

TITLE 15

BUILDING AND CONSTRUCTION REGULATIONS

Chapters:

- 15.04 Building Regulations
- 15.05 Manufactured Structures
- 15.24 Demolition Regulations
- 15.36 Building Moving Permit
- 15.52 Mobile Home and Travel Home Regulations
- 15.56 Flood Damage Prevention

Chapter 15.04

BUILDING REGULATIONS

Sections:

- 15.04.010 Adoption and application of codes.
- 15.04.020 Administration.
- 15.04.030 Amendments to Codes.
- 15.04.040 Appeals.
- 15.04.050 Violations and penalties.
- 15.04.060 Fence construction and maintenance requirements.
- 15.04.070 Housing maintenance requirements.
- 15.04.080 Site development and maintenance requirements.
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- 15.04.100 Sidewalk, curb and gutter requirements.
- 15.04.110 Canopy construction and maintenance requirements

15.04.010 Adoption and application of Codes. For the purpose of providing minimum standards to safeguard life and limb, health, property, and public welfare, the City hereby adopts the following building codes:

A. The International Building Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 35 inclusive and Appendix Chapter C, G, I and N, is hereby adopted by

reference as the City of Delta Building Code as if fully set out in this Chapter, subject to the amendments in Section 15.04.030.

B. The International Residential Code for One and Two Family Dwellings, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 43 inclusive and Appendix Chapters H, Q, R and S, is hereby adopted by reference as the City of Delta Residential Building Code as if fully set out in this Chapter, subject to the amendments in Section 15.04.030.

C. The International Mechanical Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 15 inclusive, is hereby adopted by reference as the City of Delta Mechanical Code as if fully set out in this Chapter, subject to the amendments in Section 15.04.030.

D. The International Fuel Gas Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 8 inclusive, is hereby adopted by reference as the City of Delta Fuel Gas Code as if fully set out in this Chapter, subject to the amendments in Section 15.04.030.

E. The International Plumbing Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 13 inclusive, is hereby adopted by reference as the City of Delta Plumbing Code as if fully set out in this Chapter, subject to the amendments in Section 15.04.030.

F. The International Energy Conservation Code, 2012 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through X inclusive, is hereby adopted by reference as the City of Delta Energy Conservation Code as if fully set out in this Chapter, subject to the amendments in Section 15.04.030.

G. The National Electrical Code, referred to in C.R.S. § 12-115-107 (2) (a), as amended by the State of Colorado from time to time, and as enforced by the State of Colorado approved Electrical Inspector, is hereby adopted by reference as the City of Delta Electrical Code as if fully set out in this Chapter, subject to the amendments in Section 15.04.030.

H. The International Existing Building Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 16 inclusive, is hereby adopted by reference as the City of Delta Existing Building Code as if fully set out in this Chapter, subject to the amendments in Section 15.04.030.

I. The International Swimming Pool and Spa Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 11 inclusive, is hereby adopted by reference as the City of Delta Swimming Pool and Spa Code as if fully set out in this Chapter, subject to the amendments in Section 15.04.030.

J. The International Fire Code ("IFC"), 2018 Edition, as published by the International Code Council, including Appendices Chapters B, C, D, E, F, G, H, I, and N, is hereby adopted by reference as the City of Delta Fire Code as if fully set out in this Chapter, subject to the amendments in Section 15.04.030.

K. One copy of each of the above codes is on file in the office of the City Clerk and may be inspected during regular business hours. Additional copies are available for purchase.

(Ord. 7, §1(part), 1986; Ord. 17, §1(part), 1990; Ord. 5, §1, 1994; Ord. 21, §1, 1999; Ord. 31, §8, 2000; Ord. 13, §1, 2004; Ord. 10, §2, 2019; Ord. 4, 2022)

15.04.020 Administration.

A. The City Manager shall be responsible for the enforcement of this Chapter, and the codes adopted herein by reference, and may appoint a building official or inspector who shall enforce, interpret and administer the provisions of this Chapter, and the codes adopted herein by reference.

B. The City Manager and their designated representative shall have the right of entry to inspect and enforce the provisions of this Chapter and any of the codes adopted herein by reference in accordance with the procedures and provisions of subsection 104.6 of The International Building Code, in addition to any other provisions provided by law.

C. Whenever, in any of the codes adopted or applied in this chapter, it is provided that anything must be done, subject to the approval or discretion of an inspector or official, this shall be construed to give such official or inspector only the discretion to determine whether rules or standards established by such codes have been complied with, and no such provisions shall be construed as giving any official or inspector any arbitrary or discretionary power to require conditions not prescribed by said codes or to enforce the codes in an arbitrary or discriminatory manner.

D. Permit and other fees shall be established by the City's annual fee schedule

(Ord. 7, §1(part), 1986; Ord. 17, §1(part), 1990; Ord. 5, §2, 1994; Ord. 21, §2, 1999; Ord. 13, §2, 2004; Ord. 10, §2, 2019; Ord. 4, 2022)

15.04.030 Amendments to Codes.

A. International Building Code (2018 Edition)

With additions, deletions, insertions and changes as follows:

**IBC Section 101.1** IBC Section 101.1 (Title) is amended by the addition of the term "City of Delta" where indicated.

**IBC Section 101.4.3** IBC Section 101.4.3 (Plumbing) is amended by deletion of the last sentence.

**IBC Section 101.4.5** IBC Section 101.4.5 (Fire prevention) is amended by replacing "International Fire Code" with "adopted fire code".

**IBC Section 101.4.6** IBC Section 101.4.6 (Energy) is amended by replacing the words "International Energy Conservation Code" to "2012 International Energy Conservation Code".

**IBC Section 105.2** (Work exempt from permit) is amended by;

Deleting Exception #1 and replacing with "One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet."

Deleting Exception #2 and replacing with "Fences not over 6 feet (2134 mm) in height"

Adding to Exception #7 "siding".

Adding Exception #14, Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building."

Adding Exception #15 "Decks not more than 30 inches above grade and not more than 20 square feet."

**IBC Section 109.3** (Building permit valuations) is amended to include the following additional sentence: The minimum valuation for building permits in the City shall not be less than the average cost figures per square foot shown in the Valuation Table as adopted by latest Resolution."

**IBC Section 113.1** (General) is amended by deleting the section in its entirety.

**IBC Section 113.3** IBC Section 113.3 (Qualifications) is amended by deleting the section in its entirety.

**IBC Section 202** (Definitions) is amended by addition of the following:

"`Sleeping Room'" (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IBC Section 1208 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

**IBC Section 915.2.1** (Dwelling units) the first sentence is amended as follows: "Carbon monoxide detection shall be installed in dwelling units within 15 feet of each separate sleeping area."

**IBC Section 1015.2** (Where required) is amended by the addition of a second paragraph inserted before the exceptions as follows:

"All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914.4 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier."

**IBC Section 1030.2** (Minimum Size) is amended by the addition of the following:

"For all building permits issued after the effective date of adoption of the 1997 Uniform Building Code all escape and rescue windows requiring a window well pursuant to the International Building Code shall comply with the dimension requirements set forth in this section, whether or not said escape or rescue window is located in a sleeping room.

With regard to building permits issued prior to the effective date of adoption of the 1997 Uniform Building Code, for additions to or alterations of existing buildings or structures, any window well with a finished sill height below adjacent ground level shall be deemed in compliance with the Towns regulations if said window well meets the dimensions set forth in the 1991 Edition of the Uniform Building Code, previously in effect in the town."

**IBC Section 1301.1.1** (Criteria) is amended by replacing "International Energy Conservation Code" with the "2012 International Energy Conservation Code."

**IBC Section 1612.3** IBC Section 1612.3 (Establishment of flood hazard areas) is amended by the insertion of "City of Delta" where indicated in [Name of Jurisdiction] and the date of the latest flood insurance study for the city "8/19/2010" where indicated in [Date of Issuance].

B. International Residential Code for One- and Two-Family Dwellings (2018 Edition)

With additions, deletions, insertions and changes as follows:

**IRC Section R101.1** IRC Section R101.1 (Title) is amended by the addition of the term "City of Delta" where indicated.

**IRC Section R105.2** (Work Exempt from Permit) is amended by:

Deleting Exception #1 and replacing with "One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet."

Adding Exception #11 "Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building."

**IRC Section R109.1.5** (Other inspections) is amended by the addition of a new subsection as follows:

"**IRC Section R109.1.5.2** Insulation Inspection of the structure shall be made following installation of the wall, ceiling and floor insulation and exterior windows and before wall coverings are installed."

**IRC Section R112.1** (General) is amended by deleting the section in its entirety.

**IRC Section R112.3** IRC Section R112.3 (Qualifications) is amended by deleting this section in its entirety.

**IRC Section R202** (Definitions) is amended by addition of the following:

"'Sleeping Room' (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

**IRC Table R301.2 (1)** IRC Table R301.2 (1) is completed to provide the following:

Table R301.2 (1)  
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice barrier Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
	Speed (V)	Topographic effects		Weathering	Frost Line Depth	Termite					
30psf	115	No	B	Severe	18 in.	Slight to Moderate	6° F	NO	8/19/10	1000	50°F

(Ord. 7, §1, 2021)

**IRC Section R302.1** IRC Section R302.1 (Exterior walls) is amended by the deletion of the wording; "or dwellings equipped throughout with an automatic sprinkler system installed in accordance with section P2904 shall comply with table R302.1(2)."

**IRC Table R302.1 (2)** IRC Table R302.1 (2) is deleted in its entirety.

**IRC Section R302.3** IRC Section R302.3 (Two-family dwelling) is amended by replacing "1-Hour fire-resistance rating" with "2-Hour fire-resistance rating" and by deleting exception 1.

**IRC Section R302.13** (Fire Protection of Floors) is amended by the addition of exceptions 5, 6, and 7 as follows:

"Exception #5- For floor assemblies located over a basement or crawlspace, mechanical equipment rooms not larger than 80 square feet constructed per sections R302.13 with minimum ½ inch gypsum wallboard on the enclosing walls and a self-closing weather stripped solid door.

Exception #6- Floor assemblies located over a basement or crawlspace, with mechanical equipment rooms not larger than 80 square feet may be constructed per Exception #4, using fire treated I joists only above furnace closet area with minimum 5/8 inch Type X gypsum wallboard on the enclosing walls and a self-closing weather stripped solid core 20 minute rated door and frame.

Exception #7- For floor assemblies located over a basement or crawl space with a mechanical equipment room not larger than 80 square feet may be unprotected if a fire sprinkler head is installed in accordance with section P2904 or the International Building Code sections 903.3.1.2 or 903.3.1.3, installed within the equipment room on a domestic water loop."



**IRC Section R303.4** (Mechanical Ventilation) is amended by replacing "5 air changes per hour" with "7 air changes per hour" and replacing the words "in accordance with section N1102.4.1.2" with "in accordance with section R402.4.1.2 of the International Energy Conservation Code 2012 Edition."

**IRC Section R309.5** IRC Section R309.5 (Fire sprinklers) is amended by the deletion of this section in its entirety.

**IRC Section R310.2.1** IRC Section R310.2.1 (Minimum opening area) is amended by the deletion of the exception.

**IRC Section R310.2.3** IRC Section R310.2.3 (Window wells) is amended by the addition of the following;

"For all building permits issued after the effective date of adoption of the 1997 Uniform Building Code, all escape and rescue windows requiring a window well pursuant to the International Residential Code shall comply with the dimension requirements set forth in this section, whether or not said escape or rescue window is located in a sleeping room.

With regard to building permits issued prior to the effective date of adoption of the 1997 Uniform Building Code, for additions to or alterations of existing buildings or structures, any window well with a finished sill height below adjacent ground level shall be deemed in compliance with the Towns regulations if said window well meets the dimensions set forth in the 1991 Edition of the Uniform Building Code, previously in effect in the town."

**IRC Section R310.2.3.1** IRC Section R310.2.3.1 (Ladder and steps) is amended by the addition of the following exception to read as follows:

"Exception: Only one window well ladder shall be required in an unfinished basement."

**IRC Section R312.1.1** IRC Section R312.1.1 (Guards required) is amended by the addition of a second paragraph as follows:

"All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be

protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.

Exceptions:

1. The access side of stairways need not be protected.
2. Area and window wells provided for emergency escape and rescue windows may be protected with approved grates or covers that comply with Section R310.4 of this code.
3. Covers and grates may be used over stairways and other openings used exclusively for service access or for admitting light or ventilation."

**IRC Section R313** (Automatic Fire Sprinkler Systems) is amended by;

Deleting sections R313.1 thru R313.2.1 in their entirety.

Adding section "R313.1 (Design and Installation) Non required automatic residential fire sprinkler systems where desired, may be designed and installed in accordance with section P2904."

**IRC Section 315.3** IRC Section 315.3 (Location) The first paragraph is amended as follows; Carbon monoxide detection shall be installed in dwelling units within 15 feet of each separate sleeping area.

**IRC Section R401.2** (Requirements) is amended by the addition of the following:

"Foundations shall be designed and the construction drawings stamped by a Colorado registered design professional. The Code Official has the right to waive this requirement when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code."

**IRC Chapter 11** IRC Chapter 11 (Energy Efficiency) is deleted in its entirety and replaced with the 2012 International Energy Conservation Code.

**IRC Section M1502.4.5.2** IRC Section M1502.4.5.2 (Manufactures instructions) is amended by the deletion of this section in its entirety.

**IRC Section G2415.12** (Minimum burial depth) is amended by the addition of the following: "All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade. "

**IRC Section G2415.12.1** IRC Section G2415.12.1 (Individual outside appliances) is deleted in its entirety.

**IRC Section G2417.4.1** (Test pressure) is amended by changing "3 psig" to "10 psig."

**IRC Section G2417.4.2** IRC Section G2417.4.2 (Test Duration) is amended by replacing "10 Minutes" with "15 Minutes".

**IRC Section P2503.5.1** IRC Section P2503.5.1 (Rough plumbing) is amended by deleting the first paragraph and replacing with "DWV systems shall be tested on completion of the rough piping installation by water or air with no evidence of leakage."

**IRC Section P2603.5.1** (Sewer depth) is amended by filling in both areas where indicated to read "12 inches (305 mm )."

**IRC Section P2913** IRC Section P2913 (Reclaimed Water systems) is deleted in its entirety.

**IRC Section P3103.1** (Roof extension) is amended by replacing the words "6 inches" with "12 inches".

C. International Mechanical Code (2018 Edition)

With additions, deletions, insertions and changes as follows:

**IMC Section 101.1** IMC Section 101.1 (Title) is amended by the addition of the term "City of Delta" where indicated.

**IMC Section 109.1** (Application for appeal) is amended by deleting the section in its entirety.

**IMC Section 109.2 thru 109.7** IMC Section 109.2 thru 109.7 is amended by deleting these sections in their entirety.

**IMC Section 504.8.4.2** IMC Section 504.6.4.2 (Manufactures Instructions) is amended by the deletion of this section in its entirety.

D. International Fuel Gas Code (2018 Edition)

With additions, deletions, insertions and changes as follows:

**IFGC Section 101.1** IFGC Section 101.1 (Title) is amended by the addition of the term "City of Delta" where indicated.

**IFGC Section 109.1** (Application for appeal) is amended by deleting the section in its entirety.

**IFGC Section 109.2 thru 109.7** IFGC Section 109.2 thru 109.7 is amended by deleting these sections in their entirety.

**IFGC Section 404.12** (Minimum burial depth) is amended by the addition of the following: All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."

**IFGC Section 404.12.1** IFGC Section 404.12.1 (Individual outside appliances) is deleted in its entirety.

**IFGC Section 406.4.1** (Test pressure) is amended by changing "3 psig" to "10 psig."

**IFGC Section 406.4.2** (Test duration) is amended by changing the second paragraph to read; "When testing a system having a volume less than 10 cubic feet or a system in a single family dwelling, the test duration shall be not less than 15 minutes."

**IFGC Section 614.8.4.2** IFGC Section 614.8.4.2 (Manufactures instructions) is amended by the deletion of this section in its entirety.

E. International Plumbing Code (2018 Edition)

With additions, deletions, insertions and changes as follows:

**IPC Section 101.1** IPC Section 101.1 (Title) is amended by the addition of the term "City of Delta" where indicated.

**IPC Section 109.1** (Application for appeal) is amended by deleting the section in its entirety.

**IPC Section 109.2 thru 109.7** IPC Section 109.2 thru 109.7 is amended by deleting these sections in their entirety.

**IPC Section 305.4.1** (Sewer depth) is amended by filling in both areas where indicated to read "12 inches (305 mm)."

**IPC Section 312.3** IPC Section 312.3 (Drainage and vent air test) is amended by deleting the first sentence.

**IPC Section 903.1** IPC Section 903.1 (Roof extension) is amended by inserting the number "12" (152.4 mm) where indicated in the second sentence.

**IPC Section 1304** IPC Section 1304 (Reclaimed water systems) this section is deleted in its entirety.

F. International Energy Conservation Code (2012 Edition)

With additions, deletions, insertions and changes as follows:

**IECC Section C101.1** IECC Section C101.1 (Title) is amended by the addition of the term "City of Delta" where indicated.

**IECC Section 109.1** (General) is amended by deleting the section in its entirety.

**IECC Section 109.3** IECC Section 109.3 (Qualifications) is amended by the deletion of this section in its entirety.

**IECC Section C402.4.1.2.3** IECC Section C402.4.1.2.3 (Building test) is deleted in its entirety.

**IECC Section C408** IECC Section C408 (System commissioning) is deleted in its entirety.

H. International Existing Building Code (2018 Edition)

With additions, deletions, insertions and changes as follows:

**International Existing Building Code** is amended by replacing all references to "International Fire Code" with "Adopted Fire Code".

**IEBC Section 101.1** IEBC Section 101.1 (Title) is amended by the addition of the term "City of Delta" where indicated.

**IEBC Section 112.1** (General) is amended by deleting the section in its entirety.

**IEBC Section 112.3** IEBC Section 112.3 (Qualifications) is amended by deleting the section in its entirety.

**IEBC Section 1401.2** (Conformance) is amended by deleting the partial sentence: "and the International Property Maintenance Code."

I. International Swimming Pool and Spa Code (2018 Edition)

With additions, deletions, insertions and changes as follows:

**ISPSA Section 108.1** (Application for appeal) is amended by deleting the section in its entirety.

J. International Fire Code (2018 Edition)

**IFC Section 104.2** (Applications and permits) is amended by adding the following language: "When reviewing plans the fire code official is authorized to require the petitioner to retain a Fire Protection Engineer that has the specific expertise to design plans for a specific hazard. Not all Fire Protection Engineers have the same expertise and it is important to retain one with knowledge of the hazard. The choice of Fire Protection Engineer, their expertise, and scope of work must be reviewed and approved by the fire code official prior to a fire protection plan being created and submitted for approval."

**IFC Section 105.1** (General) is amended by adding a new section that reads:

"**105.1.7 Permit fees.** Permit rates and fees shall be as established by the City's annual fee schedule."

**IFC Section 105.6** (Required operational permits) is amended by:

Replacing the language of Section 105.6 as follows:  
"The fire code official is authorized to issue operational permits for the operations set forth in this Section. The absence of a required Operational Permit does not absolve any person(s) or processes from adherence to other provisions as stated in the IFC. The fire code official is authorized to utilize other City of Delta administrative review processes

such as Temporary Use Permits, Special Event Permits, etc. to evaluate IFC compliance.”

Deleting all subsections of Section 105.6 in their entirety, with the exception of 105.6.2 (Amusement Buildings), 105.6.4 (Carnivals and fairs), 105.6.8 (Compressed gases), 105.6.10 (Cryogenic fluids), 105.6.13 (Exhibits and trade shows), 105.6.14 (Explosives), 105.6.16 (Flammable and combustible liquids), 105.6.20 (Hazardous materials), 105.6.22 (High-piled storage), 105.6.27 (LP-gas), 105.6.28 (Magnesium), 105.6.35 (Organic coatings), 105.6.36 (Outdoor assembly event), 105.6.38 (plant extraction system), 105.6.40 (Pyrotechnic special effects material), 105.6.41 (Pyroxylin plastics), 105.6.45 (Spraying or dipping), and 105.6.47 (Temporary membrane structures and tents).

**IFC Section 105.6.47** (Temporary membrane structures and tents) is amended to read as follows:

**“105.6.47 Temporary membrane structures and tents.** An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure, or a tent having an individual or contiguous area in excess of 400 square feet (65 m<sup>2</sup>).”

**Exception 1:** Tents used exclusively for recreational camping purposes.

**Exception 2:** Funeral tents and curtains, or extensions attached thereto, when used for funeral services.

**Exception 3:** Temporary membrane structures, temporary special event structures and tents utilized for the purposes of retail fireworks sales, special amusement buildings or outdoor assembly events such as a circus, carnival, theater, dance hall or other similar use shall require a construction permit when the area exceeds 400 square feet (65 m<sup>2</sup>).”

**IFC Section 105.7.25** (Temporary membrane structures and tents) is amended to read as follows:

**"105.7.25 Temporary membrane structures and tents.** A construction permit is required to operate an air-supported temporary membrane structure, a temporary stage canopy, or a tent having an individual or contiguous area in excess of 400 square feet (65 m<sup>2</sup>).

**Exception 1:** Tents used exclusively for recreational camping purposes.

**Exception 2:** Funeral tents and curtains, or extensions attached thereto, when used for funeral services.

**Exception 3:** Temporary membrane structures, temporary special event structures and tents utilized for the purposes of retail fireworks sales, special amusement buildings or outdoor assembly events such as a circus, carnival, theater, dance hall or other similar use shall require a construction permit when the area exceeds 400 square feet (65 m<sup>2</sup>)."

**IFC Section 109.1** (Board of appeals established) is deleted in its entirety.

**IFC Section 202** (General Definitions) is amended by:

Replacing the following language in [BG] **Residential Group R-3:** "[BG] **Care facilities within a dwelling.** Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code."

Replacing the last paragraph of [BG] **Residential Group R-4** to read: "Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the International Building Code or shall comply with the International Residential Code."



**IFC Section 304.1.2** (Vegetation) is amended by the addition of the following exceptions:

“Exceptions:

Vegetation located at one- and two-family dwellings and multiple single family dwellings (townhouses).”

**IFC Section 307.1** (General) is amended to read as follows: “A person shall not kindle or maintain or authorize to be kindled or maintained any outdoor burning or open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.7. Any reference to open burning shall be regulated under Chapter 8.08 of the Delta Municipal Code and not the International Fire Code.”

**IFC Section 307.1.1.1** (Prohibited open burning) is amended to read as follows: “Open burning, bonfires, recreational fires, portable outdoor fireplaces, fire pits (non-portable wood burning), and permanent fire pits and fire places shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous. Burning is not permitted when sustained winds exist or when a red flag warning issued by the National Weather Service.”

Exceptions: Permanent fire pits and fire places or portable outdoor fire places operated with LP-gas containers.

**IFC Section 307.1.2** (Location of burning) is amended to read as follows: “No person shall burn upon the land of another without permission of the owner thereof.”

**IFC Section 307.1.3** (Burn restrictions and burn bans) is amended to read as follows: “The City Manager or his designee is authorized to issue burn restrictions and/or burn bans as deemed necessary when local conditions make open burning, bonfires, recreational fires, permanent fire pits or fireplaces, portable outdoor fireplaces, fireworks, other open flames or similar activities hazardous or objectionable.”

**IFC Section 307.2** (Permit required) is amended to read as follows: “A permit shall be obtained from the fire code official in accordance with Section 105.6 prior for ceremonial bonfires when fires are subject to and in accordance with regulatory, process and safety provisions as stated in the Delta Municipal

Code or the most recently adopted version of the International Fire Code as amended. Recreational fires, portable outdoor fireplaces, fire pits (non-portable wood burning), and permanent fire pits or fireplaces do not require a permit, but must adhere to all requirements listed in the most recently adopted version of the IFC."

**IFC Section 307.3** (Extinguishment authority) is amended to read as follows: "When open burning or other types of burning creates, or adds to a hazardous situation the Fire Code Official is authorized to order the extinguishment of the open burning or other burning activities."

**IFC Section 307.4.1** (Bonfires) is amended to read as follows: "A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure, property line, or combustible material (including combustible fences). Conditions which could cause a fire to spread within 50 feet (15 240 mm) surrounding the bonfire shall be eliminated prior to ignition. The total fuel area of a bonfire shall not be greater than 8 feet (2440 mm) in diameter and 4 feet (1220 mm) in height unless approved by the fire code official."

**IFC Section 307.4.2** (Recreational fires) is amended to read as follows: "Recreational fires shall not be conducted within 25 feet (7620 mm) of structure, property line, or combustible material (including combustible fences). Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure, property line or combustible material (including combustible fence) shall be eliminated prior to ignition. The total fuel area of a recreational fire shall not be greater than 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height."

**IFC Section 307.4.3** (Portable outdoor fireplaces) is amended to read as follows: "Portable outdoor fire places burning gas or wood shall not be used within 15 feet (3048 mm) of structure, property line, or combustible material (including combustible fences). Conditions which could cause a fire to spread within 15 feet (3048 mm) of a structure, property line or combustible material (including combustible fence) shall be eliminated prior to ignition."

**IFC Section 307.4.4** (Fire Pit, Non-Portable Wood Burning) is amended to read as follows: "Fire Pit (non-portable wood burning), shall be regulated as recreational fires and shall not be conducted within 25 feet (7620 mm) of a structure, property line, or combustible material (including combustible fences). Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure, property line or combustible material (including combustible fence) shall be eliminated prior to ignition. The total fuel area of a fire pit (non-portable wood burning) shall not be greater than 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height."

**IFC Section 307.4.5** (Permanent Fire Pit or Fireplace) is amended to read as follows: "Permanent fire pit or fireplaces burning gas or wood shall not be operated within 5 feet of a structure, property line, or combustible material (including combustible fences). Conditions which could cause a fire to spread within 5 feet of a structure, property line or combustible material (including combustible fence) shall be eliminated prior to ignition."

**IFC Section 307.5** (Attendance) is amended to read as follows: "Open burning, bonfires, recreational fires, portable outdoor fire places, fire pits (non-portable wood burning) and permanent fire pits and fire places shall be constantly attended by a competent person (adult) until the fire is extinguished. Not fewer than one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. The extinguishing source must be sufficient for the type and size of fire."

**IFC Section 308.1.4** (Open-flame cooking devices) is amended by the addition of a new Section 308.1.4.1:

**"308.1.4.1 Egress from buildings.** Charcoal burners, open flame cooking devices and LP-gas cooking devices shall not be used or stored in or near stairwells, corridors or other areas that are intended to be used as a means of egress or considered an interior living space."

**IFC Section 308.1.6.3** (Sky lanterns) is amended to read as follows:

**"308.1.6.3 Sky lanterns.** A person shall not release or cause to be released a tethered or untethered sky lantern."

**IFC Section 311.1.1** (Abandoned premises) is deleted and replaced with the following:

**"311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the International Building Code."

**IFC Section 319** (Mobile Food Preparation Vehicles). is deleted in its entirety.

**IFC Section 503.1** (Where required) is amended to read as follows:

**"503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3. The City Manager or their designee is authorized to utilize Appendix D of this code for more detailed fire apparatus road and alternative street designs."

**IFC Section 503.2.4** (Turning radius) is amended by the addition of the following sentence: "The fire code official is authorized to require the use of computer modeling to determine that fire apparatus turning radius and maneuverability is in compliance with local fire apparatus specifications and with this code as amended."

**IFC Section 503.2.5** (Dead ends) is amended by the addition of the following exceptions:

"Exceptions:

1. When all buildings are equipped throughout with approved automatic sprinkler systems installed in accordance with NFPA 13, NFPA 13R or NFPA 13D/IRC

P2904 the fire code official is authorized to allow a dead-end fire apparatus road to extend to 300 feet before a turnaround is required."

**IFC Chapter 5** is amended by the addition of a new Section 511:

**"511 Recreational Vehicle, Mobile Home, and Manufactured Housing Parks, Sales Lots, and Storage Lots**

**511.1. Recreational Vehicle, Mobile Home, and Manufactured Housing Parks, Sales Lots, and Storage Lots.** Recreational vehicle, mobile home, and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Section 503, Section 507, Appendix B, Appendix C, and Appendix D, as amended."

**IFC Section 901.3** (Permits) is amended by the addition of the following subsection:

**"901.3.1 Relocations and additions to fire sprinkler and fire alarm systems in existing facilities.** Any additions or remodeling to existing commercial fire sprinkler systems that involve 20 sprinkler heads or less, or fire alarm systems that involve 5 devices or less, will not require a permit when approved by the fire code official via a scope of work letter review process."

**IFC Section 903.3.1** (Standards) is amended by the addition of a new subsection to read as follows:

**"903.3.1.1.3 Shell building design.** Fire sprinkler systems in shell buildings, other than specified office buildings, shall be designed according to the requirements set forth in NFPA 13 for Ordinary Hazard Group II criteria."

**IFC Section 903.3.1.3** (NFPA 13D sprinkler systems) is amended by the addition of the following language:

"Where domestic water is provided by a public water system, any required 13D system must be supplied by the public water system. The water tap must be

adequate to supply the hydraulic demand of the fire sprinkler system.”

**IFC Section 903.3.7** (Fire department connections) is amended by the addition of the following language:

“Fire department connections must be located within 150 feet of the nearest fire hydrant unless the fire code official finds justification that it is not needed or is impractical.”

**IFC Section 903.4.2** (Alarms) is amended to read as follows:

**“903.4.2 Alarms.** An approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system and cause fire alarm notification as set forth in Section 907.5. When buildings have multiple tenant spaces, notification appliances shall be installed in accordance with Section 907.5 in each tenant space.”

**IFC Section 907.6.6** is amended by the addition of subsections 907.6.6.3, 907.6.6.3.1, 907.6.6.3.2, 907.6.6.3.3, and 907.6.6.3.4 to read as follows:

**“907.6.6.3 False Alarms.** Whenever the activation of any fire alarm is due to a malfunction of the alarm or alarm system and that alarm or alarm system has had a multifunction within the same calendar year quarter, or more than six (6) times during any calendar year, the owner and/or operator of the alarm or alarm system may be required to pay a false alarm fee to offset some of the costs involved in the dispatching and responding of the equipment to the location of the alarm.

**907.6.6.3.1.** It is the responsibility of the owner or operator of an alarm system to prevent the improper use of the system, such as intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three (3) such activations within the same quarter of a calendar year, or more than six (6) during any calendar year, from the same alarm system, the fee schedule for false alarms may become effective.

**907.6.6.3.2.** Whenever the Fire Chief cannot determine how a false alarm was activated and three (3) such unexplained alarms occur within a calendar year quarter, or alarm(s) exceeding six (6) during a calendar year, the fee schedule for false alarms may become effective with the fourth and seventh and subsequent alarm(s) respectively.

**907.6.6.3.3.** A fee, in accordance with the fee schedule established by resolution of the City Council and on file with the City Clerk, shall be charged for false alarms.

**907.6.6.3.4.** A new alarm system shall be allowed thirty (30) days to become stabilized before charges will accrue for false alarms."

**IFC Section 1101.1**(Scope) is amended to read as follows:

**"1101.1 Scope.** The provisions of this chapter shall apply to existing buildings constructed prior to this code and the fire code official is authorized to initiate its use when buildings are undergoing an addition or alteration utilizing the Alterations - Level 3 Method (Chapter 9), Prescriptive Compliance Method (Chapter 5), and Performance Compliance Method (Chapter 13) of the International Existing Buildings Code (2018 Edition). This chapter's use is authorized for Prescriptive and Performance Compliance Methods when work equivalent to an Alterations - Level 3 Method have been achieved.

The fire code official is authorized to apply this chapter when any building or portion of a building is undergoing a change of occupancy in accordance with

the International Building Code (2018 Edition) or International Existing Buildings Code (2018 Edition).

Official acceptance and interpretation of the above methods as it relates to the applicability of Chapter 11 shall be determined by the fire code official.

**Exception 1:** This chapter does not apply to detached one- and two- family dwellings and multiple single-family dwellings (townhouses) governed by the International Residential Code.

**Exception 2:** The fire code official is authorized when executive approval from the Fire Chief is granted to require existing buildings to be in compliance with Section 1103.2 [Emergency Responder Radio Coverage] at any time if deemed a distinct hazard without the structure engaging in an addition, alteration or change of use.

**Exception 3:** The fire code official is authorized to require existing buildings to be in compliance with Section 1103.8 [single- and multiple-station smoke alarms] and Section 1103.9 [Carbon monoxide alarms] at any time if deemed a distinct hazard without the structure engaging in an addition, alteration or change of use. Section 1103.9 does not apply to occupancies that are already governed, regulated and enforced by requirements listed in Colorado House Bill 09-1091 [Concerning a requirement that Carbon Monoxide Alarm Be Installed in Residential Properties.]”

**IFC Section 1103.1**(Required construction) is amended to read as follows:

**“1103.1 Required construction.** Existing buildings shall comply with not less than the minimum provisions specified in adopted sections of Table 1103.1 and as enumerated in Sections 1103.2, 1103.5, 1103.7, 1103.8, 1103.9 and 1103.10 as amended. When this chapter is referenced in other portions of this code, only the sections listed shall be applicable.



The provisions of this chapter shall not be construed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in accordance with previously adopted codes. Nothing shall preclude the Building Code Official from utilizing deleted sections of this chapter from being implemented when the said section is referenced by another code such as the International Building Code, International Existing Building Code, or another similar code.

Exceptions:

1. [No Change]
2. [No Change]"

**IFC Section 1103.3** (Existing elevators) is deleted in its entirety.

**IFC Section 1103.4** (Vertical openings) is deleted in its entirety.

**IFC Section 1103.6** (Standpipes) is deleted in its entirety.

**IFC Section 1104** (Means of egress for existing buildings) is deleted in its entirety.

**IFC Section 1105** (Construction requirements for existing group I-2) is deleted in its entirety.

**IFC Section 1106** (Requirements for outdoor operations) is deleted in its entirety.

**IFC Section 3103.2** (Approval required) is amended to read as follows:

**"3103.2 Approval Required.** Tents and membrane structures having an area in excess of 2400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official. Emergency egress and fire safety provisions contained therein apply to all tents and membrane structures regardless of size and is the responsibility of the owner and/or event coordinator.

**Exception 1:** Tents used exclusively for recreational camping purposes.

**Exception 2:** Funeral tents and curtains, or extensions attached thereto, when used for funeral services.

**Exception 3:** Temporary membrane structures, temporary special event structures and tents utilized for the purposes of retail fireworks sales, special amusement buildings or outdoor assembly events such as a circus, carnival, theater, dance hall or other similar use shall require an operational permit when the area exceeds 400 square feet."

**IFC Section 3405** (Outdoor storage) is amended by the deletion of Sections 3405.1 through 3405.7, which are replaced to read as follows:

"**3405.1.** No person shall store more than 500 tires on any parcel, tract, or lot of land.

**3405.2.** Tires shall be arranged as required in Sections 3405.3 through 3405.8.

**3405.3.** Maximum pile or stack height shall not exceed six (6) feet.

**3405.4.** Pile or stack width and length shall not exceed eight (8) feet.

**3405.5.** Twenty (20) feet of clearance shall be maintained between piles or stacks.

**3405.6.** Piles or stacks shall not be placed closer than twenty (20) feet from any structure or property lot line.

**3405.7.** Piles or stacks shall be stored so as to provide ready access by the Fire Department in the event of a fire.

**3405.8.** Piles or stacks shall not be located under bridges, elevated trestles, elevated roadways, or elevated railroads."

**IFC Section 5601.1** (Scope) is amended by the removal of fireworks from the Scope. Fireworks are regulated under Section 8.28 of the Delta Municipal Code.

**IFC Section 5704.2** (Tank storage) is amended by the addition of the following language:

"The limits referred to in this section in which the storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited includes the entire City except areas within 200 feet of railroad tracks owned by the Railroad Company, or within 500 feet of the centerline of the state and federal highways.

The limits referred to in in this section in which the storage of liquified petroleum gas is restricted are hereby established as follows: The entire City except the I-2 Districts and that part of B-3 District easterly of U. S. Highway 50."

**IFC Section 5704.3** (Container and portable tank storage) is amended by the addition of the following language:

"The limits referred to in this section in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows: None."

**IFC Section 5706.2** (Locations where above-ground tanks are prohibited) is amended by the addition of the following language:

"The limits referred to herein in which the storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited includes the entire City except areas within 200 feet of railroad tracks owned by the Railroad Company, or within 500 feet of the centerline of the state and federal highways."

**IFC Section B105.1** (One and two-family dwelling, Group R-3 and R-4 building and townhouses) is amended by the addition of the following exception:

**"Exception 1:** In areas which are mostly developed where not more than two (2) buildable lots are created

(at the same time) after the effective date hereof, and the existing water lines and fire flow are inadequate in the area, the Fire Chief may allow a residential structure to be built if equipped with an approved fire sprinkler system and if the Fire Chief determined that water upgrades would be impractical. In such event, the Fire Chief shall record a memorandum indicating the fire protection measure used and the facts concerning the inadequate water lines."

**IFC Section C102** (Number of fire hydrants) is amended by the addition of a new subsections C102.2 and C102.3 to read as follows:

**"C102.2 Water supply lines.** Hydrants shall be on a looped (receiving water from more than one direction) water supply line of at least six inches (6") in diameter.

**Exceptions:**

1. One or two-family residential developments may have hydrants supplied by a dead-end water line where there are 30 or fewer dwelling units. Up to 60 dwelling units may have hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In any case, the Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

2. Multiple-family residential developments having up to 100 dwelling units may be protected by fire hydrants supplied by a dead-end water line. Up to 200 dwelling units may be protected by fire hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1,000 feet in length. The Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

3. For commercial and industrial developments, any building not exceeding three stories or 30 feet in height may be protected by fire hydrants supplied by a dead-end water line.

4. For commercial and industrial developments, buildings or facilities having a gross building area up to 62,000 square feet may be protected by fire hydrants supplied by a dead-end water line. The gross building area may be increased to 124,000 square feet without a looped water line when all buildings are equipped with an approved automatic fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1,000 feet in length. The Fire Chief may require such developments to provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

5. The Fire Chief may allow a new development that would otherwise be required to provide a looped water line for required fire hydrants, to have a dead-end line as long as the development provides a means to connect to a looped system as future development occurs. The time period and conditions under which this exception is allowed shall be as determined by the Chief.

6. The Fire Chief may allow fire hydrants to be supplied by other than a looped water line when the permittee can demonstrate, to the satisfaction of the Fire Chief, that a looped system is not practicable. In such event, the Fire Chief shall make their findings in writing and shall copy such findings to the Public Works Manager. In such cases, additional fire protection may be required as determined by the Fire Chief.

**C102.3 Fire Hydrant Installation.** The distance from the center of the fire hydrant pumper connection to the finished grade shall not be less than 22 inches. Pumper connections shall face the access road or as directed by the fire code official."

**IFC Section D102.1** (Access and loading) is amended to read as follows:

**"D102.1 Required Access.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete or other approved drivable surface capable of supporting the imposed load of fire apparatus weighing up to GVW 80,000 pounds minimum; H-20 loading."

**IFC Section D103.4** (Dead ends) is amended by the addition of new subsection D103.4.1 to read as follows:

**"D103.4.1 Intermediate Fire Apparatus Turnarounds.** The fire code official is authorized to require an intermediate fire apparatus turnaround where a single point of access exceeds 500 feet or when development projects utilize an alternative streets design. All designs must accommodate for fire apparatus turn radius requirements and be approved by the fire code official."

**IFC Section D103.6** (Signs) is amended to read as follows and by the addition of new subsections D103.6.3 and D103.6.4:

**"D103.6 Signs.** Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING - FIRE LANE signs complying with Figure D103.6. Sign locations must be approved by the fire code official.

**D103.6.3 Fire Department Access Road Turnarounds.** NO PARKING - FIRE LANE signs shall be posted along both sides of the turnaround areas.

**D103.6.4 Cul-de-sacs.** NO PARKING - FIRE LANE signs shall be posted along the outside of the turnaround area when required by the fire code official."

**IFC Section D103.6.1** (Roads 20 to 26 feet in width) is amended to read as follows:

**"D103.6.1 Roads between 16 to 22 feet in width.** NO PARKING - FIRE LANE signs shall be posted along both sides of the access route."

**IFC Section D103.6.2** (Roads more than 26 feet in width) is amended to read as follows:

**"D103.6.2 Roads between 22 to 28 feet in width.** NO PARKING - FIRE LANE signs shall be posted along one side of the access route."

**IFC Section D105.1** (Where required) is amended by the addition of a new exception to read as follows:

**"Exceptions:**

1. Buildings equipped throughout with an approved NFPA 13 automatic sprinkler system installed in accordance with Section 903.3.1.1 and when approved by the fire code official."

**IFC Section D107.1** (One- or two-family dwelling residential developments) is amended by the deletion and replacement of Exception 1 to read as follows:

**"Exceptions:**

1. Where there are more than 30 but less than 60 dwelling units on a single dead-end public or private access way and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, 903.3.1.3, or P2904 (International Residential Code), access from two directions shall not be required.

2. Where planned subdivisions are phased with stub streets for future connection, no more than 99 dwelling units may be built without sprinklers until the secondary access is provided. The secondary access must be distant from the primary access by a minimum of  $\frac{1}{2}$  the diagonal of the plat of that phase."

**IFC Section D107.2** (Remoteness) is amended by the addition of the following language: "The second access road must be made available to the public and cannot be designated for sole use by emergency responders unless otherwise approved by the fire code official."

**ISPSC Section 108.2 thru 108.7** ISPSC Section 108.2 thru 108.7 is amended by deleting these sections in their entirety.

(Ord. 7, §1, 1986; Ord. 17, §1(part), §2 & 3, 1990; Ord. 5, §3, 1994; Ord. 21, §3, 1999; Ord. 9, §3 & 4, 2004; Ord. 13, §2, 2004; Ord. 10, §2, 2019; Ord. 4, 2022)

15.04.040 Appeals.

A. In order to hear and decide appeals of orders, decisions, or determinations made by the building code official relative to the application and interpretation of the Codes adopted by reference herein, there shall be created as needed a "Board of Appeals" appointed by order of the City Manager. Any decision of the City Manager or their designated official or inspector under this Chapter may be appealed to the Board of Appeals by submitting a written appeal letter.

B. Such appeal shall contain the reason for the appeal and the relief requested.

C. The City Manager or their designated official or inspector shall review the appeal and forward it to the Board of Appeals attaching thereto their written recommendations and reasons for their decision.

D. The decision of the Board of Appeals shall be final.

E. The Board of Appeals shall have no authority to grant any variance.

(Ord. 7 §1(part), 1986; Ord. 13, §2, 2004; Ord. 10, §2, 2019; Ord. 4, 2022)

15.04.050 Violations and penalties.

A. It shall be unlawful to violate any provision of this Chapter, any of the Codes adopted by reference herein, or any stop order or other order issued by the City pursuant to said Codes or this Chapter. Any person convicted of such a violation may be punished by a fine in accordance with the Chapter 1.08. Each day during which any violation is committed or permitted to continue shall be considered as a separate offense.

B. Continuing violation of the provisions of this Chapter or the Codes adopted herein by reference, or of any order issued



pursuant to this Chapter or the Codes adopted by this Chapter, is hereby declared to be a nuisance and may be abated in accordance with law.

C. In addition to any other remedy the City may have, it may maintain an action in a Court of competent jurisdiction to enjoin any violation of any provision of this Chapter, or of the Codes adopted herein by reference.

D. The City may refuse to issue any permits required by this Chapter, or by the Codes adopted herein by reference if the applicant is in violation of any provisions of this Chapter, any of the Codes adopted herein by reference, or any stop order or other order issued pursuant thereto. (Ord. 7, §1(part), 1986; Ord. 17 §1(part), 1990; Ord. 5, §4, 1994; Ord. 18, §2 & §3, 1997; Ord. 32, §4, 1999; Ord. 13, §4, 2004; Ord. 4, 2022)

15.04.060 Fence construction and maintenance requirements.

A. All fences shall be constructed so that all exterior surfaces exposed to the weather are constructed of weather-resistant materials or adequately treated or painted for weather resistance. Any components in contact with the ground shall be of rot resistant materials or adequately treated to resist rot. Provided, however, this shall not be construed to apply to the Fort Uncompahgre fences.

B. Plywood, pressboard, waferboard, chipboard, cardboard, pallets and other similar materials shall not be used for fences.

C. On corner lots, the erection of any fence, wall, hedge or vegetation shall not be permitted within the sight distance triangle, as defined in the City's Standards and Specifications.

D. All fences shall be constructed and maintained so they do not create a safety hazard.

E. All fences shall be maintained in good repair. It shall be prima facie evidence that a fence is not being maintained in good repair if any of the following conditions exist:

1. Missing, broken or loose boards.
2. Chipped, faded or peeling paint or stain.
3. Warped or delaminated boards.

4. Chain link fencing which is not properly attached to supports.

5. Leaning fences, or fences which are inadequately braced to resist wind, or support the weight of persons climbing them. (Ord. 12, §1, 1994; Ord. 31, §7, 2000; Ord. 4, 2022)

15.04.070 Housing maintenance requirements.

A. (1) Structures requiring plumbing shall be provided with a treated water supply directly or indirectly from the City of Delta system unless Tri-County Water Conservancy District service is allowed pursuant to the service area agreement between the City and the Tri-County Water Conservancy District, and with City sewer service or an authorized and approved Onsite Wastewater Treatment System ("OWTS"), properly maintained and operated.

(2) No building permit or certificate of occupancy shall be granted for any such building unless proof of availability of such water supply and sewer or OWTS is provided.

(3) No new ISDS shall be authorized and an existing OWTS may not be used to serve new construction, or a factory-built structure recently set or to be set, unless the City determines that connection to the City sewer is technically unfeasible or will cost substantially more than a lawful approved OWTS.

(4) Structures lawfully using an existing cistern or well as of September 1, 2001, may continue to do so so long as such system is maintained in accordance with applicable Federal, State, County and City regulations, is in good operating condition, and does not present a health hazard. However, when the existing cistern or well fails or needs significant repair, such structures shall be required to connect to the City water system.

(5) All OWTS's must be in compliance with applicable State, County and City regulations.

B. It shall be unlawful to occupy any structure, other than the lawful occupancy of a travel home, as a residence without the required plumbing and water or sewer service in violation of subsection (A), or for more than three days after water, sewer or electric service has been terminated to the premises. Any violation of this provision shall be abated pursuant to Chapter 8.24, with costs and fines assessed accordingly (Ord. 32, §1, 2001; Ord. 20, §1, 2002; Ord. 4, 2022)

15.04.080 Site development and maintenance requirements.

A. No building permit for new construction or additions to existing structures shall be issued until a site development plan has been approved pursuant to this section. The formality, scope and content of each site development plan shall depend upon the use and size of the building or structure for which the permit is sought. It shall generally address and meet any requirements, standards and specifications applicable to developments under Titles 16 and 17 of the Delta Municipal Code that are reasonably attributable to the size and allowed use of the building or structure proposed for construction; provided, however, that the landscape provisions set forth in Section 15.04.080(B)(1)(d) shall not apply to building permits sought for (a) single family residences, duplexes, farms, ranches and accessory buildings thereto; or (b) an addition to an existing building or structure which increases the footprint area by no more than fifty percent (50%), or has construction value of no more than twenty thousand dollars (\$20,000.00); or (c) the erection of a building which is accessory to an existing building and which increases the aggregate footprint area by no more than fifty percent (50%), or has a construction value of no more than twenty thousand dollars (\$20,000.00).

B. The site development plan shall be submitted on forms provided by the City with a building permit application and comply with the following requirements:

1. Plans and specifications shall be submitted, drawn to a scale adequate to clearly show all required features and not less than one inch (1") equals forty feet (40'), for the construction of the following improvements consistent with the City's Standards, and Specifications.

a. Installation of new, or repair of damaged, sidewalk, curb, gutter along abutting streets, in accordance with Section 15.04.100, except in subdivisions where it is not required by current subdivision regulations.

b. Required off-street parking spaces, including landscaped areas, and maneuvering areas adequate to avoid any need for vehicles to back onto sidewalks and other developed parts of adjoining streets, and adequate to meet all applicable requirements. The required parking and maneuvering areas shall be constructed and surfaced according to Section 17.04.230(G).

c. Site drainage adequate to avoid damage or adverse effects to improvements, structures and property on and off the site.

d. Landscaping, including provisions for trees and shrubs, subject to the following minimum requirements:

i. At least 25% of the linear frontage of the site abutting public street rights-of-way to a minimum width of fifteen feet, unless the City approves an alternative plan as more effectively presenting a landscaped view from the abutting street rights-of-way; and

ii. Inclusive of the above frontage requirement, landscaping shall be required in at least 15% of that part of the site not covered by buildings for sites located in residential zoning districts; at least 6% of that part of the site not covered by buildings for sites located in commercial zoning districts; and at least 2% of that part of the site not covered by buildings for sites located in industrial zoning districts.

iii. In addition, each parking area which contains either twenty or more spaces, or more than one aisle, shall incorporate landscaped islands dispersed throughout the parking area with such islands to occupy a minimum of five percent (5%) of the parking area and to be landscaped in accordance with the City's Standards and Specifications.

iv. Such landscaping shall consist of trees, shrubs, and ground covers, and may include up to a maximum of 60% coverage in inert materials such as decorative paving stones, lava rock, pea gravel, etc., excluding from the calculation of the area to be landscaped any portion that is lawfully covered by a building.

v. In addition, property within the defined highway corridor of Section 15.04.090 shall also meet the requirements therein.

e. Driveways, culverts and curb cuts in compliance with the City's Standards and Specifications.

f. All outdoor lighting fixtures shall be shielded so that the light source is not directly visible off the premises.

2. The current deed to the property or other evidence of title shall be submitted with the plan.

3. If the abutting street is not paved, a recordable covenant binding the property for assessments for the cost of paving and related improvements must be properly executed and submitted.

C. In those cases where the grade for curb, gutter and sidewalk cannot be established by the City or immediate construction is impractical, a recordable covenant binding the property to pay for such improvements or other security pursuant to Subsection 15.20.020(B) may be accepted by the City in lieu of immediate construction of the curb, gutter or sidewalk.

D. Any improvement, the construction of which has been secured pursuant to City Subdivisions Regulations, Planned Unit Development Regulations or by other contract, need not be provided as part of the site development plan.

E. Following review, revision and approval by the City, the plan and specifications as approved by the City shall be revised in final form, stamped with City's approval and filed with the City. Thereafter, a building permit may be issued.

F. No occupancy permit shall be issued until the required improvements are constructed and approved by the City in compliance with the approved plans or secured for completion within six (6) months, and a recordable maintenance covenant running with the land on forms provided by the City is executed, approved by the City, and recorded.

G. All required improvements and landscaping shall be maintained in good repair and safe condition. Violation of this provision is hereby declared to be a nuisance which may be abated by the City in any lawful manner.

H. 1. Variances by the Planning Commission may be granted from the requirements of Subsection (B) above if it determines following the review procedure of Section 17.04.290 of City Zoning Regulations that all the criteria of this Subsection H are met:

a. The variance is requested for an addition to an existing building or construction of a purely accessory structure.

b. The variance will not adversely affect the public health, safety or welfare.

c. The addition or structure will have a *de minimus* effect on traffic, parking and drainage.

d. The variance requested is the minimum variance that will afford relief.

e. The variance will not result in development incompatible with other property or buildings in the area and will not affect or impair the value, use or development of other property.

f. Strict compliance is technically infeasible or the cost of the required site improvements is substantially more than the cost of the addition or structure, and the addition or structure is insignificant with respect to the structures already on the premises.

2. Published or delivered notice of the hearing as specified in Subsection 17.04.290(D) is not required.

I. Following approval of a site development plan, requests for amendments may be filed with the City and shall be reviewed in accordance with the provisions of Paragraphs (B), (C), (D), (E), and (F) above.

J. The City Manager is authorized to issue supplemental regulations to implement, interpret and administer these provisions and to provide detailed standards and specifications, consistent herewith.

K. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these requirements, upon written application, the City Council may vary or modify the application of these requirements, so that the spirit of the requirements is observed, public safety and welfare secured, and substantial justice done. (Ord. 6, §1, 2004; Ord. 4, §1 & 2, 2005; Ord. 3, §13, 2008; Ord. 6, §1, 2008; Ord. 8, §1, 2012; Ord. 12, §1, §2, 2012; Ord. 4, 2022)

15.04.090 Supplemental site development standards for highway corridors.

A. Property, any part of which is located within four hundred feet (400') of a right-of-way line of Highways 50 and 92, and Crawford Avenue west of 1800 Road, shall, in addition to other applicable requirements, be subject to the supplemental site development standards described in this Section. Whichever City ordinance or regulation requires more stringent or restrictive requirement shall apply. It is provided, however, that this Section shall not apply to any application for a building permit for (a) an addition which increases the footprint area by no more than fifty percent (50%), or has construction value of no more than twenty thousand dollars (\$20,000.00); or (b) the

erection of a building which is accessory to an existing building and which increases the aggregate footprint area by no more than fifty percent (50%), or has a construction value of no more than twenty thousand dollars (\$20,000.00).

1. Building facades which are substantially constructed of smooth-face concrete, smooth-face concrete block, or metal siding, or similar monolithic building materials shall be designed to include either a) two (2) foot eaves and a different colored pitched roof with a height between the top of the roof and the eave of at least equal to the distance from the eave to the ground, or a 8:12 pitch; or b) contrasting surface materials on a minimum of 24% of area of the front, and on 20% on each side and rear where visible from any street or proposed street. Such materials may include, but are not limited to, contrasting materials such as glass, brick, stucco, wood, stone, different colored metal or different colored paint. In either case, other architectural elements must also be included in the design which include but are not limited to architectural projections such as dormers, roof overhangs, protective canopies, and creatively shaped window openings. Metal skinned buildings are not allowed within the B-1 Zoning District.

2. Exterior mechanical equipment, including electrical transformers, shall either be incorporated in the overall form of the building or screened from view from any street by materials consistent with the landscaping, safety, the main building, and the State Adopted Electrical Code.

3. Refuse collection containers in compliance with the City's Standards and Specifications and areas shall be screened from view from any street or residential area by materials consistent with the landscaping and building.

4. a. Landscaping shall be installed and maintained to a minimum depth of fifteen feet (15') along seventy percent (70%) of the frontages of highways, streets and roadways identified in the first sentence of this subsection A.

b. Landscaping shall be installed and maintained to a minimum depth of fifteen feet (15') along a minimum of twenty-five percent (25%) of the secondary street frontages, excluding driveways and sidewalks.

B. The regulations of this Section shall apply to the entire building, lot, parcel or contiguous lots or parcels which constitute a single site, when any part thereof is located within four hundred feet (400') of the right-of-way of the highway or street segments described in Subsection (A) above.

C. The City Manager is hereby authorized to adopt regulations as may be appropriate to implement, interpret and administer the provisions of this Section and to provide detailed standards and specifications consistent herewith.

D. All required improvements and landscaping shall be maintained in good repair and safe condition. Violation of this provision is hereby declared to be a nuisance which may be abated by the City in any lawful manner.

E. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these requirements, upon written application, the City Council may vary or modify the application of these requirements, so that the spirit of the requirements is observed, public safety and welfare secured, and substantial justice done. (Ord. 6, §1, 2004; Ord. 4, §1 & 2, 2005; Ord. 6, §1, 2008; Ord. 13, §1, 2012; Ord. 8, §3, 2021; Ord. 4, 2022 )

#### 15.04.100 Sidewalk, curb and gutter requirements.

A. No building permit shall be issued for any new construction in occupancy groups A through S, as defined in The International Building Code, unless plans for the installation of sidewalk, curb and gutter, designed and located in accordance with the City's Standards and Specifications, have been submitted and approved; provided, however, in those cases where grade or other specifications have not been established for sidewalk, curb and gutter, if security is provided as required in subsections (C)-(D) below, immediate construction need not be required.

B. Following issuance of a building permit, except where security for construction has been provided, the sidewalk, curb, and gutter shall be constructed in accordance with the plans as approved. No certificate of occupancy shall be issued until such sidewalk, curb, and gutter have been completed in accordance with the approved plans and the City's Standards and Specifications, except when security has been provided.



Sidewalk, curb, and gutter shall be required on all public street frontages of the property on which the building is constructed.

C. In those cases where the immediate construction of sidewalk, curb, and gutter is not feasible because of lack of grade or other specifications, the City shall require security adequate to guarantee the construction of such improvements within one (1) year of the date that the City notifies the property owner or other party in interest of the grade requirements or other specifications. Such security shall be released upon construction of the required improvements in accordance with approved plans and the City's Standards and Specifications and shall provide that, in the event of the failure to complete the construction when required, the City may utilize such security for costs incurred by the City in constructing such improvements.

D. Such security shall be in an amount equal to one hundred fifty percent (150%) of the City's estimated cost to construct the improvements. The security shall be in a form acceptable to the City. (Ord. 4, 2022)

15.04.110 Canopy construction and maintenance requirements. Canopies, awnings and like structures may be constructed and installed over the public right-of-way extending out from a building in a B-1 zoning use district and for churches in any zoning district, if designed, constructed, installed and maintained in accordance with the requirements of this Chapter and all other applicable City regulations.

A. It shall be unlawful to construct and install canopies, awnings and like structures without first obtaining a permit from the City.

1. An application for a canopy, awning or like structure permit shall be made on forms provided by the City and shall be accompanied by a fee as set by the City's annual fee schedule.

2. If applicable, the application for such a permit shall include the applications for other building permits or licenses as may be required by the City.

B. All canopies, awnings, and like structures shall be designed, constructed and installed as follows:

1. All structures shall be designed, installed and constructed in accordance with good engineering and construction practices and all applicable Delta Municipal Code requirements to ensure that no safety hazard is created.

2. All structures shall be designed to be consistent and compatible with and to promote the historical architectural features of the buildings to which they are attached. This requirement shall apply to the materials used as well as the design to be approved.

3. The City may require certification by a registered professional engineer or architect regarding the structural integrity of any proposed design.

4. Structures shall not impede or obstruct vehicular or pedestrian traffic and shall not create site barriers which result in traffic hazards.

5. The lowest portion of any such structure, other than supports, shall be at least eight (8) feet above the grade of sidewalk or right-of-way.

6. Unless otherwise approved, all structures in the B-1 zoning district may extend no closer than six (6) feet from the curblines.

7. All structures in other zoning use districts may extend no closer than twenty-four (24) inches from the curblines.

8. Advertising placed upon any such structure shall be only as allowed by City sign and other applicable regulations.

C. Canopies, awnings or like structures which do not meet the requirements of this Section, as amended from time to time, may be maintained as is over City property if they were lawfully erected in accordance with applicable prior regulations subject to the following terms and conditions:

1. A permit is required for any material alteration to the structure, and such alteration shall only be allowed if the alteration reduces the nonconforming features. Minor maintenance shall be allowed without a permit.

2. If a nonconforming structure is damaged or destroyed, and the cost of repairing or replacing it exceeds fifty percent (50%) of the value of the entire structure after repair, such repair or replacement shall comply fully with the requirements of this Section.

3. If any structure is removed, other than temporarily in the course of maintenance, it may be replaced only with a structure that conforms to the requirements of this Section.

D. All canopies, awnings, and like structures approved pursuant to this Section, or erected pursuant to prior provisions, shall be maintained in good repair and in safe condition.

1. Any repairs or modifications to approved structures shall be done in accordance with the provisions of this Section, as amended from time to time.

E. No canopy, awning or like structure, whether approved pursuant to prior regulations or not, may be maintained over City property if it creates any traffic hazard or safety hazard or is not maintained in good repair and safe condition.

F. The City Manager, following reasonable notice and hearing, may terminate the right to maintain any canopy, awning or like structure over City property upon the determination that the structure is not being maintained or was not constructed in accordance with the requirements of this Section or other City regulations. (Ord. 4, 2022)