Fee schedule. Permit fees shall be set by resolution of the City Council.

- (5) Section 106.5.3 is hereby amended to read as follows:

106.5.3 Fee refunds. The City shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
2. The full amount of any building permit fee paid hereunder less a \$50.00 administrative fee when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.
4. The full amount of the plan review fee paid hereunder less a \$50.00 administrative fee for a permit application for which a plan review fee has been paid, but subsequently is withdrawn or canceled before any plan review effort has been expended.

- (6) Section 108 is hereby amended to read in its entirety as follows:

108.1 General. Violations of this code shall be governed by Section 18-10-20, Cherry Hills Village Municipal Code.

- (7) Section 109.2 is hereby amended to read as follows:

109.2 Membership of Board; Rules of Procedure. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

- (8) Section 109.2.1 through 109.2.6, inclusive, and 109.3 through 109.7, inclusive, are hereby deleted.

ARTICLE V - International Plumbing Code

Sec. 18-5-10. - Adoption.

There is hereby adopted by reference the *2018 International Plumbing Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One copy of such code and other codes adopted by reference in the *2018 International Plumbing Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes minimum provisions and standards for the installation, alteration, or repair of plumbing and drainage systems and equipment within or on public or private buildings or other structures in the City, and provides for the inspection thereof within the City for the purpose of protecting the public health, safety, and general welfare.

Sec. 18-5-20. – Amendments.

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

(1) Section 101.1 is hereby amended by inserting “the City of Cherry Hills Village,” so the section will read as follows:

101.1 Title. These regulations shall be known as the “*Plumbing Code of the City of Cherry Hills Village*,” hereinafter referred to as “this code.”

(2) Section 106.3 is hereby amended to read as follows:

106.3 Application for Permit. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract, or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information required by the building official.

(3) Section 106.5.3 is hereby amended to read as follows:

106.5.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 90 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. In no event shall a permit remain active longer than two

years. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *Building Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

- (4) Section 106.6.2 is hereby amended to read as follows:

106.6.2 Fee schedule. Permit fees shall be set by resolution of the City Council.

- (5) Section 106.6.3 is hereby amended to read as follows:

106.6.3 Fee refunds. The building official shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
2. The full amount of any building permit fee paid hereunder less a \$50.00 administrative fee when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.
4. The full amount of the plan review fee paid hereunder less a \$50.00 administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended.

- (6) Section 108.1 is hereby amended to read as follows, and Sections 108.2 through 108.6 are hereby deleted:

108.1 General. Violations of this code shall be governed by Chapter 18, Article X, Cherry Hills Village Municipal Code.

- (7) Section 109.2 is hereby amended to read as follows:

109.2 Membership of Board; Rules of Procedure. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

- (8) Sections 109.2.1 through 109.2.6, inclusive, and 109.3 through 109.7, inclusive, are hereby deleted.

- (9) Section 305.4.1 is hereby amended to read as follows:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 60 inches below finished grade

at the point of septic tank connection. Building sewers shall be a minimum of 60 inches below grade.

(10) Section 903.1 is hereby amended to read as follows:

903.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection (e.g., an observation deck), the vent extensions shall be run at least seven feet above the roof.

(11) A new exception to Section 2904.3.2

Exception: The sprinkler system piping shall be permitted to have additional control valves install when supervised by one of the following methods:

1. Central station, proprietary, or remote station alarm service.
2. Local alarm service that causes the sounding of an audible signal at a constantly attended location.
3. Valves that are locked open or other approved method of securing the valve.

ARTICLE VI - International Fuel Gas Code

Sec. 18-6-10. - Adoption.

There is hereby adopted by reference the *2018 International Fuel Gas Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One copy of such code and other codes adopted by reference in the *2018 International Fuel Gas Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes minimum provisions and safety standards for the regulations of fuel gas systems and gas-fired appliances within buildings and structures in the City for the purpose of protecting the public health, safety, and general welfare.

Sec. 18-6-20. - Amendments.

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

(1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

101.1 Title. These regulations shall be known as the "*Fuel Gas Code of the City of Cherry Hills Village*," hereinafter referred to as "this code."

(2) Section 106.3 is hereby amended to read as follows:

106.3 Application for Permit. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such

authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the building official.

- (3) Section 106.5.3 is hereby amended to read as follows:

106.5.3 Expiration of permits. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 90 days after its issuance or if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. In no event shall a permit remain active longer than two years. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *Building Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

- (4) Section 106.6.2 is hereby amended to read as follows:

106.6.2 Fee schedule. Permit fees shall be set by resolution of the City Council.

- (5) Section 106.6.3 is hereby amended to read as follows:

106.6.3 Fee refunds. The building official shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
2. The full amount of any building permit fee paid hereunder less a \$50.00 administrative fee when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.
4. The full amount of the plan review fee paid hereunder less a \$50.00 administrative fee for a permit application for which a plan review fee has been paid but subsequently is withdrawn or canceled before any plan review effort has been expended.

- (6) Section 108.1 is hereby amended to read as follows, and Sections 108.2 through 108.6 are hereby deleted:

108.1 General. Violations of this code shall be governed by Chapter 18, Article X, Cherry Hills Village Municipal Code.

- (7) Section 109.2 is hereby amended to read as follows:

109.2 Membership of Board; Rules of Procedure. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

(8) Sections 109.2.1 through 109.2.6, inclusive, and 109.3 through 109.7, inclusive, are hereby deleted.

(9) A new Section 602.3.1 is hereby added and shall read as follows:

602.3.1 Unvented decorative appliances. Unvented decorative appliances shall not be installed.

ARTICLE VII - International Energy Conservation Code

Sec. 18-7-10. - Adoption.

There is hereby adopted by reference the *2018 International Energy Conservation Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One copy of such code and other codes adopted by reference in the *2018 International Energy Conservation Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the design of energy-efficient buildings and energy-efficient mechanical, lighting, and power systems within buildings and structures in the City for the purpose of protecting the public health, safety, and general welfare.

Sec. 18-7-20. - Amendment.

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

(1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

101.1 Title. These regulations shall be known as the "*International Energy Conservation Code of the City of Cherry Hills Village*," hereinafter referred to as "this code."

(2) Section R403.7 is hereby amended and shall read as follows:

R403.7 Equipment sizing and efficiency rating. Heating and cooling equipment shall be sized in accordance with ACCA Manual S based on building loads calculated in accordance with ACCA Manual J. New or replacement heating and cooling equipment shall have an efficiency rating equal to or greater than the minimum required by federal law for the geographic location where the equipment is installed.

ARTICLE VIII - National Electrical Code

Sec. 18-8-10. - Adoption.

There is hereby adopted by reference the *2017 National Electrical Code*, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02269, or any other electrical code revision approved by the State of Colorado. One copy of such code and

other codes adopted by reference in the *2017 National Electrical Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the City Clerk and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the electrical construction, alteration, repair, removal, and demolition of equipment within buildings and structures in the City for the purpose of protecting the public health, safety, and general welfare.

Sec. 18-8-20. - Amendments.

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

(1) Annex H of the *2017 National Electric Code* is hereby adopted.

(2) Annex H, Section 80.13(13), is hereby amended to read as follows:

(13) Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within three days after such notification.

(3) Annex H, Section 80.15, is hereby amended to read as follows:

Board of Appeals. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

(4) Annex H, Section 80.19(F)(3), is hereby amended to read as follows:

(3) When any portion of the electrical installation within the jurisdiction of the Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the progress of the work.

(5) Annex H, Section 80.19(H), is hereby amended to read as follows:

1. Applications for permits shall be made to the City on forms provided by the City and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the City, such as plans and specifications, location, and so forth. Permit fees shall be set by resolution of the City Council.

2. An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of

time for an additional period not to exceed 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

3. The City shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the City, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the City shall not be issued unless proof of required financial responsibility is furnished.

4. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 90 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 108.6 of the *Building Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

(6) Annex H, Section 80.23(B), is hereby deleted, and Section 80.23(A) is hereby amended to read as follows:

80.23(A) Violations. Violations of this code shall be governed by Chapter 18, Article X, Cherry Hills Village Municipal Code.

(7) Annex H, Section 80.27, is hereby deleted in its entirety.

(8) Annex H, Section 80.29, is hereby amended to read as follows:

80.29 Liability for damages. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Cherry Hills Village or any of its employees be held as assuming any such liability by reason of the inspection, re-inspection, or other examination authorized.

ARTICLE IX - International Fire Code

Sec. 18-9-10. - Adoption.

There is hereby adopted by reference the *2018 International Fire Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One copy of such code and other codes adopted by reference in the 2018 International Fire Code, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for fire prevention generally and, specifically, the regulation of conditions hazardous to life and property from fire or explosion; and to provide for the issuance of permits for hazardous uses or operations within buildings and structures in the City for the purpose of protecting the public health, safety, and general welfare.

Sec. 18-9-20. - Amendments.

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

- (1) Section 101.1 is hereby amended as follows:

101.1 Title. These regulations shall be known as the “*Fire Code of the City of Cherry Hills Village*”, hereinafter referred to as “this code.”

- (2) Section 103 is amended to read in its entirety as follows:

103.1 General. South Metro Fire Rescue provides fire protection services for the City. It operates under the direction of its fire chief. South Metro Fire Rescue (the “fire department”), working in conjunction with the City, is charged with the implementation, administration, and enforcement of the provisions of this code.

- (3) Section 108 is hereby amended by amending Section 108.1 to read as follows and by deleting Section 108.3:

108.1 Board of Appeals; Rules of Procedure. The board of appeals shall hear and decide appeals or orders, decisions or determinations made by the fire code official or the City Manager or his or her designee relative to the application and interpretation of this code. The board of appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

- (4) Section 109 is hereby amended to read in its entirety as follows:

109.1 Violations. Violations of this code shall be governed by Chapter 18, Article X, Cherry Hills Village Municipal Code.

- (5) Section 111 is hereby amended to read in its entirety as follows:

111.1 General. The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-10-30, Cherry Hills Village Municipal Code.

- (6) Section 503.2 is hereby amended to read as follows:

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8, inclusive, and Appendix D and/or the City of Cherry Hills Village roadway design provisions, as approved by the fire code official.

- (7) Section 503.4.1 is hereby amended to read as follows:

503.4.1 Traffic calming devices. Fire Code Official approval is required before traffic calming devices can be constructed.

- (8) Section 507.3 is hereby amended to read as follows:

507.3 Fire-flow. Fire-flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B or by an approved method.

- (9) Section 507.5 is hereby amended to read as follows:

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6, inclusive, and Appendix C.

(10) Section 903.2.9 is hereby amended to read as follows:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. [No Change]
2. [No Change]
3. [No Change]
4. [No Change]
5. A Group S-1 fire area used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

(11) Section 1103.7.6 is hereby amended to read in its entirety as follows:

1103.7.6 Group R-2. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies more than three stories in height or with more than 16 dwelling or sleeping units.

Exceptions:

1. [No Change]
2. [No Change]
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exists or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3, items 3.2 to 3.5.
4. [No Change]

(12) Section 5601.1.3 is hereby amended to read in its entirety as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. The possession, storage, handling, and use of fireworks are allowed in Section 5608.

(13) Section 5704.2.9.6.1 is hereby amended to read as follows:

5704.2.9.6.1 Locations of aboveground tanks. Aboveground tanks shall be located in accordance with this section.

(14) Section 5706.2.4.4 is hereby deleted in its entirety.

(15) Section 5806.2 is hereby deleted in its entirety and Section 5806.1 is amended to read as follows:

5806.1 General. The storage and use of flammable cryogenic fluids shall be in accordance with Sections 5806.3 through 5806.4.8.3, inclusive, and Chapter 55.

(16) Section 6104.2 is hereby deleted in its entirety.

(17) Only the following Appendix Chapters of this code are hereby adopted and amended as follows: Appendix B, Appendix C, and Appendix D, as amended below.

1. APPENDIX B - Fire-Flow Requirements for Buildings. Appendix B is hereby amended to read as follows:

a. Table B105.1(1) REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES shall read as follows:

Table B105.1(1) REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES			
Fire-Flow Calculation Area (square feet)	Automatic Sprinkler System (Design Standard)	Minimum Fire- Flow (gallons per minute)	Flow Duration (hours)
0—3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at the required fire-flow rate

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

2. APPENDIX C - Fire Hydrant Locations and Distribution. Appendix C is hereby amended to read as follows:

a. Section C103.2 is hereby amended to read as follows:

C103.2 Average spacing. The average spacing between fire hydrants shall be in accordance with Table C102.1.

Exception: The average spacing may be permitted to be increased by 10 percent where existing fire hydrants provide all or a portion of the required number of fire hydrants.

b. Table C102.1 is hereby amended to delete all references to footnote f and footnote g in their entirety.

3. APPENDIX D - Fire Apparatus Access Roads. Appendix D is hereby amended to read as follows:

a. Section D103.1 is hereby deleted in its entirety.

b. Section D103.4 is hereby amended to read as follows:

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45,720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4 and/or the

City of Cherry Hills Village roadway design provisions, as approved by the fire code official.

c. Section D105.3 is hereby amended to read as follows:

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

Exception:

The proximity of an aerial fire apparatus access road may be altered by the fire code official based on the specifications and capabilities of the fire protection district's apparatus.

ARTICLE X - Violations and Enforcement

Sec. 18-10-10. - Unlawful actions.

It shall be unlawful and a violation of this Code for any property owner, permit holder or any other person:

(1) To authorize the performance or to perform any work or activity for which a permit is required by this Code without first securing or obtaining all City-issued permits in accordance with this Code necessary to commence and perform such work or activity.

(2) Following issuance of a stop work order, to authorize the performance or to perform any work or activity other than work or activity deemed by the applicable code official as necessary to remedy the violations or conditions cited in the stop work order.

(3) To authorize the performance or to perform any work that fails to comply with the requirements of this Code.

(4) Following the effective date of this Code, to allow any structure, building, improvement, or condition to exist upon property that was installed, constructed, erected, or created in violation of this Code.

(5) To remove, move, cover, obscure, damage, destroy, or alter a posted Stop Work Order.

(6) To interfere with or otherwise impede or impair the lawful actions of the applicable code official.

Sec. 18-10-20. - Violations.

Persons who violate a provision of this Chapter or any provision of any code adopted within this Chapter, or who erect, install, alter, or repair a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor. Misdemeanors are punishable by:

(1) A fine of not more than the maximum fine authorized in Section 1-4-20 of this Code for any one offense, each day after a ticket is given constituting a separate offense; or

(2) By imprisonment in the County jail for a period of not more than 90 days; or

(3) By both such fine and imprisonment.

Sec. 18-10-30. - Stop work orders and notices.

The building official or other applicable code official is authorized to issue a notice, order, and demand to immediately cease work or any other action found by the official to be in violation of this Chapter or any code or codes either currently adopted or subsequently adopted by the City.

(1) A stop work order or other notice shall be made in writing and signed by the applicable code official. The stop work order shall identify with reasonable specificity the activity found by the code official to be in violation of this Code or conducted in an unsafe or dangerous manner. Whenever possible, the order shall cite the applicable provisions of the code. The order shall identify the conditions necessary to remedy the violation and permit the continuation of the work authorized under the permit.

(2) A stop work order shall be deemed issued and effective when posted in a conspicuous place at the site described in the application for permit. The applicable code official shall endeavor to mail or otherwise deliver a copy of the stop work order to the permit holder, the owner of the property and/or to persons engaged in the performance of the work authorized by the permit. Provided that the stop work order is properly posted in accordance with this Section, failure to deliver a copy of the order to the permit holder, the property owner or any other person shall not invalidate or render ineffective the order.

(3) Upon correction or remedy of the violations cited in a stop work order, the applicable code official shall issue a written order rescinding the stop work order.

(4) Upon issuance of a stop work order, the applicant shall submit for a building permit in accordance with this Chapter. Permit fees shall include fees for such work and an investigation fee, as set forth in a resolution of the City Council.

Sec. 18-10-40. - Abatement of violations.

The imposition of the penalties herein prescribed shall not preclude the City Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the property, the structure or any mechanical, plumbing, or other system on or about any premises.

ARTICLE XI - Construction Practices

Sec. 18-11-10. - Applicability and intent.

(1) Applicability. This Article shall apply to all construction activity within the City, except construction activity performed by or on behalf of the City for a City project.

(2) Intent. It is the City's intent by the adoption of this Article to reasonably minimize the detrimental health, safety, and general welfare impacts of construction activities on the residents of the community and to ensure that each construction activity is conducted in such a manner so as to avoid unnecessary inconvenience and annoyance to the general public and the occupants of neighboring property.

Sec. 18-11-20. - Definitions.

For purposes of this Article and unless the context clearly indicates otherwise, certain words and phrases used herein shall be interpreted as follows:

The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

Construction activity means any site preparation, landscaping, building construction, sign erection, paving, fencing, planting, or other improvement or modification of any real property or existing improvement thereon.

Construction site means all of a real property, as defined by its boundary lines, over any part of which there is a construction activity, along with the public or private right-of-way adjacent to such property.

Construction site facilities means a portable toilet, a trash receptacle or dumpster, and any other structure or facility erected or installed as a job office, material storage facility, or other facility or installation on or within a construction site that is used for or in connection with a construction activity or that is required to be depicted on a construction staging plan pursuant to this Article.

Construction staging plan means a site plan of a construction site that shows the location for all construction site facilities and all other items that are required to be shown on such plan pursuant to the requirements of this Article.

Construction vehicle means any car, truck, tractor, trailer, or other vehicle or equipment of any type that is used to perform any part of a construction activity or to transport equipment, supplies or workers to a construction site.

Emergency work means work required to protect persons or property from exposure to imminent danger.

Right-of-way means any street, way, place, alley, easement, median, parkway or boulevard, whether public or private, the principal purpose of which is the provision of vehicular access to real property.

Vehicle tracking control means an effective method or methods of preventing vehicles from tracking soil, mud, or gravel from a construction site to a right-of-way, which method or methods may include, but be not limited to, the use of temporary paving or a washing or mud-clearing station.

Sec. 18-11-30. - Administration.

(1) A construction staging plan shall be submitted along with the application for a permit for any construction activities. In instances when a building permit or other permit from the City is not required for a construction activity, or for any work being conducted pursuant to a permit issued for a project consisting solely of electrical work, plumbing work, or mechanical work, such construction activity shall still be subject to the minimum requirements outlined in Section 18-11-40(2) of this Article, even though a construction staging plan may not be required. The City Manager or his or her designee may require a construction staging plan be submitted for review and approval, for proposed or current construction activities, if the City Manager or his or her designee determines that a construction staging plan is necessary to ensure that construction is conducted in such a manner so as to minimize the impacts resulting from the construction activity on the general public and the occupants of neighboring property. It shall be unlawful to perform, or for the owner of any construction site to allow to be performed, any construction activity prior to the City's full approval of the construction staging plan, when such construction staging plan is required by this Section.

(2) The construction staging plan shall be subject to the review and approval of the City Manager or his or her designee. Such review shall be conducted to ensure that the

construction activities will be conducted in compliance with the requirements of this Article; provided, however, that if the City Manager or his or her designee determines that a deviation of a construction staging plan from the requirements of this Article will result in no greater adverse impacts on adjacent properties than would occur if the plan were to fully comply with the provisions of this Article, then the City Manager or his or her designee may approve the plan in his or her reasonable discretion.

(3) The City Manager or his or her designee may impose reasonable conditions upon any approval of a construction staging plan to ensure that the construction activities will be conducted in compliance with the requirements of this Article.

(4) A construction staging plan may be modified or amended upon the written approval of the City Manager or his or her designee. Any modification to or amendment of a construction staging plan shall be reviewed and approved under the same standards, and shall be subject to the same conditions, as are set forth in this Section for the review and approval and conditioning of the initial construction staging plan.

(5) Any construction activity performed by a property owner or occupant of property without the assistance of a contractor, or any landscaping, planting, or grading work that disturbs less than 500 square feet of property area and less than 10 cubic yards of soil, shall not be subject to the requirements of this Article.

Sec. 18-11-40. - Construction staging plan.

The construction staging plan shall include all of the following information:

(1) A to-scale, accurate depiction of all existing and proposed improvements.

(2) A to-scale, accurate depiction of the location of all construction site facilities and, when applicable, a description of construction site facilities, including but not limited to the following:

1. Portable toilets.

a. Except for construction sites that contain an operable, permanent toilet that is made available for the use of every construction worker, at least one (1) portable toilet shall be provided on each construction site and the location of such portable toilet shall be shown on the construction staging plan. For a residential construction site, no more than one (1) portable toilet may be located on the site.

b. A portable toilet shall not be located within any right-of-way.

c. Every portable toilet shall be reasonably screened from the view of adjacent properties and rights-of-way, and in no event shall a portable toilet be located within ten (10) feet of any property line.

d. Every portable toilet shall at all times be maintained in a sanitary and odor-free condition.

2. Trash receptacles and dumpsters.

a. A trash receptacle and/or dumpster of a size adequate to contain the construction waste materials anticipated in connection with a construction activity shall be provided on each construction site to contain solid waste materials, and the location of such trash receptacle and/or dumpster shall be shown on the construction staging plan. Liquid and hazardous waste materials shall be disposed of at a proper waste depository.

b. Trash receptacles or dumpsters shall not be located within any right-of-way, and in no event shall a trash receptacle or dumpster be located within five feet of any side or rear property line.

c. Trash receptacles and dumpsters shall at all times be maintained in an odor-free condition and in such a manner as to prevent waste materials from being blown out of them. Trash receptacles and dumpsters shall be emptied on a regular basis so as to comply with the requirements of this Subsection.

3. Construction trailers.

a. Temporary construction trailers shall be permitted, operated and maintained in accordance with the provisions of Section 16-2-420 of this Code. If a temporary construction trailer is to be used on a construction site, its location shall be depicted on the construction staging plan.

4. Vehicle tracking control.

a. No construction vehicle shall track soil, mud, or gravel off of a construction site and onto a right-of-way. Vehicle tracking control shall be used at ingress and egress points on all construction sites that have the potential for construction vehicles to track soil, mud, or gravel off of a construction site and onto a right-of-way.

b. The construction staging plan shall depict the location for, and describe the type of, vehicle tracking control that will be utilized for the construction site.

5. Silt fencing.

a. Silt fencing shall be placed downgrade of all areas of a construction site that are to be disturbed and that have the potential for sediment to be transported off of a construction site by runoff, and the location and type of such silt fencing shall be shown on the construction staging plan.

b. A minimum of nine inches of the bottom of the silt fence shall be anchored using gravel or dirt.

6. Parking. For purposes of this Subsection, lot area shall have the meaning set forth in Section 16-9-40 of this Code.

a. The locations of all parking and loading/unloading areas for construction vehicles associated with a construction site shall be shown on the required construction staging plan.

b. For any lot, parcel or other real property that contains one or more acres of lot area, the parking of construction vehicles shall occur only within the boundaries of such lot, parcel or other real property. It shall be unlawful for any construction vehicle associated with any lot, parcel or other real property that contains one or more acres of lot area to be parked within a right-of-way.

c. For any lot, parcel or other real property that contains less than one acre of lot area, the parking of construction vehicles shall occur only within the boundaries of such lot, parcel or other real property if reasonably feasible.

d. In the event that the parking of construction vehicles within the boundaries of a lot, parcel or other real property containing less than one acre of lot area is not reasonably feasible, the construction staging plan may provide:

1) That the parking area shall be located within the right-of-way area that is immediately adjacent to the subject property and not adjacent to any other property; and

2) That vehicular access on the right-of-way shall be maintained at a minimum width of 20 feet (for emergency response purposes), assuming the contemporaneous use of the right-of-way for the parking of vehicles immediately across the right-of-way from the area in which the construction vehicles are to be parked. In the event that such minimum width cannot be maintained, the parking of construction vehicles shall not occur within the right-of-way.

e. It shall be unlawful for any construction vehicle associated with such lot, parcel or other real property to be parked within a right-of-way except to the extent that the parking within a right-of-way is in conformance with the approved construction staging plan.

f. The construction staging plan shall make provision for parking at remote locations that are not within a right-of-way within the City in the event that the number of anticipated construction vehicles exceeds the parking capacity of the site.

7. Temporary construction fencing.

a. Any temporary construction fencing shall be shown on the required construction staging plan.

b. Temporary construction fencing shall be provided for any below-grade construction in excess of 30 inches that is unattended or open overnight.

c. Temporary construction fencing shall not exceed six feet in height and may be opaque so as to provide additional screening of the construction site.

d. Temporary construction fencing may not be located in a right-of-way.

8. Construction material storage.

a. Construction material storage areas shall be designated on the required construction staging plan.

b. Construction materials shall not be stored in any right-of-way.

c. Construction materials shall be reasonably screened from view of adjacent properties and rights-of way.

d. In no event shall construction materials be stored within five feet from any property line.

9. Storage of fill or excavated dirt.

a. The location of storage sites for any fill or excavated dirt shall be indicated on the construction staging plan.

b. Any fill or excavated dirt shall be maintained in a manner so as to prevent dust from blowing on adjacent properties, which manner may include, but need not be limited to, the periodic watering of the piles.

c. Silt fencing around piles of fill or excavated dirt may be required under the provisions of Subparagraph (v), above.

d. All excess fill or excavated dirt shall be removed promptly upon completion of the project.

(3) Photographs of all improved portions of any public right-of-way that are within 500 feet of any point of vehicular access to a construction site.

Sec. 18-11-50. - Construction site maintenance and operation and duty to repair public rights-of-way.

(1) Contractors, subcontractors and persons holding permits to perform construction activities, and the owners of construction sites, shall cause the construction site to be maintained in a neat and orderly condition that is free from any debris, garbage, junk, used or discarded construction materials, trash, or any other foreign substance produced as a result of the construction project other than debris, garbage, junk, trash or other foreign substance deposited into and contained within a trash receptacle or trash dumpster.

(2) Notwithstanding any provision of this Article, all construction activities and construction sites shall be subject to the provisions of Chapter 7 of this Code, including but not limited to those provisions concerning noise.

(3) Contractors, subcontractors, persons holding permits to perform construction activities, and the owners of construction sites shall, at the direction of the City Manager or his or her designee, either repair or reimburse the City for its costs incurred to repair any damage to any public right-of-way that is caused by a construction vehicle.

Sec. 18-11-60. - Construction times.

(1) Construction activity may be performed subject to the following restrictions:

Day	Hours
Monday through Friday	7 a.m. to 6 p.m.
Saturday	8 a.m. to 4 p.m.
Sunday	No outside construction activity permitted at any time. Construction activity occurring within a fully enclosed structure is permitted between the hours of 8 a.m. to 4 p.m.
Federal holidays (observed): New Year’s Day; Martin Luther King Day, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day	No construction activity permitted.

(2) Construction Vehicles. Construction vehicles or construction delivery trucks shall not park or stand and leave their engines idling between the hours of 6:00 p.m. and 8:00 a.m.

(3) Exception. This Section shall not apply to emergency work as defined in Section 18-11-20, provided an owner or contractor obtains prior written approval from the City Manager and the emergency work is concluded within 48 hours of receipt of approval from the City Manager. Emergency work shall not be subject to the waiver process set forth in Subsection (4) of this Section.

(4) Construction times waiver. A waiver to the construction times as prescribed in Section 18-11-60(1) may be approved by the City Manager subject to the procedure and approval criteria set forth in this subsection.

1. Eligibility. A waiver may be authorized for water well drilling construction activity that exceeds the construction time limits set forth in Subsection (1) of this Section for up to a maximum of seven consecutive days. Any waiver request to the construction time limits that exceeds seven consecutive days shall be referred to City Council for consideration at a public meeting and shall be approved only upon a showing of good cause.

2. Application Requirements.

- a. Completed waiver request in a form provided by the building department.
- b. A statement of justification for the construction times waiver including the following:
 - i. Reason for waiver.
 - ii. Copy of well permit issued by office of state engineer.
 - iii. Scope of work.
 - iv. Description of potential impacts to adjacent properties, including but not limited to noise, lighting, vibrations, location of heavy equipment.
 - v. Description of mitigation efforts to address any adjacent property impacts.
 - vi. Time schedule for start and completion of construction.
- c. Site plan showing the size, location and use of all existing and proposed improvements or construction, with dimensions to property lines showing setbacks. The plan shall show all other existing or proposed structures or improvements on the site, including the location and size of vegetation, if applicable.
- d. Construction staging plan exhibit in accordance with Section 18-11-30 of this Code.
- e. Application fees shall be set by resolution of the City Council.

3. Preapplication Neighborhood Meeting. The applicant shall conduct a preapplication neighborhood input meeting in accordance with the procedures set forth in Section 18-11-80 of this Code.

4. City Decision. Within 10 business days of receipt of a complete waiver application, the City Manager shall render a decision on the waiver request, and may approve a waiver for a specified period of time upon finding that all of the following criteria of approval have been met:

- a. The waiver is necessary to complete the drilling or re-drilling of a water well in the most expeditious and safe manner; and
- b. Construction activity will be mitigated to prevent any significant disruptions to adjacent properties; and
- c. The location of construction activity is limited to the subject property and does not adversely impact adjacent properties.

5. Issuance of Waiver. Upon issuance of a waiver, the applicant shall be authorized to commence and complete construction activity within the parameters of the written waiver. Said written waiver may include conditions of approval and/or waivers to noise limits set forth in Section 7-1-30(4) of this Code.

Sec. 18-11-70. - Enforcement.

(1) Upon a complaint or observation by the City of a violation of this Article, or upon a determination by the City that a construction site is not being maintained or operated in strict conformance with the provisions of an approved construction staging plan, the City shall provide written notice to the contractor or person performing the work on the construction site, as well as mailed notice to the owner of record of the construction site, specifying the specific conditions that are deemed in violation of this Article or the approved construction staging plan and demanding that the construction site be brought into compliance with this Article or such plan within 24 hours; provided, however, that no such notice is required if the City Manager or his or her designee determines that the immediate cessation of the violation or failure to comply with an approved construction staging plan is necessary to preserve health or safety, or when there is a violation of the regulations concerning construction times as stated in Section 18-11-60 of this Article.

(2) In the event of a violation of any provision of this Article, or in the event that the City determines that a construction site is not being maintained or operated in strict conformance with the provisions of an approved construction staging plan, or in the event that reasonable steps have not been undertaken within the 24-hour period referenced in Subsection (1), above, to bring a site into compliance with any provision of this Article or such plan after notice as provided in Subsection (1), above, or without prior notice in the event of a second violation of the same provision of this Article or a second failure to operate in strict conformance with the same provision of an approved construction staging plan, the City may, at its discretion:

1. Issue a stop work order;
2. Withhold any certificate of occupancy for any improvement on the construction site;
3. Withhold any required construction or building inspection approvals;
4. Reject any necessary acceptance by the City of construction or improvements;
5. Reject any necessary acceptance by the City of construction or improvements;
6. Prosecute the violation in accordance with the City's laws governing nuisances or as a violation of this Article that is subject to the penalties set forth in Subsection (6) below; and/or
7. Remedy the conditions that are deemed in violation of this Article or the approved construction staging plan and assess the costs incurred by the City to bring the construction site into compliance with this Article as a lien against the subject property, subject to collection in the same manner as unpaid property taxes.

(3) In the event that the City issues a stop work order pursuant to this Section, it shall be unlawful for any person to engage in any construction activity on the subject construction site until a written plan is submitted to and approved by the City Manager. Such plan shall provide a detailed statement setting forth the means and methods by which the existing violation has been or will be remedied and by which the same violation will be avoided in the future. The statement shall provide such additional or clarifying information as may be reasonably requested by the City Manager. Upon its approval by the City Manager, the written plan shall be a part of the construction staging plan required by this Article, and shall be enforceable under this Article as if it had been set forth as part of the original, approved construction staging plan.

(4) In the event that the City remedies the conditions deemed in violation of this Article or the approved construction staging plan, the cost for the City to perform such work shall be \$500.00, exclusive of any costs attributable to vehicle or equipment time, or the actual cost of remediation of the violation, whichever is greater. The failure to pay an assessment imposed by

the City for City costs incurred to bring the construction site into conformance with this Article or such plan within seven days shall cause all building permits for the construction site to expire. Provided that full payment of such assessment is made and all other applicable requirements for the issuance of a building permit are satisfied, a new permit may be obtained upon application and payment of the building permit fee calculated on the valuation of the remaining work.

(5) Any and all construction site facilities shall be removed from the construction site at such time as the subject improvement is issued a certificate of occupancy or completion, or within 10 days after the construction activity has ceased, whichever first occurs.

(6) Upon the first conviction of a person for a violation of any provision of this Article, there shall be imposed a fine of not less than two \$250.00. Upon the second conviction of a person for violation of the same provision of this Article for which he or she was previously convicted, there shall be imposed a fine of not less than \$500.00. Upon the third and each subsequent conviction of a person for violation of the same provision of this Article for which he or she was previously convicted, there shall be imposed a fine of not less than \$1,000.00. Notwithstanding the foregoing, a violation shall not be considered a second or third and subsequent violation, subject to the increased fines described herein, if the date of the violation which results in a conviction occurs more than three years after a previous conviction of the same provision of this Article.

Sec. 18-11-80. - Preapplication neighborhood input meeting.

(1) A preapplication neighborhood input meeting (“neighborhood meeting”) shall be held prior to submitting an application for a permit to construct a new single-family dwelling, commercial, community or institutional structure, or an addition to any such structure that increases the square footage by 50 percent or more, or adds a second story to an existing one-story structure. An *affected property owner* shall mean the owner of property contiguous to or across any street from any portions of the applicant’s property. A *homeowners’ association* shall mean a homeowners’ association registered with the City with jurisdiction over the applicant’s property. The applicant and the City are entitled to rely on the registration information provided by the homeowners’ associations to the City for purposes of preparing any notices or otherwise contacting homeowners’ associations.

(2) The purpose of a neighborhood meeting is to inform affected property owners and homeowners’ associations about proposed development and to seek input and comments about its design and potential impacts on the neighborhood which could reasonably be mitigated. A neighborhood meeting is not required to generate complete consensus on all aspects of the proposed development, nor to supplant or add to the applicable standards or requirements of this Code.

(3) Procedures for neighborhood meetings.

1. Upon receipt of a complete application, the City shall set a time, date and place for the meeting during the City’s normal business hours. At least 15 days prior to the neighborhood meeting date, the applicant shall be required to send written notice of the neighborhood meeting to all affected property owners and homeowners’ associations by certified mail, return receipt requested, stating:

- a. the purpose of the meeting and generally describing the scope of the project; and
- b. the time and place of the meeting. Such notice language shall be furnished to the applicant by the City.

2. At least seven days prior to the neighborhood meeting date, the applicant shall submit to the City the following documents that are required to be available at the meeting:

a. A schedule detailing the anticipated dates of construction, including the major phases of construction, such as excavation and grading, foundation work, framing, exterior finish work, interior finish work and landscaping.

b. A preliminary construction staging plan meeting the requirements of Section 18-11-40 of this Article.

c. A preliminary site plan, drawn to scale and in accordance with an accurate survey, including the following information:

i. The size and location of any proposed structures and existing structures;

ii. The setback distances from lot lines to any proposed structures in accordance with the parcels' zoning; and

iii. Existing contours in one-foot intervals in USGS datum.

d. Building height and bulk plane drawings demonstrating the height and three-dimensional extent of the proposed structures in accordance with the parcel's zoning. The design elements of the building, including the architectural style, colors and materials, are not required.

(4) The applicant, or applicant's representative, shall be required to attend the meeting to present the documents submitted in accordance with this Section. Copies of any written comments submitted to the City prior to the neighborhood meeting shall be provided to the applicant, or applicant's representative, at or before the meeting.

(5) Compliance with the neighborhood meeting procedures in this Section is a condition precedent to submitting a building permit application. A building permit application must substantially conform to the site plan and building height and bulk plane drawings submitted under Paragraphs (3)(2)(c) and (d), above. If a building permit application is not submitted within 180 days after the neighborhood meeting date, or the site plan and building height and bulk plane drawings do not substantially conform to those submitted for the neighborhood meeting, an applicant shall be required to conduct an additional neighborhood meeting in accordance with this Section prior to submitting an application for a building permit.

ARTICLE XII - Service Expansion Fee

Sec. 18-12-10. - Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Building means any enclosed structure without reference to use or occupancy for which a building permit is required by the ordinances of the City.

Building Inspector means the official charged with the administration and enforcement of the building code as adopted by the City, or his regularly authorized deputy.

Contractor means any person, firm, partnership, joint venture, architect, or corporation required to obtain a building permit pursuant to the ordinances of the City.

Floor area means the area of each floor and basement included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts, courts, and parking garages.

Sec. 18-12-20. - Payment of service expansion fee.

(1) Any owner, architect, contractor or other person applying for a building permit in accordance with the applicable ordinances of the City shall, as a condition to obtaining such building permit, pay to the City a service expansion fee as set by resolution of the City Council.

(2) The service expansion fee shall apply to all new construction, all additions to existing structures, and the substantial alterations or reconstruction of existing structures, except for churches, schools, governmental, municipal, or quasi-municipal structures.

(3) The service expansion fee shall be due and payable at the time the building permit is issued. Under no circumstances shall the Building Inspector issue a certificate of occupancy until and unless the service expansion fee, as set forth in Subsection (1) above, has been paid in full.

Sec. 18-12-30. - Effective date of provisions.

The service expansion fee provided for herein shall be due and payable with respect to all building permit applications filed with the City from and after November 1, 1979.

ARTICLE XIII - Marijuana Cultivation in Residential Structures

Sec. 18-13-10. - Purpose, intent.

It is the intent of this Article XIII to reasonably regulate certain building and use activities relating to the growing or processing, within a residential structure and certain accessory structures within the City, of marijuana by patients and primary caregivers pursuant to Article XVIII, Section 14 of the Colorado Constitution, state statutes and other applicable laws and regulations, and by other authorized persons pursuant to Article XVIII, Section 16 of the Colorado Constitution, state statutes and other applicable laws and regulations, so as to ensure that such activities are conducted in a safe manner. In furtherance of the City's intent, the City Council finds that this Article is necessary to prevent or mitigate the secondary effects and negative impacts associated with the growing and processing of marijuana plants within residential homes and neighborhoods in order to preserve the health, safety, and welfare of the community.

Sec. 18-13-20. - Authority and applicability.

The City of Cherry Hills Village is a home rule municipality and the City Council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety, and welfare of the City and its residents. This Article shall apply to all persons and property situated within the municipal boundaries of the City.

Sec. 18-13-30. - Definitions.

Accessory structure shall have that meaning set forth in Section 16-9-130 of this Code.

Authorized person means a person 21 years of age or older lawfully permitted to engage in the personal use of marijuana, including growing and processing marijuana plants, pursuant to Article XVIII, § 16 of the Colorado Constitution.

Contiguous, in terms of determining the area devoted to the growing, cultivating, manufacturing, preparing, processing, or packaging of marijuana and marijuana plants, means an uninterrupted expanse of space on the same floor or level of the primary residence that can be measured by framing the area with four or more continuous and connected straight lines. The space within a single room which is defined by permanent perimeter walls is contiguous; the space within adjoining rooms divided by a permanent wall

or permanent structure *but* accessible via a common doorway or connected by a common hallway is contiguous; however, nonadjacent spaces separated by two or more permanent walls or separated by floors or levels of the building are not contiguous.

Enclosed space means an area within a residential structure having a roof and all sides closed to the weather and locked to prevent unauthorized entry.

Growing and *cultivating* are interchangeable and mean and encompass all steps or stages in the process of producing, developing, tending, and keeping a marijuana plant through harvest (or, in the alternative, to serve as a “mother plant”), including but not limited to planting, germination, cloning, vegetative growth, flowering, and harvest.

Locked means secured at all points of ingress or egress with a locking mechanism designed to limit access such as with a key or combination lock.

Marijuana shall have the meaning set forth in Section 10-12-20 of this Code.

Marijuana plants mean marijuana plants, seedlings, or any part thereof in a living condition that are lawfully cultivated, produced, possessed, or processed pursuant to the Colorado Constitution and other applicable laws or regulations.

Patient shall have the meaning set forth in Article XVIII, § 14(1)(c) of the Colorado Constitution.

Primary caregiver shall have the meaning as set forth in Article XVIII, § 14(1)(f) of the Colorado Constitution.

Primary residence means the place that a person, by custom and practice, makes his or her principal domicile and address, and to which the person intends to return following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of a residential structure on a lot or parcel and the use of the residential address for domestic purposes, such as, but not limited to, sleep, preparation and consumption of meals, regular mail delivery, vehicle and voter registration, or credit, water, and other utility billing. A person shall have only one primary residence, but such primary residence shall include, for purposes of this Article, accessory structures located on the same lot or parcel as the residential structure.

Processing means and encompasses all steps or stages in the process of preparing a harvested marijuana plant for utilization as a usable form of marijuana, including but not limited to cutting, manicuring, drying, curing, extracting, packaging, and storing.

Residential structure means a structure or that portion of a structure devoted to a single-family detached dwelling; or, in the alternative, an allowed accessory building or structure associated with and on the same lot as such dwelling. For purposes of the home growing or processing of marijuana plants pursuant to Article XVIII, Section 16 or Section 14 of the Colorado Constitution, such activities shall be carried out in either the dwelling or the associated accessory building or structure, but not both.

Single-family dwelling shall have the same meaning as Single-Family Detached Dwelling Unit set forth in Section 16-9-130 of this Code.

Sec. 18-13-40. - Regulations for growing and processing marijuana plants in residential structures.

(1) It shall be unlawful to grow, cultivate or process marijuana or marijuana products for personal or medical use anywhere in the City other than an enclosed space within a residential structure in full compliance with the Colorado Constitution, any applicable state statutes, any

rules or regulations promulgated thereunder, any other applicable law and the following regulations:

1. Marijuana plants may be grown, cultivated or processed only in a patient's primary residence, the primary residence of the patient's primary caregiver, or the primary residence of an authorized person.

2. Marijuana plants may be grown, cultivated, or processed within the primary residence of a patient for himself or herself, or by the patient's primary caregiver for such patient, subject to the square footage limitations set forth in Paragraph (1)(c) of this Section. A primary caregiver may not lawfully grow, cultivate or process marijuana plants for a patient in another patient's primary residence unless such is also the primary residence of the patient.

3. The growing, cultivation or processing of marijuana plants including the keeping, storage, and maintenance of all materials, supplies, tools, equipment, and paraphernalia associated with the same, shall be limited to one of the following two areas within a residential structure:

i. A maximum contiguous 32 square foot area of enclosed space within a single-family detached dwelling; or

ii. A maximum contiguous 32 square foot area of enclosed space within an accessory structure separated by a minimum 10-foot setback from any single-family detached dwelling.

4. Marijuana plants shall not be grown, cultivated or processed outdoors in the yard or other open area outside of a residential structure.

5. Marijuana plants shall not be grown, cultivated, or processed in any rooms used for sleeping purposes by any occupant of a residential structure.

6. The use of high intensity discharge lighting, including but not limited to mercury-vapor lamps, metal halide lamps, ceramic metal halide lamps, sodium-vapor lamps, high pressure sodium lamps, and xenon short-arc lamps, for the growing, cultivation, or processing of marijuana plants shall be prohibited unless the enclosed space within the residential structure used for marijuana growing, cultivation, or processing, including the walls, roof and doors, is constructed with a firewall assembly of Type X drywall meeting the minimum building code requirements for residential structures.

7. Marijuana plants may not be processed with the use of any chemical to enhance tetrahydrocannabinol ("THC") in marijuana.

8. The processing of marijuana or marijuana plants shall not involve the use of any chemical extraction method, including but not limited to any method using butane, acetate, isopropyl, ethyl alcohol, white gas, sulfuric acid, hydrochloric acid, or any substance prohibited by state law.

9. The use of a residential structure for the growing, cultivation, or processing of marijuana shall comply with all applicable building, fire, and safety codes adopted by the City, including plumbing, electrical, and all applicable zoning requirements, including but not limited to lot coverage, building height, and setbacks.

10. The enclosed space within which marijuana plants are grown, cultivated, or processed shall be properly ventilated in accordance with all applicable building codes adopted by the City.

(2) If a patient, primary caregiver or authorized person grows, cultivates, or processes marijuana plants within a residential structure that he or she does not own, such patient, primary caregiver, or authorized person shall obtain the written consent of the property owner before commencing to grow, cultivate, or process marijuana plants on the property. Such written documentation shall also include the owner's express consent to any material alterations to the residential structure associated with the growing, cultivating, or processing of marijuana plants, including but not limited to alterations to walls, windows, ventilation, plumbing, or electrical systems, shall be maintained on the premises of the residential structure; and shall be shown to any authorized City official upon request.

(3) It shall be unlawful for any person to sell or offer for sale marijuana or marijuana plants from or within the City.

Sec. 18-13-50. - Maximum number of marijuana plants.

It shall be unlawful for any authorized person, patient or primary caregiver to possess, grow, cultivate, or process more than the number of marijuana plants allowed under the Colorado Constitution, any applicable state statutes, any rules or regulations promulgated thereunder, or any other applicable law. In no event shall the maximum number of marijuana plants within any residential structure exceed 12 marijuana plants, regardless of size or stage of growth or the number of residents lawfully allowed to reside in the residential structure and to possess and grow marijuana for any purpose.

Sec. 18-13-60. - Exterior impacts unlawful.

It shall be unlawful to grow, cultivate or process marijuana plants within a residential structure in such a manner as to be perceptible from the exterior of the residential structure by means including, but not limited to:

(1) Common visual observation, including any form of signage;

(2) Odors, smells, fragrances or other olfactory stimulus generated by the cultivation, production, possession or processing of marijuana plants;

(3) Noise from exhaust fans, other equipment or other sources associated with or connected to such growing or processing in excess of any applicable permissible noise levels set forth in Section 7-1-30 of this Code; or

(4) Light pollution, glare or brightness of artificial illumination associated with the cultivation, possession or processing of marijuana plants.

Sec. 18-13-70. - Search warrants authorized.

(1) The City Council declares that a violation of this Article involves a serious threat to public safety or order within the meaning of Rule 241(a)(1) of the Colorado Municipal Court Rules of Procedure.

(2) If the owner or occupant of a residential structure denies officials of the City's Community Development Department, Building Division or any police officer permission to inspect the residential structure, the City may request the Municipal Court to issue a search warrant for the inspection of the premises pursuant to the procedure and standards as set forth in Rule 241 of the Colorado Municipal Court Rules of Procedure.

(3) The Municipal Court may issue a search warrant authorizing City officials to inspect a residential structure for the growing of marijuana plants in accordance with Rule 241(b) of the Colorado Municipal Court Rules of Procedure. Any search warrant issued pursuant to this

Article XIII shall fully comply with the applicable provisions of Rule 241 of the Colorado Municipal Court Rules of Procedure.

(4) The Municipal Court may impose such conditions on a search warrant as may be necessary to protect the private property rights of the owner of the premises to be inspected or to otherwise ensure that the warrant complies with applicable law.

(5) It shall be unlawful for any owner or occupant to deny any authorized City official access to the property owned or occupied by such owner or occupant if the authorized person presents a warrant issued pursuant to this Article.

Sec. 18-13-80. - Penalties and violations.

(1) A violation of the provisions of this Article shall be punishable as follows:

1. Each and every day a violation of the provisions of this Article is committed, exists, or continues shall be deemed a separate offense;

2. The City is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin, abate, or remove the violation;

3. Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity; and

4. In addition to any other penalties that may exist under state, federal, and local laws, violation of this Article shall be punishable as set forth in section 1-4-20 of this Code.

(2) In addition to any other lawful method of enforcement, which method shall not be deemed exclusive, a violation of this Article is declared to be a public nuisance that may be abated as provided in Chapter 7, Article I of this Code.

Sec. 18-13-90. - Most stringent law or construction applies.

Nothing in this Article is intended to supersede or modify applicable provisions of state law concerning the same subject. To the extent this Article is interpreted to authorize an action or activity otherwise prohibited by state law, such authorization shall mean such action or activity is not prohibited by local law. To the extent that a provision of state law is or becomes more stringent than a provision of this Article, the most stringent requirement or construction shall apply.