

TITLE 11: BUILDINGS AND CONSTRUCTION

11.04: INTERNATIONAL BUILDING CODE 2

11.08: INTERNATIONAL MECHANICAL CODE 7

11.12: NATIONAL ELECTRICAL CODE 9

11.16: INTERNATIONAL PLUMBING CODE 11

11.20: INTERNATIONAL RESIDENTIAL CODE..... 13

11.24: INTERNATIONAL EXISTING BUILDING CODE..... 19

11.28: INTERNATIONAL FUEL GAS CODE 22

11.32: INTERNATIONAL ENERGY CONSERVATION CODE..... 24

11.36: INTERNATIONAL FIRE CODE 35

11.40: INTERNATIONAL SWIMMING POOL AND SPA CODE 40

11.44: CONTRACTOR LICENSING REQUIREMENTS 41

11.48: CARBON MONOXIDE DETECTORS 42

11. 04: INTERNATIONAL BUILDING CODE

11.04.010: ADOPTION OF THE 2021 INTERNATIONAL BUILDING CODE

Section 11.04.010 of the Pitkin County code adopting the 2015 edition of the International Building Code is hereby repealed and reenacted to read as follows:

Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Building Code, 2021Edition, including Appendices C, E, I and J, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.

11.04.020 Copies on file

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the 2021 International Building Code, as adopted by this Article, and said copies shall be open to public inspection at all times during the regular business hours of said Division.

11.04.030 Severability

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

11.04.040 AMENDMENTS TO THE 2021 INTERNATIONAL BUILDING CODE

Section 101.1 Title is hereby amended as follows:

These regulations shall be known as the Building Code of Pitkin County, hereinafter referred to as “this code.”

Section 101.4.4 Property Maintenance is hereby deleted in its entirety.

Section 101.4.5 Fire Prevention is hereby amended to add the following sentence to the end of the section:

The provisions shall apply as they are adopted and amended by the Fire District having Jurisdictional Authority.

Add Section 101.4.8 Electrical:

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

Section 104.6 Right of Entry the last sentence is hereby amended as follows:

If entry is refused, or no person having charge or control over the building or premises can be located, the building official shall obtain a warrant from the Pitkin County Court authorizing the building official to make entry onto the building or premises.

Section 105.2 Building Item #7 is hereby amended to add the following sentence:

When such work is done as a standalone project and not associated with a required *Building Permit*.

Section 105.3.2 Time limitation of application is hereby amended as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned one year after the intake acceptance date, unless such application has been pursued in good faith or a *permit* has been issued. The building official is not authorized to grant further extensions.

Section 105.5 Expiration is hereby amended as follows:

A building permit that has been issued shall become invalid if: 1) The work on the structure authorized by such permit is not commenced within 12 months after the date of permit issuance. Evidence of commencement shall be a building inspection of work performed on the structure itself and does not include such peripheral work as infrastructure, grading, access, excavation, etc. 2) The work authorized on the site by such permit is suspended or abandoned for a period of six months after the time the work is commenced. Continuation of work shall be evidenced by a required building inspection. Projects that are not ready for a required inspection shall request a progress inspection to document the performance of significant work in the judgment of the building official. The building official is not authorized to grant an extension.

Add **Section 107.2.9 Improvement Survey**.

The application shall also be accompanied by a survey that is certified by a surveyor registered in the State of Colorado, is no more than two years old, and that contains or indicates the following:

- a) Original wet stamp and signature of the surveyor,
- b) Standard industry language regarding accuracy of the survey,
- c) Property boundaries,
- d) All structures and buildings located on the site,
- e) Topography indicating two foot contour intervals,
- f) Natural water courses that traverse or are adjacent to the lot or parcel,
- g) Average high water mark for such natural water courses,
- h) 100 year Floodplain and/or delineated wetlands (where relevant),
- i) Lot or parcel size,
- j) Legal description,
- k) Location and dimensions of any easements and rights-of-way either contained on the parcel or adjacent to the parcel,
- l) All development envelopes approved through land use review,
- m) Trees within the building envelope that have a greater than 6 inch DBH,
- n) Location of existing well and/or septic system(s) (where applicable),
- o) Legible vicinity map, and
- p) Surveyor notes.

The above requirements shall not be mandatory for a building permit application to reconstruct or remodel totally within the limits of an existing building or structure.

Section 107.3.3 Phased Approval shall be deleted in its entirety.

109.1 Payment of fees is hereby amended as follows:

A permit shall not be valid until all fees prescribed by the most current Community Development fee ordinance are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid. A final job cost audit shall be performed and any deficient permit fees shall be paid in full prior to a final Building Inspection.

109.3 Permit Valuations is hereby amended as follows:

A complete Schedule of Values must be submitted at permit application and prior to a final inspection for review. The Schedule of Values shall include the complete project cost including all final finish materials.

109.4 Work commencing before permit issuance is hereby amended and as follows: Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee, in addition to the permit fee, which may be collected whether or not the permit is subsequently issued. The minimum investigation fee in the first instance of violation shall be equal to the amount of the permit fee set forth in the most current adopted Community Development fee ordinance. The second and subsequent times an individual starts work without a permit the minimum fee shall be four times the permit fee.

109.6 Refunds is amended as follows:

The Building Official shall authorize the refund for the full amount of any fee paid which was erroneously paid or collected. Not more than 80% of a permit fee paid may be refunded when no work has been done under a permit issued in accordance with this code. The Building Official shall not authorize refunding any fee paid except on written application filed by the original permittee not later than six months after the date of payment.

Refunds may be approved for up to 100% of a fee paid for REMP. No refund will be approved when requested more than 180 days after the Final Building Inspection is approved.

Add **Section 109.7 Re-inspections** A re-inspection fee may be assessed when an inspection is called for and the work is not complete, required corrections are not made, field copy of approved plans is not readily available to the inspector, work is not accessible or for deviating from approved plans.

Section 110.3.12 Final Inspection is hereby amended as follows:

The final inspection shall be made after all work required by the building permit is completed and all applicable referral agencies (i.e., Zoning, Engineering, Fire District, Environmental Health, Water, Sanitation and Historic Preservation) involved in the permit review and issuance have inspected and approved specific permit conditions. It will be the contractor or owner's responsibility to contact the referral departments to arrange the final inspections for permit conditions.

111.3 Temporary Occupancy is hereby deleted in its entirety.

Section 113 Means of Appeals is hereby amended as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. 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 building official.

113.2 Limitations of Authority is hereby amended as follows

The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

Section 306 Factory Group F

306.2 F-1 add Marijuana and Cannabis Oil Products to the list of uses.

Section [F] 903.2 Where required is hereby amended as follows:

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Section 903.2.1 through 903.2.12 and in all structures 3,000 square feet or greater in Aspen Fire Protection District and 5,000 sf in all others as defined by fire area. A fire wall, as defined in chapter 2, shall not create separate buildings for this purpose.

Add **Section 1504.10 Snow shed design.** Roofs shall be designed so that they do not shed ice and snow onto the main path of egress to the public way, upon the public way or upon neighboring property.

Exceptions:

- 1) Roofs with mechanical snow retention devices secured to roof framing members or to solid blocking in accordance to manufacturers' instructions or as designed by a licensed structural engineer.
- 2) Roof areas with a horizontal dimension of no more than 48 inches that will not receive snow shedding from a higher roof are exempt from the requirement of design by a licensed structural engineer. The horizontal projection shall be measured perpendicular to the exterior wall line from the edge of the roof or eave to any intersecting vertical surface.
- 3) The re-roofing of legally-existing roofs that are not framed to allow effective installation of snow retention devices is exempt from this requirement.
- 4) Roofs with asphalt shingle roof coverings with a pitch of 6 in 12 or less are exempt from this requirement.

1505.1 General is hereby amended as follows:

The minimum roof assemblies installed on buildings shall be Class A.

Table 1505.1 Minimum Roof Covering Classification for Types of Construction is hereby deleted in its entirety.

Add Section 1507.1.2 Ice barrier

An ice dam barrier that consists of at least two layers of underlayment cemented together or of a self-adhering polymer modified bitumen sheet shall be used in lieu of normal underlayment and shall extend from the roof eave edge at least four and one-half feet inside the exterior wall line as measured along the roof surface, twenty-four inches from the centerline of the valley and up twenty-four inches on the vertical wall at a roof and wall juncture.

Section 1608 Ground Snow Loads is hereby deleted and is replaced with the following:

The value of roof (or other member) snow load shall be equal to the “recommended basic snow load” as defined in the “2016 Snow Load Design Data for Colorado”, prepared and published by the “Structural Engineers Association of Colorado”.

Section 1612.3. Establishment of flood hazard areas. Insert: Pitkin County for [NAME OF JURISDICTION] and insert “June 4, 1987 or the latest study available” for [DATE OF ISSUANCE].

Section 1809.5 item #1 “Frost protection” is hereby amended as follows:

Frost protection depth shall be thirty-six (36) inches.

Add Section 2111.1.1 Fireplaces allowed.

The maximum number of fireplaces allowed shall be determined by the Pitkin County Code Section 6.12.030.

Add Section 3001.6 Permits required.

Elevator permits and inspections are required for the installation of elevators.

(Ord. 99-61 (part); Ord. 007-04 (part); prior code Title VII § 1-; chapter 11.04 repealed and reenacted Ord. 030-10; § 11.04 (part) Ord. 014-2016, 06-22-16)

11.08: INTERNATIONAL MECHANICAL CODE

11.08.010: ADOPTION OF THE 2021 INTERNATIONAL MECHANICAL CODE

11.08.010 of the Pitkin County code adopting the 2015 edition of the International Mechanical Code is hereby repealed and reenacted to read as follows:

Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Mechanical Code, 2021 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.

11.08.020 Copies on file

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the 2021 International Mechanical Code, as adopted by this Article, and said copy shall be open to public inspection at all times during the regular business hours of said Division.

11.08.030 Severability

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

11.08.040 AMENDMENTS TO THE 2021 INTERNATIONAL MECHANICAL CODE

Section 101.1 Insert: Pitkin County for [NAME OF JURISDICTION]

Section 104.4 Right of Entry is hereby amended as follows:

The section shall remain as is except that the last sentence shall read:] If entry is refused, or no person having charge or control over the building or premises can be located, the building official shall obtain a warrant from Pitkin County Court authorizing the building official to make entry onto the building or premises.

Section 106.4.43 Expiration is hereby amended as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is not authorized to grant an extension.

Section 106.4.4 Extensions is hereby deleted.

Section 109.2 Schedule of permit fees is hereby amended as follows:

A permit shall not be valid until all fees prescribed by the most current Pitkin County Community Development fee ordinance are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid

Section 109.6 Refunds. Is hereby amended as follows:

The building official shall be authorized to refund not more than 80 percent of the permit fee when work has not begun and not more than 80 percent of plan review fees for applications withdrawn, when plan review work has not begun.

Section 113 Means of Appeal is deleted in its entirety and amended as follows:

Section 113.1 Appeals shall be in accordance with IBC Section 113 as amended by this ordinance.

Section 306.3 Appliances in attics. Exception 2 is hereby amended in its entirety:

Where the passageway is unobstructed and not less than 5'6" high and 22" wide for its entire length, the passageway shall not be greater than 50 feet in length.

Section 306.4 Appliances under floors Exception 2 is hereby amended in its entirety:

Where the passageway is unobstructed and not less than 5'6" high and 22" wide for its entire length, the passageway shall not be limited in length.

Section 307.1 Fuel-burning appliances is hereby amended and the following sentence is added at the end of the paragraph:

All condensate shall be neutralized prior to discharge to the approved plumbing fixture or disposal area.

(Ord. 99-61 (part); Ord. 007-04 (part); prior code Title VII § 1-1; Chapter 11.08 repealed and reenacted Ord. 030.10; 11.08 (part) Ord. 014-2016, 06-22-16)

11.12: NATIONAL ELECTRICAL CODE AND ICC ELECTRICAL CODE ADMINISTRATIVE PROVISIONS

11.12.010: ADOPTION OF THE NATIONAL ELECTRICAL CODE

Section 11.12.010 of the Pitkin County code adopting the National Electrical Code is hereby repealed and reenacted to read as follows:

Pursuant to the power and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the National Electrical Code, most current edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, 02269.

11.12.020 Copies on file

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the The National Electrical code as adopted by the State of Colorado and by this article, and said copy shall be open to public inspection at all times during the regular business hours of said Division.

11.12.030 Severability

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

11.12.050: AMENDMENTS TO THE NATIONAL ELECTRIC CODE

690.10 Stand-Alone Systems is hereby amended as follows:

The premises wiring system shall be adequate to meet the requirements of this Code for a similar installation connected to a service. The wiring on the supply side of the building or structure disconnecting means shall comply with this Code except as modified by 690.10(A) through (D).

(A) Inverter Output. The ac output from a stand-alone inverter(s) shall be permitted to supply ac power to the building or structure disconnecting means at current levels less than the calculated load connected to that disconnect. The inverter output rating or the rating of an alternate energy source for dwellings less than 1000square feet shall be equal to or greater than 50% of the load as calculated by NEC 220.40 General.

The calculated load of a feeder or service shall not be less than the sum of the loads on the branch circuits supplied, as determined by Part II of this article, after any applicable demand factors permitted by Part III or IV or required by Part V have been applied.

For all other dwellings NEC 220.40 shall apply

For non-dwellings the calculated load shall be equal to or greater than the load posed by the largest single utilization equipment connected to the system.

(B) Sizing and Protection is not amended.

(C) Single 120-Volt Supply is not amended.

(D) Energy Storage or Backup Power System Requirements is amended and shall read as follows: Energy storage or backup power supplies are not required except for dwellings.

(E) Back-Fed Circuit Breakers is not amended.

(Ord. 99-61 (part); Ord. 007-04 (part); prior code Title VII § 1-1; chapter 11.12 repealed and replaced Ord. 030-10)

11.16: INTERNATIONAL PLUMBING CODE

11.16.010: ADOPTION OF THE 2021 INTERNATIONAL PLUMBING CODE

Section 11.16.010 of the Pitkin County code adopting the 2015 edition of the International Plumbing Code is hereby repealed and reenacted as follows:

Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Plumbing Code, 2021 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.

11.16.020 Copies on file.

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the 2021 International Plumbing Code, as adopted by this Article, and said copy shall be open to public inspection at all times during the regular business hours of said Division.

11.16.030 Severability

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

11.16.040 AMENDMENTS TO THE 2021 INTERNATIONAL PLUMBING CODE

Section 101.1 Title. Insert: Pitkin County for [NAME OF JURISDICTION]

Section 104.4 Right of Entry is hereby amended as follows:

The section shall remain as is except that the last sentence shall read:] If entry is refused, or no person having charge or control over the building or premises can be located, the building official shall obtain a warrant from the Pitkin County Court authorizing the building official to make entry onto the building or premises.

Section 106.5.3 Expiration is hereby amended as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is not authorized to grant an extension.

Section 106.5.4 Extension is hereby deleted

Section 109.2 Schedule of permit fees is hereby amended as follows:

A permit shall not be valid until all fees prescribed by the most current Pitkin County Community Development fee ordinance are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid.

Section 109.5 Refunds is hereby amended as follows: The building official shall be authorized to refund not more than 80 percent of the permit fee when work has not begun and not more than 80 percent of plan review fees for applications withdrawn, when plan review work has not begun.

Section 113 Means of Appeal is hereby amended as follows:

Section 113.1 Appeals shall be in accordance with IBC Section 113 as amended by this ordinance

Section 301.3 Connections to drainage system is hereby amended and the following exception added:

Exception 2: Floor drains located in garages shall be permitted to drain into a drywell.

Section 305.4.1 Sewer Depth. Insert 48 for [NUMBER].

Section 314.1 Fuel burning appliances is hereby amended and the following sentence is added at the end of the paragraph:

All condensate shall be neutralized prior to discharge to the approved plumbing fixture or disposal area

Add Section 606.7 Storage tanks in Crawl Spaces. Crawlspace containing large capacity storage tanks shall have emergency floor drains or some other means of catastrophic draining provided. Such drainage shall go to a drywell or to daylight.

Table 702.3 Building Sewer Pipe is amended to delete “Vitrified clay pipe” as an allowed material.

Section 9043.1 Roof Extension. Insert 12 for [NUMBER].

(Ord. 99-61 (part); Ord. 007-04 (part); prior code Title VII § 1-1; Chapter 11.16 repealed and reenacted Ord. 030-10 11.04 (part) §11.16 (part) Ord. 014-2016, 06-22-16)

11.20: INTERNATIONAL RESIDENTIAL CODE

11.20.010: ADOPTION OF THE 2021 INTERNATIONAL RESIDENTIAL CODE

Section 11.20.010 of the Pitkin County code adopting the 2015 edition of the International Residential Code is hereby repealed and reenacted as follows:

Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Residential Code, 2021 Edition, including Appendices AE, AF, AH AK, and AQ as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.

11.20.020 Copies on file.

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the 2021 International Residential Code as adopted by this Article, and said copies shall be open to public inspection at all times during the regular business hours of said Division.

11.20.030 Severability

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

11.20.040 AMENDMENTS TO THE 2021 INTERNATIONAL RESIDENTIAL CODE.

R101.1 Title. Insert Pitkin County for [NAME OF JURISDICTION].

Section R104.6 Right of Entry is hereby amended as follows:

The section shall remain as is except that the last sentence shall read:] If entry is refused, or no person having charge or control over the building or premises can be located, the building official shall obtain a warrant from the Pitkin County Court authorizing the building official to make entry onto the building or premises.

Section R105.2 Work exempt form permit is hereby amended as follows:

Add Item 6 Only when this work is performed as a standalone project and is not part of the scope of work for a permitted project.

Section R105.3.2 Time limitation of application is hereby amended as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned one year after the intake acceptance date, unless such application has been pursued in good faith or a *permit* has been issued. The building official is not authorized to grant further extensions.

Section R105.5 Expiration is hereby amended as follows:

A building permit that has been issued shall become invalid if: 1) The work on the structure authorized by such permit is not commenced within 12 months after the date of permit issuance. Evidence of commencement shall be a building inspection of work performed on the structure itself and does not include such peripheral work as infrastructure, grading, access, excavation, etc. 2) The work authorized on the site by such permit is suspended or abandoned for a period of six months after the time the work is commenced. Continuation of work shall be evidenced by a required building inspection. Projects that are not ready for a required inspection shall request a progress inspection to document the performance of significant work in the judgment of the building official. The building official is not authorized to grant an extension.

Add Section R106.2.1 Improvement Survey.

The application shall also be accompanied by a survey that is certified by a surveyor registered in the State of Colorado, is no more than two years old, and that contains or indicates the following:

- a) Original wet stamp and signature of the surveyor,
- b) Standard industry language regarding accuracy of the survey,
- c) Property boundaries,
- d) All structures and buildings located on the site,
- e) Topography indicating two foot contour intervals,
- f) Natural water courses that traverse or are adjacent to the lot or parcel,
- g) Average high water mark for such natural water courses,
- h) 100 year Floodplain and/or delineated wetlands (where relevant),
- i) Lot or parcel size,
- j) Legal description,
- k) Location and dimensions of any easements and rights-of-way either contained on the parcel or adjacent to the parcel,
- l) All development envelopes approved through land use review,
- m) Trees within the building envelope that have a greater than 6 inch DBH,
- n) Location of existing well and/or septic system(s) (where applicable),
- o) Legible vicinity map, and
- p) Surveyor notes.

The above requirements shall not be mandatory for a building permit application to reconstruct or remodel totally within the limits of an existing building or structure.

Section R106.3.3 Phased Approval is hereby deleted in its entirety.

Section R108.1 Payment of fees is hereby amended as follows:

A permit shall not be valid until all fees prescribed by the most current Pitkin County Community Development fee ordinance are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid.

Section R108.3 Building Permit Valuations is hereby amended as follows:

A complete Schedule of Values must be submitted at permit application and prior to a final inspection for review and auditing purposes. The Schedule of Values shall include the complete project cost including all final finish materials.

Section R108.5 Refunds is hereby amended as follows:

The Building Official shall authorize the refund for the full amount of any fee paid which was erroneously paid or collected. Not more than 80% of a permit fee paid may be refunded when no work has been done under a permit issued in accordance with this code. The Building Official shall not authorize refunding any fee paid except on written application filed by the original permittee not later than six months after the date of payment.

Refunds may be approved for up to 100% of a fee paid for REMP. No refund will be approved when requested more than 180 days after the Final Building Inspection is approved

108.6 Work commencing before permit issuance is amended as follows:

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee, in addition to the permit fee, which may be collected whether or not the permit is subsequently issued. The minimum investigation fee shall be equal to the amount of the permit fee set forth in the most current adopted Community Development fee ordinance. The second time and subsequent times an individual starts work without a permit the minimum fee shall be four times the permit fee.

Add Section R108.7. Reinspection Fees A reinspection fee may be assessed when an inspection is called for an the work is not complete, required corrections are not made, filed copy of approved plans are not readily available to the inspector, work is not accessible or for deviating from approved plans.

Section R109.1.6 Final Inspection is hereby amended as follows:

The final inspection shall be made after all work required by the building permit is completed and all applicable referral agencies have accepted the work to comply with conditions of approval and any specific regulations.

Add Section 110.1 Use and change of occupancy is hereby amended as follows:

Exception 2 shall be deleted.

Section R110.4 Temporary Occupancy is hereby deleted in its entirety.

Section R112 BOARD OF APPEALS is hereby amended as follows:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. 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 building official.

R112.2 Limitations of Authority is hereby amended and the last sentence shall read: The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

R202 Definitions. Habitable Space is hereby amended. The definition shall remain as written, with the following sentence appended to the end: Unfinished basements with a ceiling height of 80 inches or more are considered habitable space.

TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD _o	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed(mph)	Topographic effects	Special wind region	Windborne debris zone		Weathering	Frost line depth	Termite				
Varies*	Varies**	NO	NO	NO	Varies***	Severe	36"	NO	YES 905.1.2	Latest Study	2000	40.8
MANUAL J DESIGN CRITERIA												
Elevation			Altitude correction factor	Coincident wet bulb	Indoor winter design dry-bulb temperature	Indoor winter design dry-bulb temperature		Outdoor winter design dry-bulb temperature		Heating temperature difference		
Site specific			Site specific	54 F	70 F	70 F		-16 F		96 F		
Latitude			Daily range	Indoor summer design relative humidity	Indoor winter design relative humidity	Indoor summer design dry-bulb temperature		Outdoor summer design dry-bulb temperature		Cooling temperature difference		
Site specific			High	50%	30%	75 F		82 F		7 F		

Table 301.2(1) shall read as follows:

*The value of roof (or other structural member) snow load shall be equal to the recommended basic snow load as defined in the 2016 Snow load Design Data for Colorado, prepared and published by the Structural Engineers Association of Colorado

**Engineered per ASCE 7-10 Standard

***As Verified on map(s) located in the 2021 International Residential Code

R302.13 Fire Protection of floors is hereby amended as follows:

Exception 2 is deleted in its entirety

R313.1 Townhouse automatic fire sprinkler systems is hereby amended as follows:

An automatic residential fire sprinkler system shall be installed in structures 3000 square feet in Aspen Fire Protection District and 5,000 sf in all others or greater in gross floor area as defined by the 2021 International Building Code or two (2) stories of more in height and containing four (4) or more dwelling units. A fire wall, as defined in chapter 2, shall not create separate buildings for this purpose.

R313.2 One- and two-family dwellings automatic fire sprinkler systems is hereby amended as follows:

An approved automatic fire-extinguishing system shall be installed in all structures 3000 square feet in Aspen Fire Protection District and 5,000 sf in all others or greater as defined by fire area. A fire wall, as defined in chapter 2, shall not create separate buildings for this purpose.

R315 Carbon monoxide alarms is hereby amended as follows:

R315.1 Carbon monoxide alarms. Carbon monoxide alarms shall be installed in new and existing buildings in compliance with the Pitkin County Carbon Monoxide Ordinance No. 039-2008.

Section R902.1 Roof covering materials is hereby amended as follows:

The second sentence is replaced with the following: The minimum roof assemblies installed on buildings shall be Class A. Third sentence amended to delete Class B and C.

Add **Section R903.5 Snow shed design.**

Roofs shall be designed so that they do not shed ice and snow onto the main path of egress to the public way, upon the public way or upon neighboring property.

Exceptions:

- 1) Roofs with mechanical snow retention devices secured to roof framing members or to solid blocking in accordance to manufacturers' instructions or as designed by a licensed structural engineer.
- 2) Roof areas with a horizontal dimension of no more than 48 inches that will not receive snow shedding from a higher roof are exempt from the requirement of design by a licensed structural engineer. The horizontal projection shall be measured perpendicular to the exterior wall line from the edge of the roof or eave to any intersecting vertical surface.
- 3) The re-roofing of legally-existing roofs that are not framed to allow effective installation of snow retention devices is exempt from this requirement.
- 4) Roofs with asphalt shingle roof coverings with a pitch of 6 in 12 or less are exempt from this requirement.

Section R905.1.2 Ice barrier is hereby amended as follows:

An ice dam barrier that consists of at least two layers of underlayment cemented together or of a self-adhering polymer modified bitumen sheet shall be used in lieu of normal underlayment and shall extend from the roof eave edge at least four and one-half feet inside the exterior wall line as measured along the roof surface, twenty-four inches from the centerline of the valley and up twenty-four inches on the vertical wall at a roof and wall juncture.

Add **Section R1003.1.1 Fireplaces allowed.** The maximum number of fireplaces allowed shall be determined by the Pitkin County Code Section 6.12.030.

Chapter 11 is deleted in its entirety and replaced with the following:

Chapter 11 Energy Efficiency The provisions of the 2021 International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

M1305.1.2 Appliances in attics Exception 2 is hereby amended as follows:

Where the passageway is unobstructed and not less than 5' 6" high and 22" wide for its entire length, the passageway shall be not more than 50' long.

M1305.1.3 Appliances under floors Exception 2 is hereby amended as follows:

Where the passageway is unobstructed and not less than 5' 6" high and 22" wide for its entire length, the passageway shall not be limited in length.

Add M1307.8 Fuel-burning appliances

All condensate shall be neutralized prior to discharge to the approved plumbing fixture or disposal area.

Section G2406.2 Appliance location is amended as follows:

Exceptions 3 & 4 are hereby deleted.

Section G2420.5.1 Located within same room shall be amended as follows:

The shutoff valve shall be within 6 feet (1829 mm) of the appliance (including exterior appliances) and shall be installed upstream of the union, connector or quick disconnect device it serves. Such shutoff valves shall be provided with access. Shutoff valves serving movable appliances, such as cooking appliances and clothes dryers, shall be considered to be provided with access where installed behind such appliances. Appliance shutoff valves located in the firebox of a fireplace shall be installed in accordance with the appliance manufacturer's instructions.

G2420.5.2 Vented decorative appliances and room heaters is hereby deleted.

G2420.5.3 Located at manifold is hereby deleted.

Section G2425.8 is hereby amended as follows:

Item 7 is hereby deleted

Section G2445 Unvented room heaters is hereby amended as follows:

Unvented decorative room heaters are prohibited in Pitkin County and this section is hereby deleted in its entirety.

Section P2904.1 General is hereby amended as follows:

The design and installation of Residential Fire Sprinkler Systems shall be in accordance with NFPA13D or P2904, which will be considered equivalent to NFPA13D when reviewed, approved, installed and inspected to the approval of the Fire District having jurisdictional authority.

Section P3103.1.1 Roof Extension is hereby amended as follows:

Open vent pipes that extend through a roof that do not meet the condition of Section P3103.1.2 or P3103.1.3 shall terminate not less than 12 inches (300 mm) above the roof or 6 inches (300 mm) above the anticipated snow accumulation, whichever is greater

APPENDIX AQ TINY HOUSES is hereby amended as follows:

AQ106.1 Air leakage testing.

The air leakage rate for tiny houses shall not exceed 0.30 cubic feet per minute at 50 Pascals of pressure per square foot of the dwelling unit enclosure area. The air leakage testing shall be in accordance with the testing methods required in Section R402.4.1.2. The dwelling unit enclosure area shall be the sum of the areas of ceilings, floors and walls that separate the conditioned space of a dwelling unit from the exterior, its adjacent unconditioned spaces and adjacent dwelling units.

AQ106.2 Alternative compliance.

Tiny houses shall be deemed to be in compliance with Chapter R4 of the International Energy Conservation Code, provided that the following conditions are met:

1. The insulation and fenestration meet the requirements of Table R402.1.2.
2. The thermal envelope meets the requirements of Section R402.4.1.1 and Table R402.4.1.1
3. Solar, wind or other renewable energy source supplies not less than 90 percent of the energy use for the structure.
4. Solar, wind or other renewable energy source supplies not less than 90 percent of the energy for service water heating.
5. Permanently installed lighting is in accordance with Section R404.
6. Mechanical ventilation is provided in accordance with Section M1505 and operable fenestration is not used to meet ventilation requirements.

(Ord. 99-61 (part); Ord. 007-04 (part); prior code Title VII § 1-1; Chapter 11.20 repealed and reenacted Ord. 030-10; Amended (part) Ord. 025-2012; Amended (part) 014-16, 06-22-16)

11.24: INTERNATIONAL EXISTING BUILDING CODE

11.24.010: ADOPTION OF THE 2021 INTERNATIONAL EXISTING BUILDING CODE

Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Existing Building Code, 2021 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein. *(Ord. 99-61 (part); Ord. 007-04 (part);*

prior code Title VII § 1-1) Ord. 14-16 (part) Amended (part) 014-16, 06-22-16)

11.24.020: COPIES ON FILE.

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the International Existing Building Code, 2021 edition, as adopted by this Article, and said copies shall be open to public inspection at all times during the regular business hours of said Division. *(Ord. 99-61 (part); Ord. 007-04 (part); prior code Title VII § 1-1) Amended (part) 014-16, 06-22-16)*

11.24.030: SEVERABILITY

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect. *(Ord. 99-61 (part); Ord. 007-04 (part); prior code Title VII § 1-1)*

11.24.040: AMENDMENTS TO THE 2021 EXISTING BUILDING CODE

Section 101.1 Title Insert: Pitkin County for [NAME OF JURISDICTION]

SECTION 103 CODE COMPLIANCE AGENCY is hereby amended as follows:

SECTION 103 DIVISION OF BUILDING SAFETY

Section 103.1 Creation of agency

The Division of Building Safety is hereby created and the official in charge thereof shall be known as the building official.

Section 104.6 Right of Entry is hereby amended as follows:

The section shall remain as is except that the last sentence shall read: If entry is refused, or no person having charge or control over the building or premises can be located, the building official shall obtain a warrant from the City of Aspen Municipal Court authorizing the building official to make entry onto the building or premises.

Section 105.3.2 Time limitation of application is hereby amended as follows:

An application for any proposed work shall be deemed to have been abandoned six 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued. The building official is authorized to grant on extension not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

Section 105.5 Expiration is hereby amended as follows:

Every permit issued shall become invalid unless the work on the site authorized by such commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is not authorized to grant an extension.

Section 106.3.3 Phased Approval is hereby deleted in its entirety.

Section 110.3 Temporary Occupancy is hereby deleted in its entirety.

Section 112.1 Means of Appeals is hereby amended as follows:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. 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 building official.

112.2 Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

(Ord. 99-61 (part); Ord. 007-04 (part); prior code Title VII § 1-1)

11.28: INTERNATIONAL FUEL GAS CODE

11.28.010: ADOPTION OF THE 2021 INTERNATIONAL FUEL GAS CODE

Section 11.28.010 of the Pitkin County code adopting the 2015 edition of the International Fuel Gas Code is hereby repealed and reenacted to read as follows:

Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Fuel Gas Code, 2021 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.

11.28.020 Copies on file

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the International Fuel Gas Code 2021 edition, as adopted by this Article, and said copies shall be open to public inspection at all times during the regular business hours of said Division.

11.28.030 Severability

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

11.28.040 AMENDMENTS TO THE 2021 INTERNATIONAL FUEL GAS CODE

Section 109.2 Schedule of permit fees is hereby amended as follows:

A permit shall not be valid until all fees prescribed by the most current Pitkin County Community Development fee ordinance are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid.

Section 109.6 Refunds is hereby amended as follows:

The Building Official shall authorize the refund for the full amount of any fee paid which was erroneously paid or collected. Not more than 80% of a permit fee paid may be refunded when no work has been done under a permit issued in accordance with this code. The Building Official shall not authorize refunding any fee paid except on written application filed by the original permittee not later than six months after the date of payment.

Section 113 Means of Appeal is deleted in its entirety and is amended as follows:

Section 113.1 General Appeals shall be in accordance with IBC Section 113 as amended by this ordinance.

Add Section 303.3.2 Liquefied petroleum gas facilities and equipment.

Liquefied petroleum gas (LPG) gas facilities and equipment shall not be located in any pit or basement, under show windows or interior stairways, in engine, boiler, heater or electric meter rooms.

Exception: Equipment may be installed in such locations when an approved means of detection and removal of unburned LPG gas, consisting of an engineered mechanical exhaust system or other approved evacuation method designed by a Colorado-licensed mechanical engineer with a propane sensor and an automatic safety shut-off is provided.

Section 306.3 Appliances in attics. Exception 2 is hereby amended as follows:

Where the passageway is unobstructed and not less than 5' 6" high and 22" wide for its entire length, the passageway shall be not more than 50' long.

Section 306.4 Appliance under floors. Exception 2 is hereby amended as follows:

Where the passageway is unobstructed and not less than 5'6" high and 22" wide for its entire length, the passageway shall not be limited in length.

Section 409.5.1 Located within same room shall be amended as follows:

The shutoff valve shall be within 6 feet (1829 mm) of the appliance (including exterior appliances) and shall be installed upstream of the union, connector or quick disconnect device it serves. Such shutoff valves shall be provided with access. Shutoff valves serving movable appliances, such as cooking appliances and clothes dryers, shall be considered to be provided with access where installed behind such appliances. Appliance shutoff valves located in the firebox of a fireplace shall be installed in accordance with the appliance manufacturer's instructions.

G2420.5.2 Vented decorative appliances and room heaters is hereby deleted.

409.5.3 Located at manifold is hereby deleted.

Section 503.4.1.1 Plastic vent joints is hereby amended and the following shall be added to the end of the first sentence:

and shall be tested with water at a minimum 10' of head pressure or air at a minimum of 5 psi for 15 minutes.

Section 621 Unvented Room Heaters is hereby deleted in its entirety and amended as follows:

Section 621.1 General. Unvented room heaters and unvented decorative fuel burning appliances shall not be installed.

(Ord. 99-61 (part); Ord. 007-04 (part); prior code Title VII § 1-1; chapter 11.28 repealed and reenacted Ord. 030-10; amended (part) 014-16, 06-22-16)

11.32: INTERNATIONAL ENERGY CONSERVATION CODE

11.32.010: ADOPTION OF THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE

Section 11.32.010 of the Pitkin County code adopting the 2015 edition of the International Energy Conservation Code is hereby repealed and reenacted to read as follows:

Pursuant to the powers and authority conferred by the laws of the State of Colorado and Pitkin County, Colorado, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in by reference thereto, the International Energy Conservation Code, 2021 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained herein.

11.32.020 Copies on file

The Pitkin County Building Division shall keep on file in its office in Aspen, Colorado, a full and complete copy of the International Energy Conservation Code 2021 edition, as adopted by this Article, and said copies shall be open to public inspection at all times during the regular business hours of said Division.

11.32.030 Severability

The provisions of this chapter are declared to be severable so that in the event any section or portion of any section hereof shall be declared by a court of competent jurisdiction to be unconstitutional, unlawful, or otherwise unenforceable, the remaining sections and provisions hereof not so found shall continue in full force and effect.

11.32.040 AMENDMENTS TO THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE

Section R101.1 Title Jurisdiction, Pitkin County

Section R104.1 Fees is hereby amended as follows:

A permit shall not be valid until all fees as prescribed in the Pitkin County Community Development Fee Ordinance that is in effect at the time of permit submittal are paid in full, nor shall an amendment to the permit be released until the additional fees, if any, have been paid.

Section R104.5 Refunds is hereby amended as follows:

The Building Official shall authorize the refund for the full amount of any fee paid which was erroneously paid or collected. Not more than 80% of a permit fee paid may be refunded when no work has been done under a permit issued in accordance with this code. The Building Official shall not authorize refunding any fee paid except on written application filed by the original permittee not later than six months after the date of payment.

Refunds may be approved for up to 100% of a fee paid for REMP. No refund will be approved when requested more than 180 days after the Final Building Inspection is approved.

Section R110 Board of Appeals

R110.1 General is deleted in its entirety and is amended as follows:

Appeals shall be in accordance with Pitkin County Code Title 11, Chapter 11.04, Section R113.1.

Section R110 Liability is hereby amended as follows:

The Building Official or his authorized representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damage to persons or property caused by defects on or in such premises, nor shall the code enforcement agency, any employee thereof, or Pitkin County be held as assuming any such responsibility or liability by reason of the adoption of this code or by the exercise of inspections authorized and carried out thereunder, or by the issuance of any permits or certificates issued pursuant to this code.

Section R301 Climate Zones shall be deleted in its entirety and is amended as follows:

Pitkin County, Colorado shall use Climate Zone 7 in determining the applicable requirements from Chapters 4 and 5.

Table 402.1.2 Maximum Assembly U-Factors and Fenestration Requirements is amended as follows:

Climate Zone 7: Fenestration U-Factor: 0.28, Skylight U-Factor 0.40

Table 402.1.3 Insulation Minimum R-Values and Fenestration Requirements by component is amended as follows:

Climate Zone 7: Fenestration U-Factor: 0.28, Skylight U-Factor 0.40

Section R402.4.2 Fireplaces is hereby amended as follows:

New wood-burning fireplaces and gas log fireplaces shall have gasketed doors and outdoor combustion air. Modifications shall not be made to listed and labeled factory built fireplaces unless approved by the manufacturer.

R402.4.5 Recessed lighting is hereby amended and the following sentence added:

Recessed luminaires must be of the shallow depth configuration and a minimum of 50% of the required insulation R-value must remain in place above the luminaire including any required separation or air space.

403.2 Hot water boiler temperature reset is hereby amended and the following sentence added:

All multiple boiler installations must sequentially stage. Any multiple boiler installations, or hydronic system consisting of more than five (5) zones will require commissioning with a full summary report provided to the building department. All new boilers installed in Pitkin County will meet a minimum of 95% AFUE (Annual Fuel Utilization Efficiency).

Section R403.7 Equipment sizing and efficiency rating is hereby amended as follows:

Heating and cooling equipment shall be sized in accordance with ACCA Manual S based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies. All Gas fired furnaces shall meet a minimum 95% AFUE. All HVAC equipment will meet a minimum SEER (Seasonal Energy Efficiency Ratio) rating of 16

Add Section 403.7.1 HVAC commissioning

HVAC systems installations shall be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within the tolerances provided in the product specifications. Test and balance activities shall include air system and hydronic system balancing.

Add Section R409 Whole Project Energy Budget and Renewable Energy Mitigation

Section R409.1 Scope. This section establishes criteria for compliance with the Pitkin County Whole Project Energy Budget through the Renewable Energy Mitigation Program (Appendix A).

Section R409.2 Mandatory requirements. Compliance with this section requires that the provisions identified in Appendix A be followed for dwelling units and deems Sections 402, 403, 404, 405, 406 and 408 as potential measures adopted by reference to aid in achieving the requirements of Appendix A. Sections 402, 403, 404, 405, 406 and 408 are not alternative paths to compliance and adherence to Appendix A is required.

R502.3.1 Building envelope is amended as follows:

Exception: New envelope assemblies in additions less than 1000 square are exempt from the requirements of Section R402.4.1.2 and 402.4.1.3

Section 503.1.1 Building envelope is hereby amended as follows and the following sentence added:

For alterations to the thermal envelope of a floor area greater than 1000 square feet, an air infiltration (blower door) test is required prior to commencement of the alteration/ and a final air infiltration test prior to final building inspection must demonstrate a fifteen (15) percent leakage reduction or compliance with Appendix A.

Section R503.1.1 Building envelope

Exceptions 2 & 5 are hereby amended as follows:

2. Existing thermal envelope exposed during construction shall be required to meet prescriptive code minimums unless a hardship is presented and approved by the Chief Building Official.
5. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be required to meet prescriptive code minimums unless a hardship is presented and approved by the Chief Building Official

APPENDIX A: Whole Project Energy Budget and Renewable Energy Mitigation Program (REMP)

SECTION 100 General Requirements

SECTION 101 SCOPE AND ADMINISTRATION

Section 101.1 Scope. Scope of this document includes Home Energy Performance, Exterior Energy uses, and energy production to offset home energy performance and exterior energy use. Compliance with this section will be documented via the free Public Domain tool “Pitkin County REMF Calculation Sheet” in the most current version at the time of permit application. This tool is available at www.pitkincounty.com. Projected energy use, associated energy offset required, fees and credits are defined within this tool.

Credits for on-site renewable energy. This REMF payment option is voluntary. Applicants interested in exterior energy use systems can alternatively choose to produce on-site renewable energy (Section 301) with solar photovoltaics and/or solar hot water or micro-hydro. The energy efficient technology of ground source heat pumps is also permitted for supplemental on-site energy.

Section 101.1.1 Home Energy Performance. Home Energy Performance will be predicted by the REM/Rate software and Energy Rating Index (ERI) certification. All dwelling units will be required to meet a maximum of ERI-60, prior to application of renewable energy production. Per the “Pitkin County REMF Calculation Sheet,” all dwelling units will be required to meet ERI-30, or provide offset per the Calculation Sheet, or comply with Section 108. This section is optional for dwelling units under Appendix AQ Tiny Houses.

Section 101.1.2 Exterior Energy Uses. Residential, Commercial, and Governmental exterior energy uses (per list below) may be installed only if the supplemental energy meets the requirements of Appendix A. This applies to all installations for which an application for a permit or renewal of an existing permit is filed or is by law required to be filed with or without an associated Building Permit.

1. Snowmelt (ie: driveways, patios, walkways, etc.)
2. Exterior pools
3. Exterior spas
4. Electric heat tape for melting of roofs, gutters, downspouts, exterior piping etc.

Section 101.1.3 Onsite Renewable Credits. Credits for renewable energy production will be calculated and applied per “Pitkin County REMF Calculation Sheet” for energy generated onsite. Renewable energy methods listed in the calculator include: solar electric panels (aka. Solar photovoltaic, PV), solar thermal arrays, ground source heat pumps (GSHPs), air source heat pumps (ASHP), hydroelectric and wind power. Provision for alternative method calculations, including offsite renewable energy methods, is also provided, but will require specific review and approval by the Building Official.

Section 101.2.1. Snowmelt systems:

1. The maximum area of snowmelt is capped at 6,000 square feet per parcel.
2. R-15 insulation shall be installed under all areas to be snowmelted.
3. Required snowmelt controls. All systems are required to have automated controls to limit operation to when moisture is present, outdoor air temperature is below 40F and above 20F, and the slab temperature sensing. Idling of residential slabs is not allowed, but is allowed in commercial projects where public safety is a factor.
4. Snowmelt heating appliances will have a minimum efficiency of 95% AFUE. Electric resistance and heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler operation.

Section 101.2.2. Exterior pools:

1. Pool covers are required for all pools, with a minimum R-value of 2.
2. Pool heating appliances will have a minimum efficiency of 95% AFUE. Electric resistance and heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler operation.

Section 101.2.3. Exterior spas:

1. Spa covers are required for all spas, with a minimum R-value of 12.
2. Package spas less than 64 ft² are exempt.
3. A maximum of (1) spa per property is allowed to be exempt.
4. Spa heating appliances will have a minimum efficiency of 95% AFUE. Electric resistance and heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler operation.

Section 101.2.4 Electric heat tape controls. Electric roof and gutter deicing systems shall include automatic controls capable of shutting off the system when outdoor temperature is above 40F and below 25 F, and which limit the use of the system to daylight hours by means of a programmable timer or automated clock.

Section 101.2.5 Hydronic roof and gutter deicing systems. These systems shall be considered snowmelt systems and shall comply with Appendix A.

Section 102 REMP Fee Payment. No refund of fee payment shall be made to an applicant for installation of renewable energy production that exceeds the on-site renewable credits required pursuant to Appendix A. All monies collected pursuant to this section shall be recorded in a separate fund and shall be spent in accordance with a joint resolution by the Aspen City Council and Pitkin County Board of County Commissioners. The proceeds of this fee will be used to reduce fossil fuel generated energy consumption in other improvements in Pitkin County, to administer the International Energy Conservation Code provisions adopted into the Pitkin

County Code, to educate the development industry and the public at large of the methods of energy efficient construction practices and the benefits of energy conservation and to achieve the goals of the Pitkin County Climate Action Plan.

Section 103 Pre-Existing Systems. Pre-existing systems, for which a prior REMP fee was paid, regulated by the scope of this section sought to be replaced by an Applicant, shall receive a pro-rated credit calculated as a fraction of the number of years since prior REMP payment for the system divided by 20 years. For example, a REMP payment made for a system permitted 10 years prior to the current replacement permit submittal would receive credit for ½ of the prior REMP payment and that amount shall be deducted from REMP payment owed for replacement system. For renewable systems installed on site, full credit will be given for up to 20 years after the date of installation. Credits will only be applied to properly permitted and functioning systems within the scope of the adopted Energy Code and applicable Mechanical and Electrical Codes. Systems installed prior to 20 years before the date of permit application are not eligible for pro-ration of system credits. Upgrades to existing mechanical equipment (boilers, heat pumps, HVAC equipment, etc.) or renewables energy systems will not require a re-submittal to the application program. However, additions to or replacement of exterior energy uses (as listed above in Section 101.1.2), or additions of 1,000ft² or more will require re-submittal of the appropriate REMP compliance documents.

Section 104 Solar Photovoltaic Systems. System designer/installer must be certified by COSEIA (Colorado Solar Energy Industries Association) or NABCEP, (North American Board of Certified Energy Practitioners), or a licensed Professional Engineer in the State of Colorado.

Section 105 Solar Hot Water. The size of solar hot water systems is limited to 500 square feet of collector area absent approval by the Building Official. Systems larger than this limit will be considered, but will require documentation showing year-round utilization of this larger system.

Section 106 Ground Source Heat Pump. In order to use a GSHP for on-site renewable credit the GSHP system must supply at least 20% of the peak load for heating the building and all the exterior energy uses. Each ground source heat pump system shall be tested and balanced and the design engineer shall certify in writing that it meets or exceeds a design coefficient of performance of 3.0 inclusive of source pump power. Design conditions for determining COP will be: 30F ground loop temperature measured at the GSHP inlet, and 110F GSHP load side outlet. The ground loop system must be designed by a CGD (Certified GeoExchange Designer certified by the Association of Energy Engineers) or a Professional Engineer licensed in the State of Colorado or an IGSHPA (International Ground Source Heat Pump Association) certified designer. The mechanical system must be installed by a certified IGSHPA contractor.

Section 107 Energy Consumption Aggregated Information. The Building Official seeks to track the progress of the program through submitted energy bills or information regarding residential energy use from other sources. To assist with this program-wide measurement, Applicant is requested provide completed release forms for applicable Utility Providers (electric and gas for properties which have both services). Energy consumption information will be used to monitor program success on an aggregated basis, and not for distribution with property identifying markers attached.

Section 108 Hardship. Applicant may apply to the Building Official for a full or partial variance of the requirements of Appendix A. Applicant must show undue hardship and that the requirements of Appendix A disproportionately burden the Applicant if applied to a specific piece of property and typical onsite or offsite mitigation methods are not feasible. The Building Official shall evaluate the application for waiver of requirements of Appendix A pursuant to criteria developed in the Community Development Manual and shall only approve a variance where application of Appendix A will cause undue hardship upon the owner of such property which cannot be mitigated, and the granting of relief from the strict application of Appendix A will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the Pitkin County Code Title 11. Applicant may appeal any denial under this section to the Board of County Commissioners.

SECTION 201 Governmental Renewable Exterior Energy Mitigation Program (GREMP)

Local, State and Federal Government Buildings and Structures may be exempted from mitigation payments and offsets defined previously in this code for a percentage of the requested snowmelt when there is a demonstrated risk to public safety related to snow and ice removal.

The following items and any related documentation will be reviewed and evaluated to determine the potential exemption. A percentage of exempted area will be determined and any remaining requested snowmelt will need to be paid for or mitigated in the typical format. Upon recommendation by the Chief Building Official, a formal request will be compiled by the Applicant and presented to the Board of County Commissioners for final approval at a regularly scheduled meeting.

Section 201.1 An application for review and approval would include the following:

1. Demonstration and declaration that typical mitigation methods were researched and proven not feasible.
2. Demonstration that the public service being provided by the entity applying offsets the energy consumption being requested in this application including any cumulative offset exemption requests for REMP mitigation.

(ie: Bus Service vs. Vehicle Traffic)

3. Demonstration of safety risk to the General Public if exterior snowmelt is not installed including:
 - a. Providing the ratio of total paved area vs. snowmelted pavement;
 - b. Illustrating that the project minimizes the total amount of exterior energy used; and
 - c. The installation of snowmelt only in critical public safety areas.
4. Demonstration that BTU's saved through other means (existing equipment upgrades, envelope improvements, or other energy saving measures) translate to mitigation BTU's for snowmelt credit. Examples include:
 - a. Hybrids
 - b. Wind Power
 - c. Hydro-Electric
 - d. Waste Oil Boilers
 - e. Pellet Boilers
5. Demonstration that offsite mitigation alternatives have been considered at other offsite locations within Pitkin County for the installation of typical mitigation methods.
 - a. Typical Ground Source Heat Pump, Solar, or Photovoltaic methods that are not feasible on site could be installed at a more feasible location.

6. Other creative or innovative alternatives proposed by the applicant.

Upon review and recommendation by the Chief Building Official, areas associated with these buildings or structures that are critical to pedestrian ingress, egress, or life safety may, at the discretion of the Board of County Commissioners, be exempted from REMP payments for all or a portion of the area snowmelted.

APPENDIX RB, 2021 International Energy Conservation Code

Appendix RB is adopted in its entirety and the provisions will be applied to New Construction, Alterations and Remodels that are not required to install a complete renewable energy system as indicated by other sections of this code.

Section RB103.9 All Pitkin County projects are required to provide one electric vehicle charging station.

Ord. 99-61 (part); prior code Title VII § 9-4); Chapter 11.32 repealed/replaced Ord. 01-10; Chapter 11.32 amended (part) Ord. 030-10) Chapter 11.32 amended (part) Ord. 016-13; Chapter 11.32 repealed and reenacted Ord. 016-2020,

11.36: INTERNATIONAL FIRE CODE

11.36.010: ADOPTION OF INTERNATIONAL FIRE CODE –

The County of Pitkin hereby adopts that certain Code known as the International Fire Code, 2021 edition, as published by the International Code Council Inc. 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, save and except such portions as are hereinafter deleted, modified or amended as set forth herein (hereinafter "International Fire Code"). The International Fire Code shall include Appendix Chapters B and C, and shall specifically exclude Appendix Chapters A and D. In lieu of Appendix Chapter D, the Pitkin County Asset Management Plan shall be incorporated herein by reference. The Board further determines that the remaining Appendix Chapters E, F, and G shall be utilized by the Fire Districts as guidelines to the extent such appendices are applicable. Three (3) copies of the International Fire Code and this Ordinance shall be filed in the administrative office of the Pitkin County Building Department and the same are hereby adopted and incorporated as fully as if set forth verbatim herein, and from the date on which this Ordinance shall take effect, the provisions hereof shall be controlling within the boundary limits of the County.

The implementation, enforcement and administration of the International Fire Code within the County shall be the responsibility of the respective fire protection districts within their own jurisdiction consistent with each fire protection district's set of amendments. The County recognizes that each fire protection district maintains non-substantive variations with respect to their individual implementation, enforcement and administration of the International Fire Code and their respective Amendments.

11.44.020: PURPOSE

The International Fire Code establishes the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations.

11.36.030: COPIES ON FILE

The Pitkin County Community Development Department shall keep on file in its office in Aspen, Colorado, a full and complete copy of the 2009 International Fire Code, as adopted by this Article, and said copies shall be open to public inspection at all times during the regular business hours of said Department.

11.36.040: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

11.36.050: AMENDMENTS TO THE 2021 INTERNATIONAL FIRE CODE

Adopted in its entirety with local amendments provided and maintained by each fire district.

Section 101.1 is hereby amended to provide that "County of Pitkin" shall be the proper name of the jurisdiction.

Section 103.2 is hereby amended and the following sentence is added to this section:

“The designated fire code official for those portions of unincorporated Pitkin County not within a fire jurisdiction, shall be the Pitkin County Sheriff’s Office who is permitted to consult and receive assistance from the closest adjacent responding fire authority.”

(adopted by Ord. 004-12)(amended (part) ord. 014-2016, 6-22-16)

11.40 INTERNATIONAL SWIMMING POOL AND SPA CODE

11.40.010 ADOPTION OF THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE

11.44: CONTRACTOR LICENSING

It is unlawful for any person to violate any provisions of this chapter or to violate or refuse to obey any order issued by the chief building official or neglect to pay any fee assessed by the chief building official. (*Ord. 99-61 (part); prior code Title VII § 1-1*)

11.44.020: REVOCATION AND SUSPENSION

A. The chief building official shall have the authority to issue an order to show cause why the license issued hereunder to any licensee should not be suspended or revoked. Any such order shall grant the licensee ten (10) days in which to show cause and shall inform the licensee of the basis for issuance of the order.

B. The following acts or omissions of any person or firm holding a license under this chapter or any applicant for a license under this chapter shall constitute grounds for which the chief building official may suspend, revoke or refuse renewal of any license or deny an application for the license:

1. Causing or allowing to exist conditions hazardous to the health, safety and welfare of workmen and the public;
2. Violation of Pitkin County Code, including but not limited to the Land Use Code, the Uniform Building Code and related Uniform Codes as adopted, and the Colorado Revised Statutes; relating to buildings or construction or contractor licensing;
3. Failure to comply with any lawful order of the building official or his or her designated representative;
4. Misrepresentation or falsification of a material fact in an application to obtain a license or permit under this and other applicable codes;
5. Conviction of a misdemeanor or felony relating to the contractor's performance of construction work or the contractor's conduct of his or her construction business;
6. Failure to obtain a building or other applicable permit for any work as required by Pitkin County Code, including but not limited to the Land Use Code, and the Uniform Building Code and Uniform Codes as adopted;
7. Failure to ensure that the person with whom a subcontractor contracts has obtained valid building or other applicable permit for any work required by this code;

8. Contracting for or performing construction work that requires a particular license without holding a valid license for that work;
9. Use of a contractor's license to obtain building permits for another person's project for which the contractor will not be responsible;
10. Disregard or deviation from the plans and specifications approved by the building official for which the permit was issued without the approval of the building official;
11. Failure to ensure that any subcontractor hired by the contractor is licensed in compliance with the regulations set forth in this section;
12. Failure to appear after proper notice, as set forth in this section, at a building official hearing.
13. Failure to obtain and maintain a current Pitkin County use tax license through the county finance office. (*Ord. 99-61 (part); prior code Title VII § 1-1*)

11.44.030: ISSUANCE OF PERMITS ONLY TO LICENSE HOLDERS OR AGENTS AND OWNER/BUILDERS

A. On any work requiring a building permit(s), the permit(s) shall be issued only to licensed contractors, authorized representatives of licensed contractors, and owner-builders.

B. For purposes of this chapter, an "owner-builder" is an individual personally engaged in the construction (new or remodel) of a single-family residence or accessory, building for his or her own use. The following requirements shall apply to owner-builders seeking permits for construction:

1. The owner-builder shall not be issued more than one building permit for new home construction in any two-year period and not more than one building permit at a time;
2. The owner-builder has read applicable regulations and provisions of this chapter and applicable state law and affirmed in writing that the proposed project will comply with all such requirements;
3. It is the responsibility of the owner-builder to see that all paid personnel shall be covered by workman's compensation insurance as required by state law;
4. The owner-builder must be present at the work site during all inspections and conferences with the building division, unless prior arrangements have been made with the building officials.

In the event that any of the above listed requirements are not met at any time during the course of a permitted project, the chief building official may suspend or revoke the owner-builder's permit. In the case of a suspended

building permit the owner-builder shall have a reasonable time to correct the problem. If not corrected within the time period, the permit may be revoked. In the case of either a suspended or revoked building permit, the owner-builder may ask for a review at the next scheduled building code board of appeals meeting. *(Ord. 99-61 (part); prior code Title VII § 1-1)*

11.44.040: COMPLIANCE WITH LAW AND SUPERVISORY CLAUSES AS REQUIRED

All licenses enumerated in this chapter shall be issued by the chief building official in accordance with the provisions of this code, and shall be subject to the supervisory clauses contained in this chapter. The chief building official is authorized to administer tests for the licenses and owner-builders as required by this chapter, as per the standards and regulations promulgated by the Board of Examiners for Standardized Testing. The chief building official is further authorized to recognize, for purposes of contractor licensing and owner builder permits, results of tests administered by other jurisdictions. *(Ord. 99-61 (part); prior code Title VII § 1-1)*

11.44.050: APPROVAL OF BUILDING OFFICIAL REQUIRED FOR ISSUANCE OF CERTAIN LICENSES

- A. No person may be issued a license to engage in the following listed trades, jobs, or contractual service as hereinafter enumerated unless approved by the chief building official.
 - 1. General contractor (unlimited);
 - 2. General contractor (commercial);
 - 3. General contractor (light commercial);
 - 4. General contractor (home builder);
 - 5. Specialty.

- B. All persons having valid licenses with the community development department to engage in the aforementioned trades, jobs, or contractual services, shall not be required to be examined by the chief building official. All persons must hold a license from the state, if required by the state, before engaging in any trade, job, or contractual services within the county. *(Ord. 99-61 (part); prior code Title VII § 1-1)*

11.44.060: BUILDER'S LICENSES GENERALLY.

- A. General Contractor (Unlimited). This classification qualifies the holder to contract for the construction, alteration or repair of any structure of any type of construction and occupancy group as permitted by the International Building Code.

- B. General Contractor (Commercial). This classification qualifies the holder to contract for the construction of any structure of any type of construction and occupancy group as permitted by the International Building Code, with the exception of Type I and Type II buildings. Also this classification qualifies the holder for the alteration or repair of any structure of any type of construction and occupancy group permitted by the Building Code.

- C. General Contractor (Light Commercial). This classification qualifies the holder to contract for the construction, alteration, or repair of A-2, A-3, B, E, M, R, S-1, or U occupancy groups of any type of construction with the exception of Type I and Type II fire-resistive construction as permitted by the International Building Code.
- D. General Contractor (Home Builder). This classification qualifies the holder for the construction, alteration, or repair of buildings regulated by the International Residential Code.
- E. Specialty. This classification qualifies the holder to contract for work involving specialty trades regulated by the International Codes, including the following:
 - (1) Alteration & Maintenance;
 - (2) Concrete;
 - (3) Fire Alarm System Installation;
 - (4) Fire Sprinkler System Installation;
 - (5) Mechanical Contractor;
 - (6) Roofing;
 - (7) Solid Fuel & Gas Appliance;
 - (8) Temporary Contractor;
 - (9) Historic Preservation
- F. For the purposes of this section a contractor or sub-contractor hired specifically for one job, may be issued a Temporary Contractors License. It shall only be valid for six months. The applicant for a Temporary Contractors License shall only be required to complete an application; no testing shall be required. Only one Temporary Contractors License can be applied for within one year. *(Ord. 99-61 (part); Ord. 007-04 (part); Ord. 023-04) (part) prior code Title VII § 1-1)*

11.44.070: APPLICATION FOR LICENSEES WHO EMPLOY QUALIFIED SUPERVISORS

Each individual who acts as a supervisor on any work for which a permit is required must be tested in accordance with the provisions of this chapter for the work proposed to be done. *(Ord. 99-61 (part); prior code Title VII § 1-1)*

11.44.080: EXAMINATION FEE

Applications for licenses required by this chapter shall be accompanied by a fee of according to the most current Community Development Department’s fee ordinance. *(Ord. 99-61 (part); Ord. 007-04 (part) Ord. 023-04; prior code Title VII § 1-1)*

11.44.090: EXAMINATIONS

- A. The chief building official, before issuing any license required by this chapter, shall require the applicant to take such examinations, written or oral, as the chief building official may determine to be appropriate. In lieu of such examination, the chief building official may recognize and accept the results of examinations administered by other governmental jurisdictions with which

the county is a party to an intergovernmental agreement regarding recognition of such test results.

- B. Examinations shall be given at reasonable intervals. *(Ord. 99-61 (part); prior code Title VII § 1-1)*

11.44.100: INSURANCE

Every contractor granted a license under the terms of this chapter shall be required to maintain at all times employee liability and public liability insurance with minimum limits of not less than one hundred thousand dollars (\$100,000.00) for one person and three hundred thousand dollars (\$300,000.00) for any one accident, and property damage insurance with a minimum limit of not less than one hundred thousand dollars (\$100,000.00) for any one accident. *(Ord. 99-61 (part); prior code Title VII § 1-1)*

11.44.110: ANNUAL FEES

Holders of contractors' licenses shall be required to pay a registration fee according to the most current Community Development Department's Fee Ordinance. *(Ord. 99-61 (part); Ord. 007-04 (part); Ord. 023-04 (part) prior code Title VII § 1-1)*

11.44.120: COMPLIANCE WITH CHAPTER REQUIRED FOR ISSUANCE OF PERMIT

- A. No permit shall be issued to any contractor who has not first obtained a license as required in this chapter or who is delinquent in the payment of annual license fees, or use taxes, or whose license has been suspended or revoked by action of the chief building official.
- B. A licensed contractor may apply for and be issued permits to only such work as he or she is entitled to do under their respective licenses.
- C. Any application for a permit or license filed in derogation of this section shall be deemed to have been filed with fraudulent intent and shall be a nullity. Any permit or license issued on the basis of such fraudulent application shall be null and void. *(Ord. 99-61 (part); prior code Title VII § 1-1)*

11.44.130: STATE LICENSE REQUIRED

All persons performing plumbing or electrical work of any type regulated or licensed by the state of Colorado must hold valid state licenses before engaging in any trade, job or contractual service within the unincorporated county. *(Ord. 99-61 (part); prior code Title VII § 1-1)*

11.44.140: REGISTRATION OF ELECTRICAL AND PLUMBING CONTRACTORS

As a condition of performing services within the county, electrical and plumbing contractors shall register with the chief building official. Applicants for registration must demonstrate that they hold a valid contractor's license issued by the state. Registrations made under this section shall terminate every two years on the month and year of the State of Colorado license expiration.

Appeals of any final decision of the building official may be made pursuant to the bylaws of the building code board of appeals. *(Ord. 99-61 (part); Ord. 023-04 (part) prior code Title VII § 1-1)*

11.48: CARBON MONOXIDE DETECTORS

11.48.010: PURPOSE AND SCOPE

This chapter is enacted for the purpose of protecting the health and safety of the residents of the County, its visitors and employees, by requiring operable carbon monoxide detectors in existing residential occupancies thereby hopefully reducing the number of injuries and fatalities resulting from carbon monoxide (CO) poisoning.

The provisions of this ordinance shall apply to: 1) all new residential construction containing a sleeping unit; 2) additions to residential buildings containing a sleeping unit; 3) remodels of residential buildings containing a sleeping unit for which a building permit is required; 4) residential units where a fuel burning appliance is added or replaced and for which a permit is required; 5) all existing residential buildings, including single family, duplex, townhome and multifamily.

11.48.030: DEFINITIONS

The following terms as used in this chapter shall have the indicated meaning:

BUILDING CODES: The building and other technical codes adopted pursuant to Title 11 of this code.

CO DETECTOR: A device sensing invisible particles of carbon monoxide that is either battery powered, AC powered with battery backup or connected to a system via an approved control panel that has been installed in accordance with its manufacturer's recommendations, which, when activated, will provide some form of visual or audible signal, and which has been either UL (Underwriters Laboratories Inc.) listed or CSA (Canadian Standards Association) approved.

DWELLING: Any building or portion thereof containing one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families.

DWELLING UNIT: Any building or portion thereof designed, occupied, or intended as a residence, with complete and independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

RESIDENTIAL OCCUPANCIES:

A. Any of the residential uses as such terms are defined and described in International Building Code and the International Residential Code as amended by the Pitkin County Code in Chapters 11.04 and 11.20.

B. Any residential occupancy or any institutional occupancy with sleeping units as such terms are defined in the building codes.

C. Any other occupancy used for sleeping purposes.

SEPARATE SLEEPING AREA: Bedrooms or sleeping rooms separated by other use areas, such as a kitchen or living room, but not including bathrooms.

SLEEPING UNIT: A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both.

11.48.040: RESPONSIBILITIES

A. All existing residential occupancies and all residential occupancies to be constructed in the future shall be equipped with CO detectors in accordance with the requirements of this chapter.

B. The owner of a residential occupancy shall be responsible to: 1) Install and maintain required CO detector(s) in such residential occupancy in accordance with the requirements of this chapter; 2) Test and replace all batteries necessary for operation of a required CO detector, except for dwellings or dwelling units where the tenant has been notified of such responsibility; 3) Immediately repair or replace any defective CO detector required under the provision of this chapter.

C. The owner of a dwelling or dwelling unit that is rented or leased to a tenant, shall: 1) Immediately, upon notice from the tenant, repair or replace a defective CO detector required to be located within such dwelling or dwelling unit, except that the owner need not repair or replace any CO detector where the defective condition was caused by the tenant, the tenant's family, or the tenant's guests or invitees, by inappropriate use or misuse of the dwelling or dwelling unit during the rental term or any extension of it; 2) Install new batteries in any required CO detector at the beginning of a new lease or tenancy; 3) Furnish to the tenant at the beginning of a new lease or new tenancy written notice of the owner's responsibility to install and maintain a required CO detector on the premises.

D. A tenant in possession of a dwelling or dwelling unit shall be responsible for: 1) Testing and replacing any batteries necessary for operation of a required CO detector; 2) Informing the owner of a CO detector malfunction; and 3) Repairing or replacing defective CO detectors in the event that the defective condition was caused by the tenant, the tenant's family, or the tenant's guests or invitees, by inappropriate use or misuse of the dwelling or dwelling unit during the rental term or any extension of it.

11.48.050: CO DETECTOR / INSTALLATION REQUIREMENTS

A. CO detector(s) shall be centrally located outside of each separate sleeping area in the immediate vicinity of the bedrooms or sleeping rooms and on each level of the residence. Residential occupancies shall be considered to be in compliance with this requirement if CO detector(s) are installed within a

dwelling unit such that an audible signal not less than 70 decibels reaches each sleeping area. CO detectors shall be hard wired or connected to a system via an approved control panel in new construction. In interior alterations, repairs or additions requiring a permit, or when one or more sleeping rooms are added or created in existing dwellings, detectors shall be hard wired or connected to a system via an approved control panel where the alterations or repairs result in the removal of interior wall or ceiling finishes unless there is an attic, crawlspace or basement available which would provide access for hard wiring.

B. CO detectors are required in sleeping units containing fuel burning appliances, e.g. gas clothes dryer, decorative gas fireplace, wood burning appliance, etc.

C. It is the intention of this chapter to implement the requirements of the existing building codes, including the latest edition of National Fire Protection Association #720, to the greatest extent practicable for existing residential occupancies. The building official or the fire marshal may approve alternative locations or methods for the installation of CO detectors, if the result would meet the spirit and intent of the building codes and NFPA #720. The building official, in coordination with the fire marshal, may also adopt written guidelines illustrating or describing required locations of CO detectors, and any approved alternative locations or methods for bringing residential occupancies into compliance with the requirements of this chapter.

D. A CO detector is deemed approved for purposes of this chapter if it complies with all applicable state and federal regulations, and bears the label of a nationally recognized standard testing laboratory and meets the revised standard of at least ANSI/UL 2034, Single and Multiple Station Carbon Monoxide Alarms, or ANSI/UL 2075, Gas and Vapor Detectors and Sensors, and subsequent revision or its equivalent. The CO detector may be a combination smoke/gas/CO device.

E. Each CO detector will be mounted in accordance with the manufacturer's instructions, though ceiling mounting is preferred. CO detector(s) will not be mounted in areas of low air movement (dead air spaces),

F. If a CO detector is required to be installed in a common hallway and found to be tampered with it shall be replaced with a hard-wired device (missing or inoperable batteries shall not constitute tampering) or replaced with a system-connected detector.

G. In new construction, the required CO detector shall receive its primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery or from an approved control panel. Wiring shall be permanent and without a disconnecting switch other than those required for over current protection. CO detectors shall be permitted to be battery operated when installed in buildings without commercial power or in buildings that undergo alterations, repairs or additions as stipulated in Section 11.38.050 A.

11.48.060: PROHIBITIONS

A. It shall be unlawful for any owner of a residential occupancy to fail to install and maintain an operable CO detector when required under the provisions of this chapter.

B. It shall be unlawful for any person to remove or render ineffective a CO detector installed to satisfy the requirements of this ordinance. This provision shall not apply to a building owner, manager or his/her agent in the normal procedure of repairing or replacing a CO detector.

C. No person shall, without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a CO detector required to be installed pursuant to the provisions of this chapter so as to destroy or diminish its effectiveness or availability for its intended purpose.

11.48.070: ENFORCEMENT RESPONSIBILITY

The building official and the fire code official, or their designees, shall monitor compliance with this chapter and may perform enforcement inspections upon, but not limited to, the following instances: when notified of a change in occupancy; when reviewing or inspecting the construction, repair, rehabilitation or renovation of the interior of a residential occupancy pursuant to a required permit, when inspecting at the request of the building owner or his representative; when inspecting for any other purpose under the provisions of this code; or when on the premises for any lawful purpose, including but not limited to such purposes as responding to a fire or other request for fire department services.

11.48.080: PENALTIES AND REMEDIES FOR VIOLATIONS

A. Violations, Criminal Enforcement and Penalties

- 1) Violations of any section of §11.38 of the Pitkin County Code shall be a Class 2 Petty Offense with a maximum fine of \$1000 and /or imprisonment for a period not to exceed 90 days or the maximum allowable by state law. The building official and the fire code official, or their designees, shall be authorized to serve either a Summons and Complaint or Penalty Assessment, as specified in this Section on any person who violates the provisions of this Ordinance.
- 2) Failure to provide carbon monoxide detectors as specified by this Ordinance shall be subject to penalty assessment as follows:
 - First Offense: \$250.00
 - Second Offense: \$500.00
 - Third and additional offenses: Summons and Complaint to appear before the Pitkin County Court.
- 2) Summonses and Complaints shall be referred to the District Attorney for prosecution in Pitkin County Court. Nonpayment of a Penalty Assessment shall result in prosecution of the Penalty Assessment as a Summons and Complaint pursuant to § 16-2-201, C.R.S., as amended. In such case the penalty schedule set forth in this § 11.38.070 (2) shall be followed
- 4) Any Person who aids, assists or abets any other Person in committing a violation of these regulations shall be subject to the penalties specified in §11.38.070 (2) dependent upon on whether the person aided or assisted is subject to Penalty Assessment or Summons and Complaint.

- 5) Each day a violation of §11.38 of the Pitkin County Code continues shall be considered a separate offense for purposes of penalties.
- 6) In the case of a property being designed such that multiple rooms require a detector and there are multiple violations within that property, together they shall constitute one violation for the given day

B. Violations, Civil Enforcement.

- 1) Notice of Violation. In addition to utilizing the enforcement procedures authorized by this Ordinance, the building official and the fire code official or their designees may deliver a Notice of Violation (NOV) to any person who violates this Ordinance. The NOV shall specify the violation, and may require that the violator either cease and desist immediately from all acts or omissions relating to the violation, or correct the violation within a specified time not to exceed 90 days. Failure to comply with the terms of an NOV shall result in enforcement pursuant to §11.38.080 (2-6). Issuance of a Notice of Violation shall not be deemed a condition precedent to enforcement pursuant to the procedures set forth in §11.38.080, nor shall it preclude later enforcement action pursuant to §11.38.080.
- 2) Civil Enforcement. In the event of any act or omission that violates any section of this Ordinance, the County Attorney, in addition to other remedies provided by law or specified herein, may institute an injunction, mandamus, abatement, or other appropriate civil action or proceeding to prevent, enjoin, or abate any unlawful activity, or to remove any improvements or construction resulting from such unlawful activity. In the event that such unlawful activity has damaged any county property, the violator shall be liable for any damage to county property resulting from any such unlawful activity, including, but not limited to, compensation for staff time and for use of county equipment or contracted services to repair such damage. Any civil action or proceeding may include a claim to recover all such money damages in addition to any and all claims for injunctive or other equitable relief.
- 3) Withdrawing or Withholding Permits. In the event that Community Development or designee, Code Enforcement Officer, or designee has personal knowledge of any violation of this Ordinance, any Community Development issued permit may be withdrawn after the violator is provided notice and an opportunity for hearing before the Board of County Commissioners. No further permits or approvals from the County shall be issued for any property generating a violation until the violation is brought into compliance with the standards of this Ordinance.

11.48.090: EFFECTIVE DATE

All owners of residential occupancies shall come into compliance with the requirements of this chapter on or before March 2, 2009. (*enacted ord. 03-09*)

11.40: EFFICIENT BUILDING CODE

(adopted by ord. 009-03 repealed Ord. 003-2019, 01-23-2019)