

**TOWN OF BOW MAR, COLORADO**  
**ORDINANCE NO. 340**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR  
AMENDING CHAPTER 18 OF THE BOW MAR MUNICIPAL CODE BY THE  
ADOPTION OF VARIOUS REGULATIONS FROM THE INTERNATIONAL CODE  
COUNCIL, THE NATIONAL FIRE PROTECTION ASSOCIATION, AND THE  
AMERICAN SOCIETY OF MECHANICAL ENGINEERS, WITH AMENDMENTS,  
CONCERNING THE DESIGN, CONSTRUCTION, ALTERATION, REPAIR,  
MAINTENANCE, AND OCCUPANCY OF BUILDINGS AND STRUCTURES WITHIN  
THE TOWN OF BOW MAR**

WHEREAS, Chapter 18 of the Bow Mar Municipal Code (the “Code”) previously adopted the 2015 edition of various codes published by the International Code Council’s (the “ICC”), with amendments, to regulate the design, construction, alteration, repair, maintenance, and occupancy of buildings and structures within the Town;

WHEREAS, the Board of Trustees (the “Board”) desires to update the Code to incorporate the most recent version of various ICC, National Fire Protection Association (“NFPA”) and American Society of Mechanical Engineers (“ASME”) codes as provided herein;

WHEREAS, the purpose of the ICC’s 2021 International Building Code (the “IBC”) is to comprehensively regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all structures;

WHEREAS, the purpose of the ICC’s 2021 International Residential Code (the “IRC”) is to provide minimum standards for the construction, alteration, movement, repair, use and occupancy, location removal and demolition of one- and two-story residential dwellings and the use of certain equipment;

WHEREAS, the purpose of the ICC’s 2021 International Mechanical Code (the “IMC”) is to provide minimum requirements for, regulate, and control the design, construction, installation, quality of materials, location operation and maintenance, and the use of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat producing appliances;

WHEREAS, the purpose of the ICC’s 2021 International Plumbing Code (the “IPC”) is to provide minimum standards for the safe installation and maintenance of sewage and water piping systems;

WHEREAS, the purpose of the ICC’s 2021 International Fuel Gas Code (the “IFGC”) is to provide minimum standards for safe installation of fuel gas piping systems, fuel gas utilization equipment, and related accessories;

WHEREAS, the purpose of the ICC’s 2021 International Property Maintenance Code (the “IPMC”) is to provide standards for, regulate, and control the uses and occupancy, location, and maintenance of all buildings and structures;

WHEREAS, the purpose of the ICC’s 2021 International Fire Code (the “IFC”) is to provide minimum requirements for providing a reasonable level of fire safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings and structures;

WHEREAS, the purpose of the ICC’s 2021 International Energy Conservation Code (the “IECC”) is to provide minimum standards for energy efficiency, the use of natural resources, and the impact of energy usage on the environment;

WHEREAS, the purpose of the ICC’s 2021 International Swimming Pool and Spa Code (the “ISPSC”) is to provide regulations for the construction, alteration, movement, repair, and use of public and residential pools, spas, and hot tubs;

WHEREAS, the purpose of the ICC’s 2021 International Existing Building Code (the “IEBC”) is to encourage the use and reuse of existing buildings and to provide regulations covering the repair, alteration, addition, and change of occupancy for existing buildings and historic buildings while achieving appropriate levels of safety without requiring full compliance with the new construction requirements of other ICC codes;

WHEREAS, the purpose of NFPA’s National Electrical Code (the “NEC”) is to provide the benchmark for safe electrical design, installation, and inspection to protect people and property from electrical hazards;

WHEREAS, the purpose of the ASME’s AS 17.1-2022 Safety Code for Elevators and Escalators (the “SCEE”) is to provide minimum standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration, and repair of elevators, escalators, and related conveyances;

WHEREAS, the Board hereby finds and determines that adoption of the 2021 versions of the IBC, the IRC, the IMC, the IPC, the IFGC, the IPMC, the IFC, IECC, ISPSC, and IEBC, and the 2022 version of the SCEE (collectively, the “Building Codes”) is necessary to protect the public health, safety, and welfare of the Town of Bow Mar (the “Town”);

WHEREAS, the Board additionally finds and determines that certain amendments to the Building Codes are necessary and prudent to conform to the unique needs of the Town; and

WHEREAS, copies of the Building Codes are available for inspection at the Town’s office, located at 2 Middlefield Road, Columbine Valley, CO 80123.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR, COLORADO:

Section 1      Repeal and Replace Chapter 18, Article I of the Bow Mar Municipal Code.  
Chapter 18, Article 1 of the Bow Mar Municipal Code is hereby repealed in its entirety and reenacted as follows:

**Sec. 18-1. – Title.**

This Chapter shall be known as the “Building Ordinance,” and may be cited as such.

**Sec. 18-2. – Scope and definitions.**

- (a) The purpose of this Chapter is to provide minimum standards to safeguard health, property and public welfare by regulating and controlling certain features of the design, construction, alteration, repair, maintenance and occupancy of all buildings and structures within the corporate limits of the Town.
- (b) For purposes of this Chapter, the term building means all houses and appurtenances thereto, garages, the police building and all other enclosed structures capable of holding people. The term structures means all fences, swimming pools, tennis and pickleball courts, patios, decks, gazebos, sheds, antennae, solar panels or collectors, greenhouses, pillars or posts, nonportable playground equipment and all other improvements not included with the term buildings.

**Sec. 18-3. – Compliance.**

- (a) All construction of new buildings and structures shall comply with this Article.
- (b) Additions, alterations, improvements and repairs to all existing buildings and structures shall comply with this Article.
- (c) All buildings or structures, both existing and new, and all parts thereof shall be maintained in a safe and sanitary condition. The owners and tenants of any buildings or structures within the Town shall be jointly and severally responsible for the maintenance of such buildings and structures.

**Sec 18-4. – Permit Application.**

- (a) **Permits required.** No person shall construct, add to, alter, repair, improve or remove any building or structure in the Town, or cause the same to be done, without first obtaining a building permit for each such building or structure from the Building Department. Neither the Town nor the Building Department shall have any liability for the issuance of any permit for inadequate or defective plans or specifications.
- (b) **Application.** To obtain a permit, the applicant shall first file an application therefore in writing. Each such application shall be signed by the applicant or their agent and shall contain such information as may reasonably be required by the Building Department, including:
- (1) Identification of the work to be covered by the permit for which application is made;
  - (2) Description of the land on which proposed work is to be done by plat description or by house address and street name;
  - (3) A statement of the valuation and anticipated cost of the proposed work;
  - (4) Payment of all fees, including payment of the building fee and all inspection fees as may be set by the Board of Trustees from time to time; and
  - (5) Two (2) sets of plans and specifications shall be submitted, except that for minor alterations or repairs of a nonstructural nature, the Building Department may waive this requirement for plans and specifications. The plans and specifications shall contain at least the following information:
    - a. *Plot plan.* Scale shall be one-sixteenth ( 1/16 ) inch equals one (1) foot zero (0) inches, one-eighth (1/8) inch equals one (1) foot zero (0) inches, or one (1) inch equals twenty (20) feet, with the latter preferred, and shall show: (1) size and location of lot; (2) location of all buildings and structures on the lot; (3) all elevations including established street elevation at the extension of lot lines, existing and finished grade elevations at each corner of lot and at each corner of the setback lines, and roof elevations and elevations of each

floor or level of each building or structure; and (4) all easements and setback requirements.

- b. *Foundation.* For any construction involving a new foundation or modification of an existing foundation, a soil analysis by an accepted testing laboratory shall be required. The foundation design shall be based upon engineering calculations by an engineer registered in the State in accordance with results of the soil analysis, and the foundation plans must be signed by such engineer.
- c. *Detail.* Drawings and specifications shall completely indicate and describe all of the proposed work, including the sizes, grade and quality of materials and equipment to be incorporated in the improvements. Except for the plot plan, drawings shall be accurately drawn to a scale not less than one-eighth ( $\frac{1}{8}$ ) inch equals one (1) foot zero (0) inches.
- d. *Floor plans.* Plans of all floors, basement and/or foundation shall be included, including direction, size and spacing of all framing members.
- e. *Heating and cooling.* Size and layout of heating and cooling units, pipes, ducts, registers, radiators and any special arrangements shall be shown.
- f. *Plumbing fixtures.* Show location and size to scale of all fixtures and domestic hot water units.
- g. *Electric.* Show location of entry service, meters, panels and outlets and major electrical appliance.
- h. *Exterior elevations.* Front, rear and side elevations shall be included showing all window and door openings, wall finish materials, flashing, present and finish grades, depth of footings, finish floor elevations and top of structure elevation.
- i. *Cross sections.* Fully dimensioned cross sections through exterior walls shall be shown to scale, including all details of construction from bottom of footings to highest point of roof necessary for complete roof construction indication.

Also to be shown are fully dimensioned cross sections through stairwells, landings and stairs to scale clearly showing all headroom conditions and details of all surrounding construction.

- j. *Compliance with Town of Bow Mar Design Guidelines.* Approval by the Design Review Board indicating that the application is consistent with the Town of Bow Mar Design Guidelines.
- k. A photometric (lighting plan and permit for new construction and major remodels defined as having a value of over two hundred fifty thousand dollars (\$250,000.00). A certificate of compliance shall be submitted and approved by the Building Inspector as part of the final inspection, although this is not required before a certificate of occupancy can be issued.
- l. A drainage plan prepared by a licensed engineer for any new home or addition, which shall include an analysis of the effects of drainage caused by the construction on said home or adjacent properties.
- m. *Signature by registered architect or engineer.* All plans must be certified by an architect or engineer registered by the State who is regularly engaged in the design of building structures. Supporting calculations may be required by the Building Department.
- n. *Construction staging plan.* A plan demonstrating compliance with the construction staging requirements adopted and amended from time to time by the Building Department.

**Sec. 18-5. – Issuance of Permit.**

- (a) **Approval of plans.** If the Building Department is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Chapter and other pertinent laws, ordinances and regulations and that the fee specified herein has been paid, the Department shall issue a permit therefor to the applicant. The Building Commissioner or their designee shall endorse on both sets of plans and specifications, and

thereafter such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Department, and all work shall be done in accordance with the approved plans.

- (b) **Independent review.** As needed to review plans submitted in connection with an application for a permit, and subject to final approval by the Board of Trustees, the Building Department may engage an independent engineer or architect to review plans and specifications, in which case the cost of such independent review shall be added to the permit fee to be paid by the applicant.
- (c) **Retention of plans.** One (1) set of approved plans and specifications shall be retained by the Building Department for a period of not less than ninety (90) days from date of completion of work covered therein, and one (1) set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized hereby is in progress.
- (c) **No approval for violations of law.** The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or approval of, any violation of any of the provisions of this Chapter or any other pertinent laws, ordinances or regulations.
- (d) **Expiration.** Every permit issued by the Building Department under the provisions of this Chapter shall automatically expire and become null and void if the building or work authorized by such permits is not commenced within one hundred eighty (180) days after the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall be obtained. The original permit may be reissued without further fee, provided that no changes have been made or will be made in the original plans and specifications for such work. If changes are made or requested, the Building Department may require a new building fee to be paid. Construction must be completed within three hundred sixty-five (365) days or the permit shall become void.

- (e) All permits shall specify that outdoor construction shall be limited to 7:00 a.m. to 7.00 p.m. Monday through Friday and 8:00 a.m. to 5.00 p.m. Saturday, Sunday and holidays.
- (f) **Suspension or revocation.** The Building Department may, in writing, suspend or revoke a permit issued under provisions of this Chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of the provisions of this Chapter or other relevant law or regulation.

#### **Sec. 18-6. – Inspections.**

All construction or work for which a permit is required shall be subject to inspection by the Building Department. The permit holder or their agent is to be held responsible under the penalties of this Chapter for properly notifying the Building Inspector whenever an inspection is required. Upon notification from the permit holder or his or her agent, said official shall within four (4) days, or as weather permits, make or cause to be made the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with the law. Neither the Town nor the Building Inspector shall have any liability for issuance of any inspection approvals for defective work or materials. The Building Department shall charge the contractor a building inspection fee for each inspection trip in an amount to be set by the Building Department and approved by the Board of Trustees: (1) location; (2) footings, trenches, caissons, pads and foundation wall; (3) steel; (4) waterproofing; (5) ground plumbing; (6) rough plumbing; (7) rough heating; (8) frame; (9) insulation; (10) drywall; (11) final; and (12) such other inspections as the Building Inspector may deem necessary. At the discretion of the Building Department, any of the foregoing inspections may be waived. The permit holder or their agent shall be held responsible to contact the State Electrical Board concerning the permits, inspections and fees.

#### **Sec. 18-7. – Certificate of Occupancy.**

Once all the inspections have been satisfactorily completed and the Building Department determines that a new home is ready for occupancy, the Building Department shall issue a certificate of occupancy. No building may be occupied or inhabited until a certificate of occupancy has been issued.

#### **Sec. 18-8. – Adoption of Building Code**

- (a) **Adoption.** The 2021 Edition of the International Building Code, including all Appendices thereto, published by the International



Code Council (the “Building Code”), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Building Code of the Town, to regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all non-residential structures within the Town.

**Sec. 18-9. – Adoption of Residential Code**

- (a) **Adoption.** The 2021 Edition of the International Residential Code, including all Appendices thereto, published by the International Code Council (the “Residential Code”), as amended as set forth in paragraph (b), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Residential Code of the Town, to provide minimum standards for the construction, alteration, movement, repair, use and occupancy, location removal and demolition of one- and two-story residential dwellings and the use of certain equipment within the Town.
- (b) **Amendments.** The following amendments to and revisions of the Residential Code are hereby adopted:

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

The Design Criteria for the Town of Bow Mar shall be as follows:

Roof snow load	30 psf
Nominal wind speed	110 mph
Ultimate wind speed	140 mph
Frost depth	36 inches
Seismic design category	B
Termite	Slight to Moderate
Decay	None to Slight
Weathering	Severe
Winter design temperature	1 degree

Ice shield underlayment Requires	Yes (See R 905.1.2 Ice Barriers)
Degree heating days	6200
100-year hourly rainfall	2.67" per hour

(2) Section R302.1 is deleted without substitute.

(3) Table 302.6 is amended to read as follows:

**DWELLING/GARAGE SEPARATIONS**

<b>Separation</b>	<b>Materials</b>
From the residence and attic	5/8" Type X gypsum board applied to the garage side
From all habitable rooms above the garage	Not less than 5/8" Type X gypsum board
Structure(s) supporting floor ceiling assemblies used for separation required by this section	Not less than 5/8" Type X gypsum board
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8" Type X gypsum board applied to the interior side of exterior walls that are within this area

(4) Section R302.7 is amended to read as follows:

**R302.7 Under-stair protection.**

Enclosed accessible spaces under stairs shall have walls, under stair surfaces and any soffit protected on the enclosed with 5/8" Type X gypsum board.

(5) Section R313 is deleted without substitute.

(6) Section R315.3 is amended to read as follows:

### **R315.3 Where required in Existing Dwellings**

Where work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fitted appliances exist, carbon monoxide alarms shall be provided in accordance with Section 315.1, except as follows:

1. Work involving the exterior surfaces or dwellings, such as the replacement of roofing or siding;
2. The addition or replacement of windows or doors, except in rooms used for sleeping purposes;
3. The addition of a porch, shed, deck, or similar outside work;
4. Installation, addition, or repairs of exterior plumbing systems or electrical service changes provided access to the interior of the dwelling is not required; or mechanical systems provided such installations or repairs do not involve a fuel fired device

(7) Section R401.4 is amended to read as follows:

### **R401.4 Soils Test**

In the Town of Bow Mar, which has areas likely to have expansive, compressible, shifting, or unknown soil characteristics, a site-specific soils report, prepared by a geo-technical engineer, shall be submitted with the building permit application for all new habitable structures. This soils test shall be made by a Registered Engineer licensed in the State of Colorado using methods approved by the State of Colorado.

(8) Section R401.4.1 is deleted without substitute.

(9) Section R401 is amended by the addition of a new subsection to read as follows:

### **R401.5 Placement of backfill**

The excavation outside the foundation, including utility trenches and excavation ramps, shall be backfilled with soil substantially free of organic materials, construction debris, cobbles, boulders,

clods over 6”, or frozen soil. Backfill material shall be moisture conditioned in accordance with geotechnical specifications or in accordance with any other requirements of the Town of Bow Mar, including without limitation this International Residential Code. Backfill shall be placed in a manner that does not damage the foundation, waterproofing, or damp proofing material. Excavation ramps shall be located and backfilled in such a manner that the ramp does not become a conduit for surface water inflow toward the foundation.

(10) Section R403.1.4.1 is amended to read as follows:

**R403.1.4.1 Frost Protection**

Except where otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings, patio enclosures, sun room, and similar structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line specified in Table R301.2 (1);
2. Constructed in accordance with Section R403.3;
3. Constructed in accordance with ASCE 32;
4. Erected on solid rock.

The following exceptions additionally apply to the requirements of this Section:

1. Protection of free-standing accessory structures with an area of 600 square feet or less, of light frame construction, with an eave height of 10 feet or less shall not be required;
2. Protection of free-standing accessory structures with an area of 400 square feet or less, of other than light frame construction, with an eave height of 10 feet or less shall not be required.

(11) Section R801.3 is amended to read as follows:

**R801.3 Roof drainage**

In areas where expansive or collapsible soils are known to exist, all dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 5 feet from foundation walls or to an approved drainage system. Devices which hold up downspout extensions shall not be installed. Landscaping edging, concrete slabs, and other materials shall not interfere with the drainage with the discharge of the roof drainage system.

(12) Section R905.5 is deleted without substitute.

(13) Section R908.3.1 is amended by the addition of a new Item to read as follows:

**R908.3.1 Roof recover**

The installation of a new roof covering over an existing roof covering shall be permitted where any of the following conditions appear:

\* \* \*

5. In the case of a partial reroof, the replacement of shingles shall be of the same type and color.\* \* \*

(14) Section 1004.4 is deleted without substitute.

(15) Section M1503.4 is amended by the addition of a new subsection to read as follows:

**M1503.4.1 Makeup air temperature**

The temperature differential between makeup air and the air in the conditioned space shall not exceed 10 degrees Fahrenheit.

(16) Table N1102.1.3 is hereby amended to read as follows:

The following requirements shall apply to remodeling of residential properties to include without limitation, additions, basement finishes, and interior remodels within the Town of Bow Mar:

FENESTRATION U-FACTOR	0.30
SKYLIGHT U-FACTOR	0.55

GLAZED FENESTRATION SHGC	0.40
CEILING R-VALUE	60
WOOF FRAME WALL R-VALUE	20 + 5 or 23 + 10ci or 0 + 15
MASS WALL R-VALUE	13/17
FLOOR R-VALUE	30
BASEMENT WALL R-VALUE	15 ci or 19 ci or 13 + 5 ci
CRAWL SPACE WALL R-VALUE	15 ci or 19 ci or 13 + 5 ci

(17) Section N.1106.2 is hereby amended to read as follows:

**N.1106.2 General Requirements**

In addition to other requirements in this chapter, the mandatory requirements in Table N1102.1.2 shall apply to residential remodeling.

(18) Section G2445 is deleted without substitute.

(19) Section P2903 is amended by the addition of a new subsection P.2903.12 to read as follows:

**P2903.12 Location of lawn sprinkler manifolds**

Lawn sprinkler manifolds and drain valves shall be located a minimum of 5 feet from the building foundation.

(20) Subsection E3609.7 amended to read as follows:

### **E3609.7 Bonding other metal piping**

Where installed in or attached to a building or structure, metal piping systems capable of becoming energized shall be bonded to the service equipment enclosure, the grounded conductor at the service, the grounding electrode conductor where of sufficient size, or to one or more grounding electrodes used. The bonding jumper shall be sized in accordance with Table E3803.1 using rating of the circuit capable of energizing the piping. The equipment grounding conductor for the circuit that is capable of energizing the piping shall be permitted to serve as the bonding means. The points of attachment of the bonding jumper(s) shall be accessible.

### **Sec. 18-10. – Adoption of Mechanical Code.**

The 2021 Edition of the International Mechanical Code, including all Appendices thereto, published by the International Code Council (the “Mechanical Code”), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Mechanical Code of the Town, to provide minimum requirements for, regulate, and control the design, construction, installation, quality of materials, location operation and maintenance, and the use of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat producing appliances within the Town.

### **Sec. 18-11. – Adoption of Plumbing Code.**

The 2021 Edition of the International Plumbing Code, including all Appendices thereto, published by the International Code Council (the “Plumbing Code”), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Plumbing Code of the Town, to provide minimum standards for the safe installation and maintenance of sewage and water piping systems within the Town.

### **Sec. 18-12. – Adoption of Fuel Gas Code.**

The 2021 Edition of the International Fuel Gas Code, including all Appendices thereto, published by the International Code Council (the “Fuel Gas Code”), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Fuel Gas Code of the Town, to provide minimum standards for safe installation of fuel gas piping systems, fuel gas utilization equipment, and related accessories within the Town.

**Sec. 18-13. - Adoption of Property Maintenance Code.**

The 2021 Edition of the International Property Maintenance Code, including all Appendices thereto, published by the International Code Council (the “Property Maintenance Code”), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Property Maintenance Code of the Town to provide standards for, regulate, and control the uses and occupancy, location, and maintenance of all buildings and structures within the Town.

**Sec. 18-14. – Adoption of Fire Code.**

(a) **Adoption.** The 2021 Edition of the International Fire Code, including Appendices B, C, and D thereto, published by the International Code Council (the “Fire Code”), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Fire Code of the Town, to provide minimum requirements for providing a reasonable level of fire safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings and structures within the Town.

(b) **Amendments.** The following amendments to and revisions of the Fire Code are hereby adopted:

(1) Section 101.1 is amended by the insertion of “Town of Bow Mar” where indicated by [Name of Jurisdiction].

(2) Section 103.1 is amended to read as follows:

**103.1 Creation of agency.** The South Metro Fire Rescue Fire Protection District is hereby created as the Fire Marshal’s Office within the jurisdiction of the Town of Bow Mar and the official in charge thereof shall be known as the fire code official. The function of the Fire Marshal’s Office shall be the implementation, administration and enforcement of the provisions of this code.

(3) Section 103.2 is amended to read as follows:

**103.2 Appointment.** The Fire Marshal of the South Metro Fire Rescue Fire Protection District, or designee, is hereby appointed as the fire code official.

(4) Section 105.5.38 is amended to read as follows:



**105.5.38 Outdoor assembly event.** An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 500 persons.

(5) Section 105.5.49 is amended to read as follows:

**105.5.49 Temporary membrane structures and tents.** An operational permit is required to operate a membrane structure, air-inflated membrane structure, air-supported membrane structure, a temporary special event structure, or a tent having an area in excess of 400 square feet (37 m<sup>2</sup>).

(6) Section 105.6 is amended to read as follows:

**105.6 Required construction permits.** The fire code official is authorized to issue construction permits for work as set forth in Section 105.6.1 through 105.6.25.

(7) Section 105.6.24 is amended to read as follows:

**105.6.24 Temporary membrane structures and tents.** A construction permit is required to erect a membrane structure, air-inflated membrane structure, air-supported membrane structure, a temporary special event structure, or a tent having an area in excess of 400 square feet (37 m<sup>2</sup>).

(8) A new Section 105.6.25 is added to read as follows:

**105.6.25 Buildings and facilities.** Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change occupancy of a building, or structure, or facility, or to cause any such work to be performed and in addition to all other requirements of this Code, shall first make application to the fire code official and obtain the required permit.

(9) Section 107.3 is deleted without substitute.

(10) Section 111.1 is amended to read as follows:

**111.1 Board of appeals established.** To hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be created a Regional Fire Code Board of Appeals by the entry of various fire districts into an intergovernmental agreement ("IGA"). The board of appeals shall be appointed through the operation of the IGA. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting

its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

(11) Section 112.4 is hereby deleted without substitute.

(12) Section 113.4 is amended to read as follows:

**113.4 Failure to comply.** It shall be a violation of this Code for any person to continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subjected to penalties in Section 1-72 Town of Bow Mar Municipal Code.

(13) Section 503.1 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 and Appendix D.

(14) Section 503.1.1 is amended to read as follows:

**503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section, Appendix D where applicable, and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet (45,720mm) where any of the following conditions occur:

1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 (NFPA 13), the dimension shall be unlimited, as approved, provided access roads are extended to within 150 feet (45,720mm) of at least one, approved side of the building or structure. Fire hydrant requirements of Section 507 may necessitate additional roads to serve hydrants near large buildings.

1.2. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.2 (NFPA

13R) or 903.3.1.3 (NFPA 13D), the dimension shall be increased to 200 feet (60,960mm).

1.3. The fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

1.4. There are not more than two Group R-3 or Group U occupancies.

2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

(15) Section 503.2 is 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 and Appendix D as amended.

(16) Section 503.2.1 is amended to read as follows:

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm) and in accordance with Appendix D, as amended. The greater dimension of required unobstructed width shall prevail.

(17) Section 503.2.3 is amended to read as follows:

**503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus weighing up to 80,000 pounds and shall be surfaced so as to provide all-weather driving capabilities with an approved driving surface material.

(18) Section 503.2.7 is amended to read as follows:

**503.2.7 Grade.** The grade of the fire apparatus access road shall be a maximum of 6% or as otherwise determined by the fire code official based on fire district apparatus specifications.

(19) Section 503.3 is amended to read as follows:

**503.3 Marking.** Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which the fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Marking of the fire apparatus access roads shall be in accordance with the fire code official’s specifications and D103.6.

(20) Section 503.4 is amended to read as follows:

**503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances in Sections 503.2.1, 503.2.2, and Appendix D shall be maintained at all times.

(21) Section 503.6 is amended to read as follows:

**503.6 Security gates.** The installation of security gates across a fire apparatus access road shall be approved by the fire code official and shall be in accordance with Section D103.5.

(22) Section 507.3 is 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 a method approved by the fire code official.

(23) Section 507.5 is amended to read as follows:

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

(24) Section 510.1 is amended to read as follows:

**510.1 Emergency responder communication coverage in new buildings.** Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided within all new buildings. In-building, two-way emergency responder communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Exceptions:

1. Where approved by the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained instead of an approved radio coverage system.

(25) Section 903.3 is amended to read as follows:

**903.3 Installation requirements.** Automatic sprinkler systems shall be designed and installed in accordance with Section 903.3.1 through 903.3.9

(26) Section 903.3.9 is amended to read as follows:

**903.3.9 Spare sprinklers.** Spare sprinklers shall be provided per NFPA 13, NFPA 13R, NFPA 13D and in accordance with the fire code official's supplemental documents outlining specific provisions for multiple buildings under the same ownership.

(27) Subsection (1) Section 905.4(1) is amended to read as follows:

1. In every required interior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the main floor landing unless otherwise approved by the fire code official.

Exception: Deleted in its entirety.

(28) Section 1103.7.6(3) is amended to read as follows:

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 exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3.2 to 3.5.

(29) Section 5601.1.3 is amended to read as follows:

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

Exception:

1. The use of fireworks for displays as allowed in Section 5608.

(30) Section 5704.2.9.6.1 is deleted without substitute.

(31) Section 5706.2.4.4 is deleted without substitute.

- (32) Section 5806.2 is deleted without substitute.
- (33) Section 6104.2 is deleted without substitute.
- (34) Section B105.1 in Appendix B is amended to read as follows:

**B105.1 One- and two-family dwellings Group R-3 and R-4 buildings and townhouses.** The minimum fire-flow and flow duration requirements for one- and two-family dwellings, Group R-3 and R-4 buildings having a fire flow calculation area that does not exceed 3,600 square feet (344.5 m<sup>2</sup>) shall be 1,000 gallons per minute (3785 L/min) for 1 hour. Fire-flow and flow duration for one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses having a fire-flow calculation area in excess of 3,600 square feet (344.5 m<sup>2</sup>) shall not be less than that specified in Table B105.1.

Exception: A reduction in required fire-flow of 25 percent, as approved, is allowed when the building is equipped with an approved automatic fire sprinkler system.

- (35) Section B105.2 in Appendix B is amended to read as follows:

**B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses.** The minimum fire-flow and flow duration for buildings other than one- and two-family dwelling, Group R-3 and R-4 buildings and townhouses shall be as specified in Table B105.1.

Exception: A reduction in required fire-flow of 50 percent, as approved, is allowed when the building is equipped with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 (NFPA 13). A reduction in required fire-flow of 25 percent, as approved, is allowed when the building is equipped with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.2 (NFPA 13R). The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration in Table B105.1.

- (36) Section B105.3 in Appendix B is deleted without substitute.
- (37) Table B105.1(1) in Appendix B is deleted without substitute.
- (38) Table B105.2 in Appendix B is deleted without substitute.
- (39) The Title of Table B105.1(2) is amended to read as follows:

**“Table B105.1: MINIMUM REQUIRED FIRE-FLOW AND FLOW DURATION FOR BUILDINGS”.**

(40) Section D102.1 in Appendix D is amended to read as follows:

**D102.1 Access and loading.** 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 an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 80,000 pounds (34 050 kg).

(41) Section D103.1 in Appendix D is deleted without substitute.

(42) Section D103.2 in Appendix D is amended to read as follows:

**D103.2 Grade.** The grade of the fire apparatus access road shall be a maximum of 6% or as otherwise determined by the fire code official based on fire district apparatus specifications.

(43) Section D103.4 in Appendix D is 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 the Town of Bow Mar roadway design standards. Where the provisions are in conflict, the provisions of the Town of Bow Mar roadway design standards shall prevail.

(44) Section D103.6 in Appendix D is amended to read as follows:

**D103.6 Signs and widths.** Where required by the fire code official, fire apparatus access road shall be marked with permanent “NO PARKING – FIRE LANE” signs in accordance with the width specified within the fire code official’s specifications.

(45) Section D104.1 in Appendix D is amended to read as follows:

**D104.1 Buildings exceeding three stories or 30 feet in height.** Buildings or facilities where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

(46) Section D105.1 in Appendix D is amended to read as follows:

**D105.1 Where required.** Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

Exception: Where approved by the fire code official, buildings of Type IA, Type IB construction equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, meets the definition of a high-rise building as defined by the International Building Code, and having firefighter access through an enclosed stairway with a Class I standpipe system from the lowest level of fire department vehicle access to all roof surfaces.

(47) Section D106.1 in Appendix D is amended to read as follows:

**D106.1 Projects having more than 100 dwelling units.** Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Deleted in its entirety.

#### **Sec. 18-15. – Adoption of Energy Conservation Code.**

The 2021 Edition of the International Energy Conservation Code, including all Appendices thereto, published by the International Code Council (the “Energy Conservation Code”), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Energy Conservation Code of the Town, to provide minimum standards for energy efficiency, the use of natural resources, and the impact of energy usage on the environment within the Town.

#### **Sec. 18-16. – Adoption of Swimming Pool and Spa Code.**

The 2021 Edition of the International Swimming Pool and Spa Code, including all Appendices thereto, published by the International Code Council (the “Swimming Pool and Spa Code”), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Swimming Pool and Spa Code of the Town, to



provide regulations for the construction, alteration, movement, repair, and use of public and residential pools, spas, and hot tubs within the Town.

**Sec 18-17. – Adoption of Existing Building Code.**

The 2021 Edition of the International Existing Building Code, including all Appendices thereto, published by the International Code Council (the “Existing Building Code”), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Existing Building Code of the Town, to provide regulations for the repair, alteration, addition and change of occupancy for existing buildings and historic buildings while achieving appropriate levels of safety without requiring full compliance with the requirements for new construction under this Code.

**Sec. 18-18. – Adoption of Elevator Code.**

The A17.1-2022 Safety Code for Elevators and Escalators, published by the American Society of Mechanical Engineers (the “Elevator Code”), is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Elevator Code of the Town, to provide minimum standards for the design, construction, installation, operation, inspection, testing, maintenance, alteration, and repair of elevators, escalators, and related conveyances within the Town.

**Sec. 18-19. – Adoption of National Electrical Code**

The current NFPA 70 National Electrical Code published by the National Fire Protection Association, as currently adopted by the State of Colorado or as is from time to time modified, re-enacted, or re-adopted by the State of Colorado (the “Electrical Code”) is hereby adopted and enacted by this reference, with the same force and effect as though fully set forth herein, as the Electrical Code of the Town, to provide the benchmark for safe electrical design, installation, and inspection to protect people and property from electrical hazards within the Town.

**Sec. 18-20. – Insulation.**

Notwithstanding any other provisions of this Article or the any of the Codes adopted herein, the following standards for insulation shall apply to all structures within the Town:

- (a) Roof insulation shall have at least an R factor of 10;

- (b) External wall insulation shall have at least an R factor of 21;
- (c) All external windows shall be double-glazed, and shall have a fenestration rating of 0.40.

**Sec. 18-21. – Basement Garages.**

Basement garages are not permitted within the Town.

**Sec. 18-22. – Administration, Enforcement, and Penalties.**

- (a) **General.** The Board of Trustees (hereinafter, the “Board”) shall appoint an individual to serve as the Building Commissioner for the Town. The Building Commissioner is hereby authorized and directed to enforce all the provisions of this Chapter. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Commissioner.
- (b) **Inspectors.** Subject to the approval of the Board, the Building Department may appoint inspectors to carry out the functions of the Building Department.
- (c) **Appeals.** All appeals from decisions or rulings of the Building Department will be referred to the Board of Adjustment in accordance with Chapter 16 of this Code.
- (d) **Right of entry.** Upon presentation of proper identification, the any representative of the Building Department may enter at reasonable times any building, structure or premises in the Town to perform any duty imposed upon the Building Department by this Chapter.
- (e) **Stop work orders.** Whenever any construction work is being done contrary to the provisions of this Chapter, the Building Department may order the work stopped by notice in writing served upon the owner of the property or upon any person engaged in the doing or causing such work to be done, and all such persons shall thereafter forthwith stop such work until authorized by the Building Department to proceed with the work.

- (f) **Penalties.** Any Person, as defined in Section 1-21(12) of this Code, violating any of the provisions of this Chapter shall, upon conviction, be punished as set forth in Section 1-72 of this Code. These penalties may be imposed upon the owners or occupants of any property within the Town as well as upon any of their agents, employees or independent contractors who fail to comply with the provisions herein.

**Sec. 18-23. –Registration of Construction Supervisors.**

- (a) **Purpose and Applicability.** This Section provides for the registration of construction supervisors or individuals who are defined as follows: Any person, who supervises or is ultimately responsible for any classification of work as specified subsections (d) and (e) below or who undertakes by themselves within the Town, any work that shall require a building permit as outlined in this Code or who supervises or performs such work for which registration is required under any provision of this Section, for a fixed sum, price, fee, percentage, trade in kind, or other compensation, including cost of the materials or labor or any combination thereof.

- (b) **Exceptions.**

- (1) A homeowner shall not be required to register as described in this Section to build, construct, alter, repair, add to or demolish a residential occupancy, garage or a structure associated with residential properties, provided:
  - a. That said person owns, occupies and uses said building for his own living purposes; and
  - b. That building construction, alteration, repair, addition or demolition by the owner shall be subject to the permit requirements of those model codes as adopted in this Code.
- (2) Homeowners, individuals or construction supervisors shall not be required to register under

this Section to build, repair or maintain fences, signs or awnings.

- (c) **Authority of Building Commissioner.** The Building Commissioner (hereinafter, the “Commissioner”) is vested with the authority to establish procedures for the evaluation and registration of qualified applicants seeking to conduct work within the Town that is subject to this Section. The Commissioner may recommend the suspension or revocation of an individual’s registration to the Board or summarily suspend such registration as provided for in this Section.
- (d) **Classification of Registration.** The following classes of registration, as defined in the Building Code, are authorized to conduct work within the Town as follows:
  - (1) General Contractors: to erect, add to, alter, demolish or repair any building or structure.
  - (2) Mechanical Contractors: to design, install, maintain, alter, or inspect mechanical systems that are permanently installed and used to control environmental conditions within any building or structure.
  - (3) Plumbing Contractors: to install, alter, repair, renovate or add to any plumbing fixtures, gas or drainage piping, water heating or treating equipment connected to a public or private potable water distribution system or any public or private sewer system.
  - (4) Roofing Contractors: to erect, add to, alter, demolish, or repair any roof installed upon a building or structure within the Town.
- (e) **Registration Regulations.**
  - (1) *Registration Required.* Registration confers authority granted to the person to whom it is issued to perform only such work as is authorized by said registration. Every person doing or causing any

work to be done as specified in subsections (a) and (b) shall always have or shall always employ as a supervisor of such work a person registered to do such work. Proper registration shall be required for any type of work described in this Section.

Performing work which requires registration without having such registration is declared to be an offense subject to the general penalty provision located in Section 1-72 of this Code. No building permit(s) shall be issued until proof of registration is presented to the Commissioner for the work to be done. Any building permit(s) issued shall be suspended if there are no actively registered individuals on the premises.

- (2) *Application.* Every applicant for registration shall apply in accordance with and on forms supplied by the Commissioner. Such application shall include, at a minimum, the name of the registration applicant, the applicant's present employer and three (3) references of jobs completed within the past five (5) years shall appear on the application.
- (3) *Proof of State License Required.* Every applicant for registration shall be required to present with the application their valid state of Colorado master electricians' license, valid electrical contractor licenses or a master plumbers' license issued by the state if requested by the Commissioner.
- (4) *Proof of Insurance Required.* Every applicant for registration shall submit proof of current liability insurance, which shall remain in effect during the period of the license or registration certificate in the minimum amount of one million dollars (\$1,000,000.00) for a single occurrence for all registration holders. Certificates of said insurance coverage shall be supplied to the Commissioner. Fulfillment of the insurance requirements herein described may be made by submitting proof of such insurance carried by the applicant employer.

- a. The insurance policy submitted by the applicant must be approved by the Commissioner for compliance with the requirements of this section prior to the issuance of the requested registration. Such insurance policy, along with written evidence of payment of required premiums, shall be filed and maintained with the Commissioner during the term of registration.
- b. All insurance policies and insurance certificates maintained pursuant to this section shall contain the following endorsement: It is hereby understood and agreed that this insurance policy may not be canceled nor the intention not to renew be stated except upon thirty (30) days' written notice to the Town of Bow Mar, Building Commissioner.

(5) *Annual Fee.* After approval and before the issuance registration, and every year thereafter on or before December 31st, the applicant shall pay a nonrefundable fee to the Town as follows:

General Contractor	\$160.00
Mechanical, Plumbing, or Roofing Contractor	\$100.00
Any person seeking registration after July 1 <sup>st</sup> for the remainder of the calendar year shall only be required to pay one half (1/2) of the fee(s) listed above.	

(g) **Responsibilities of Registered Persons.** All registered persons shall be responsible for performing the work under

the provisions of this Section including, but not limited to, the following items:

- (1) To provide minimum safety measures and equipment to protect workmen and the public;
- (2) To have in their possession, at all times, the license(s) or registration certificate(s) for work they are performing;
- (3) To present proof of registration when requested by the Commissioner or any peace officer;
- (4) In the case of a registered entity, to employ an appropriate qualified supervisor as required by the state of Colorado;
- (5) To obtain permits when required;
- (6) To faithfully construct, without departure from the drawings and specifications filed and approved by the Commissioner and permit issued for same, unless any such departure is previously approved by the Commissioner in writing;
- (7) To obtain inspections services when required by this Code or any model codes adopted herein;
- (8) To obey any order or notice issued under the authority of this Code or any model codes adopted herein;
- (9) To undertake all work within the Town in compliance with all applicable provisions of this Code and any model codes adopted herein;
- (10) To pay fees assessed under the authority of this Code or any model codes adopted herein;
- (11) To provide toilet facilities prior to and during construction or demolition; and
- (12) To provide for a temporary fence or barrier during construction or demolition.

(h) **Changes Registration.** A registered contractor shall notify the Commissioner personally or by mail of any change of their name, change of employer's name, or change of any of the above's addresses within fifteen (15) days after said change. In the case of notification by mail, notification shall be completed upon receipt.

(i) **Suspension or Revocation.**

(1) *Definitions.*

a. "Suspension" means that the authority registered contractor to perform or supervise work as authorized by the registration certificate, is temporarily withdrawn for any period of time from twenty-four (24) hours, up to and including, but not to exceed six (6) months.

b. "Revocation" means that registration shall become null and void. The registration holder may not reapply for a new license or registration certificate until one year from the date of revocation.

(2) The Board may suspend or revoke registration when the registered contractor commits one or more of the following acts or omissions:

a. Failure to comply with any of their responsibilities as outlined in this Section;

b. Knowingly conspiring with a person to permit their registration to be used by another person;

c. Acting in any capacity with persons to evade any of the provisions of this Section;

d. Violating any provision of the model codes as may be in effect pursuant to this Code;

e. Failure to obtain required building permits;



- f. Failure to request inspections as required by any as may be in effect pursuant to this Code;
- g. Failure to observe stop work or correction notices;
- h. Knowingly, willfully or repeatedly issuing checks for payment of building permits and fees which are dishonored for any reason;
- i. Conviction of any felony;
- j. Misrepresentation on the application; or
- i. Failure to complete work in a timely manner or without justification.

(3) Whenever a written complaint is filed with the Board by the Commissioner, charging any registered contractor with the violation of any provision of this Section, the Board shall issue and cause to be served upon such registered contractor a copy of the Commissioner's complaint and a written notice of hearing and order to show cause, either by personal delivery or by first class mail, why their license or registration certificate should not be suspended or revoked.

(4) A hearing shall be held at a place and time designated by the Board on the day stated in the notice or upon such other day as may be set for good cause shown. Evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The registered contractor, in person or by counsel, shall then be permitted to give evidence in defense, explanation or mitigation. In the event the registered contractor is found to have committed the violation charged, or any other violation, evidence in aggravation of the offense shall also be permitted.

- (5) If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the registered contractor, but standing alone establishes the guilt of the registration holder of a violation of some other pertinent law, the registered contractor shall be permitted to give evidence in defense, explanation or mitigation if then prepared to do so. If such evidence is not then available, but can be obtained by the registered contractor, the registered contractor shall state the substance thereof and upon their request the hearing may be recessed for not more than ten (10) days, and shall then continue under the same procedure as though no recess had occurred.
- (6) In the event the registered contractor is found not to have violated any provisions of this Section, the charges against them will be dismissed. If the registered contractor is found to have violated some provision of this Section, their license may be suspended or revoked in the discretion of the Board.
- (7) A registration granted under this Section may be immediately suspended without a hearing under the following circumstances:
  - a. If the Commissioner finds that an imminent hazard to life, health, property or public welfare exists, the Commissioner may enter an order for immediate suspension or revocation of registration pending further investigation or hearing before the Board. The Building Commissioner shall, with reasonable speed, notify the party in writing by personal delivery or by first class mail, of the details, facts and reasons on which the immediate suspension or revocation is based.
  - b. The registration shall be suspended during the pendency of the hearing before the Board.

- c. The Commissioner may vacate an immediate suspension or revocation order should the party satisfactorily show to the Commissioner that no imminent hazard to life, property or the public welfare exists.

**(j) Employer Liability.**

- (1) In addition to those penalties which may be imposed against a registered contractor pursuant to this Section, the employer of registered contractor, whose registration is suspended, shall lose their privilege of doing any business in the Town for which a permit is required, for the same amount of time as the suspension imposed against its employee.
- (2) In addition to those penalties which may be imposed against registered contractors pursuant to this Section, the employer of any registered contractor whose registration is revoked, shall be ineligible to do any business in the Town which requires a permit pursuant to the Bow Mar Municipal Code for a period of one year.
- (3) An employer shall be given notice of the hearing concerning the possible suspension or revocation of its employee's registration and an opportunity to be heard in the same manner as provided in paragraph (i) of this Section.

**Sec. 18-24. – Inspection of Codes.**

Two (2) certified copies each of the Building Code, the Residential Code, the Mechanical Code, the Plumbing Code, the Fuel Gas Code, the Property Maintenance Code, the Fire Code, the Energy Conservation Code, the Swimming Pool and Spa Code, the Fire Code, the Electric Code and the Elevator Code (collectively, the “Construction Codes”) as amended or revised by the Town, shall be on file in the office of the Town Clerk, and may be inspected during regular business hours, or copies of said Construction Codes, as so amended or revised, may be procured from the Town Clerk upon prior payment of such fees as may be levied therefor.

**Sec. 18-24 – 18-30. – Reserved.**

Section 2. Repeal and Reenact Section 18-32 of the Bow Mar Municipal Code. Section 18-32 of the Bow Mar Municipal Code is hereby repealed in its entirety and reenacted as follows:

**Sec. 18-32. – Signs on property of others.**

No sign, handbill, poster, placard or painted or printed matter shall be posted, pasted or otherwise attached in any public area including easements, or upon any fence, power pole, telephone pole, traffic sign, building or other structure without the permission of the owner, agent or occupant of the property upon which such sign is displayed. For purposes of this Article, the Town is deemed to be the owner of all dedicated roads, Town easements and rights-of-way within the Town. Written permission to display any sign must first be obtained from the Town Clerk in accordance with policy as set forth by the Board of Trustees. Any sign, handbill, poster, placard, painted or printed material posted illegally shall be deemed a nuisance and shall be promptly removed by a representative designated by the Town.

Section 3. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town and its residents.

Section 4. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause, or phrase is declared invalid.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 6. Codification Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Bow Mar Municipal Code.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED this 26th day of February, 2024.

DocuSigned by:  
TOWN OF BOULDER, COLORADO  
Bryan O. Sperry  
2255D7DBF43342F...

By: \_\_\_\_\_  
Bryan Sperry, Mayor

ATTEST: DocuSigned by:  
Sue Blair  
2EE89ED6300D4EC...

\_\_\_\_\_  
Sue Blair, Town Clerk