

CHAPTER V:  
Building and Excavation Regulation  
Section 1

**5-1 Building Code**

(Adopted by Ordinance 357, June 12, 2023)

5-1-1 The following describe documents and codes are hereby adopted as the Code of the Town of Ignacio, Colorado for the purpose of regulating the erection, construction, enlargement, alteration, repair, occupancy and maintenance of all buildings and structures in the Town of Ignacio, Colorado and establishing fees and permits therefore and each of the following are hereby referred to, adopted and made part hereof as if fully set forth in this ordinance (Ordinance 357):

- (1) The chapters and appendices of the International Building Code (IBC), 2018 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Section 5-5.
- (2) The chapters and appendices of the International Residential Code (IRC), 2018 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Section 5-6.
- (3) The chapters and appendices of the International Mechanical Code (IMC), 2018 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Section 5-7.
- (4) The chapters and appendices of the International Plumbing Code (IPC), 2018 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Section 5-8.
- (5) The chapters and appendices of the International Fuel Gas Code (IFGC), 2018 edition as published by the International Code Council, together with Amendments and Deletions as set forth in Section 5-9.
- (6) The chapters and appendices of the International Energy Conservation Code (IECC), 2018 edition as published by the International Code Council, together with Amendments and Deletions as set forth in Section 5-10.
- (7) The chapters and appendices of the International Existing Buildings Code (IEBC), 2018 edition as published by the International Code Council, together with Amendments and Deletions as set forth in Section 5-11.
- (8) The chapters and appendices of the International Property Maintenance Code (IPMC), 2018 edition as published by the International Code Council, together with Amendments and Deletions as set forth in Section 5-12.

#### 5-1-2 Conflicting Ordinance Repealed

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

#### 5-1-3 Validity

That if any section, subsection, sentence, clause, or phrase of this ordinance is for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

#### 5-1-4 Effect on Existing Rights

- (1) That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5-1-3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.
  - (a) The Town Clerk is hereby ordered and directed to cause this ordinance to be published in compliance with the law.
  - (b) This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage, adoption and publication.

#### 5-1-5 Notwithstanding the adoption of the Town of Ignacio Building Code specified herein, the creation of a Building Department and hiring of a Building Inspector and other personnel, the enumeration in said Town of Ignacio Building Code of certain duties and responsibilities of said official and personnel, nothing in the Town of Ignacio Building Code, the activities of such Department, or the enforcement or failure to enforce the Town of Ignacio Building Code shall be construed to relieve any person owning or constructing a building governed by said Town of Ignacio Building Code from full responsibility and liability for any violations of said Town of Ignacio Building Code or defects in said building, nor shall said adoption, enforcement or failure to enforce be deemed to create any liability on the part of the Town of Ignacio, Colorado, or its officers, agents, servants and employees. Nothing contained herein or in the Building Code is intended to create a private remedy or benefit for particular individuals or class thereof.

## **5-2 Organization and Enforcement**

### **5-2-1 Building Department - Office Created**

The Building Department is created, and the official in charge shall be known as the Town Manager. The Building Department comprises the Building Official, Building Inspector and Permit Technician.

### **5-2-2 Building Official**

A Building Official may be hired by the Town Manager when deemed necessary and construction demand requires this position.

### **5-2-3 Building Inspector**

The Town Manager or Building Official shall hire a Building Inspector who is qualified to complete code compliant building plan reviews and inspections.

### **5-2-4 Building Inspector - Duties**

- (1) The Building Inspector shall receive applications required by the building code, review plans, issue permits and furnish the prescribed certificates. The Building Inspector shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is executed safely. The Building Inspector shall enforce all provisions of the building code. The Building Inspector shall, when requested by a proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on same. To enforce compliance with the law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures, the Building Inspector shall issue such notice or orders as may be necessary.
- (2) Inspections required under the provisions of the building code shall be made by the Building Inspector or duly appointed inspector. The Building Inspector may accept reports of inspectors or reorganize inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- (3) The Building Inspector shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued according to a Retention of Records system approved by the Town Board of Trustees.
- (4) All such records as provided for in this section shall be open to public inspection for good and sufficient reasons at the stated office hours but shall not be removed from the Building Department without the Building Inspectors approval and written consent.

- (5) The Building Inspector shall make verbal reports as needed to the Board of Trustees and written, if requested, including statements of permits and certificates issued and orders promulgated.

#### 5-2-5 Permit Technician

The Town Manager or Building Official shall hire a Permit Technician who is qualified to serve in administrative capacity for the Building Department. A job description shall be prepared for this position detailing the required responsibilities. The Permit Technician and Building Inspector will work closely together to ensure efficient operation of all functions of the Building Department.

### **5-3 Permits, Inspections and Application Procedures**

#### 5-3-1 Permits Required

From and after the effective date of this Code, no person, firm, partnership, or corporation shall erect or construct, or commence the excavation, erection or construction of, or alter or commence the alteration of, any building or structure within the Town of Ignacio, without first obtaining a building permit in accordance with the provisions of this Building Code and Municipal Code Chapter related to Zoning and Land Use.

#### 5-3-2 Application for Permit

Application for a permit shall be made to the Building Department on forms furnished for that purpose.

#### 5-3-3 Building Permits Issuance, Retention, & Expiration

- (1) All applications for building permits shall be submitted to the Building Department for approval. When the Building Inspector is satisfied that the minimum requirements set forth in this Code are met by the applicant, he shall issue the building permit by signing for final approval.
- (2) One set of the approved plans shall be retained by the Building Department for at least ninety (90) days from the date of the completion of the work.
- (3) If the authorized work is not commenced within one hundred eighty (180) days from the date of such permit or if the work is abandoned or suspended for a period of one hundred eighty (180) days, said permit shall expire according to Subsection 105.5 of the International Building Code 2018 edition. A single, one hundred eighty (180) day extension is allowed upon written request of the permit holder.

#### 5-3-4 Fees

A fee is required for each building permit. The fee shall be based on a fee schedule adopted by the Town Board by resolution. The fee schedule shall detail fees for building permits, inspections, refunds, waivers and penalties and any other necessary building related fees.

### 5-3-5 Inspections

Inspections shall be completed for all inspection and coordinated with the Building Department. The codes define specific inspections and the Building Department can modify inspections when deemed necessary.

## **5-4 Building Violations and Penalties**

### 5-4-1 Changes to structure

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the Town of Ignacio or cause the same to be done contrary to or in violation of any of the provisions of said codes defined in Section 5-1-1.

### 5-4-2 Penalties for Violations

Any person, firm or corporation violating any of the provisions of the International Code Council codes, as herein adopted, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of said codes is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine as defined in the Town Board adopted fee schedule.

## **5-5 International Building Code, 2018 Edition**

### 5-9-2 Amendments, additions, and deletions to the International Building Code

- (1) All references to the ICC Electrical Code shall be changed to the latest edition of the National Electric Code (NEC) as adopted by the State of Colorado.
- (2) Section 107.2.6.2 is hereby amended in entirety to read as follows: Section 107.2.6.2 (Improvement Location Certificate or Survey). Prior to the issuance of a Building Permit, the Building Department shall be provided with an Improvement Location Certificate or Survey prepared and signed by licensed Colorado surveyor for the property upon which the subject improvements are to be completed. The Building Inspector may waive this requirement if deemed unnecessary.
- (3) Section 113.1 (General) is hereby amended to read as follows: The Ignacio Town Board or a Board of Adjustments appointed by the Town Board, shall hear and decide appeals of orders, decisions, or determinations made by the Building Department relative to the application and interpretation of the IBC.
- (4) Chapter 13 (Energy Efficiency) is hereby deleted. The adoption of IECC will govern energy efficiency requirements.

## **5-6 International Residential Code, 2018 Edition**

### 5-9-2 Amendments, additions, and deletions to the International Residential Code

- (1) All reference to the ICC Electrical Code shall be changed to the latest edition of the National

Electric Code (NEC) as adopted by the State of Colorado.

- (2) Section 106.1 is hereby amended in entirety to read as follows: Section 107.2.1 (Improvement Location Certificate or Survey). Prior to the issuance of a Building Permit, the Building Department shall be provided with an Improvement Location Certificate or Survey prepared and signed by licensed Colorado surveyor for the property upon which the subject improvements are to be completed. The Building Inspector may waive this requirement if deemed unnecessary.
- (3) Section 113.1 (General) is hereby amended to read as follows: The Ignacio Town Board or a Board of Adjustments appointed by the Town Board, shall hear and decide appeals of orders, decisions, or determinations made by the Building Department relative to the application and interpretation of the IRC.
- (4) Add the following Table:

TABLE 301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load (Pounds)	Roof Snow Load (Pounds)	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Shield Under- layment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
		Wind Speed (mph)	Topographic Effect		Weathering	Frost Line Depth	Termite					
40	40	90	Yes	C	Severe	32	Moderate	4	Yes	Per Town Ordinance	2000	45°

- (5) **Section R313 (Automatic Fire Sprinkler Systems)** Delete in its entirety.
- (6) **R802.10.3 Bracing.** Add a second paragraph as follows:

All trusses shall be supported laterally at all points of bearing by either solid blocking, sheathing, bridging or other approved methods.

Exception: Where the truss heel height is less than four (4) inches.
- (7) Section N1102.4.1.2 Testing. (R402.4.1.2) Single family detached buildings or dwelling units shall be tested and verified as having an air leakage rate of not exceeding three air changes per hour or 0.24 cubic feet per minute at 50 Pascals/square feet of dwelling unit enclosure area.

Attached multifamily buildings or *dwelling units* shall be tested and verified as having an air leakage rate of less than five air changes per hour or 0.30 cubic feet per minute at 50 Pascals/square feet of *dwelling unit enclosure area*.

Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*. During testing:

- a. Exterior windows and doors, fireplace and stove doors shall be closed, but not

- sealed, beyond the intended weather stripping or other infiltration control measures.
- b. Dampers, including exhaust, intake, makeup air, backdraft and flue dampers, shall be closed, but not sealed beyond the intended infiltration control measures.
  - c. Interior doors, if installed at the time of the test, shall be open.
  - d. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.
  - e. Heating and cooling systems, if installed at the time of the test, shall be turned off.
  - f. Supply and return registers, if installed at the time of the test, shall be fully open.

#### **5-7     Residential Mechanical Code, 2018 Edition**

5-7-1 Add the following Sections.

- (1) M1307.7 Securing appliance. Appliances designed to be fixed in position shall be securely fastened in place.
- (2) M1307.1.1 LPG appliances. LPG appliances shall not be installed in a pit or an under floor space which forms a pit.
- (3) M14.1.1 Unvented room heaters. Unvented room heaters must be installed in accordance with Section G2406.
- (4) Add the following new Section:  
**M1401.1.1 Unvented room heaters. Unvented room heaters are prohibited.**

#### **5-8     Residential Fuel Gas Code, 2018 Edition**

5-8-1 Add the following:

- (1) G2406.2 Prohibited Locations. Add item number 5. LPG appliances.
- (2) LPG appliances shall not be installed in a pit or an under floor area which forms a pit.
- (3) G2416.4.1 Test pressure. Delete Section G2416.4.1 and substitute as follows.  
  
The test pressure to be used shall be not less than one and one-half (1.5) times the proposed maximum working pressure, but not less than 10 (10) psig (sixty-nine (69) kPa gauge,) irrespective of design pressure.
- (4) Delete Section G2445 (Unvented Room Heaters) in its entirety and replace with the following:

**SECTION G2445**  
**UNVENTED ROOM HEATERS**  
**G2445.1 Prohibited.** Unvented room heaters are prohibited.

#### **5-9     Residential Plumbing Code, 2018 Edition**

5-9-1 P2501.1 Scope. Add a second paragraph:

The intent of this Code is to meet or exceed the requirements of the State of

Colorado Plumbing Code. When technical requirements, specifications or standards in the Colorado Plumbing Code conflict, the more restrictive shall apply.

5-9-2 Chapters R33 through R43 Delete in their entirety.

5-9-3 The following Appendix Chapters of the International Residential Code are hereby adopted and enforced, or deleted, by the Town of Ignacio, Colorado.

- (1) Appendix Chapter A: Sizing and Capacities of Gas Piping. Adopted
- (2) Appendix Chapter B: Sizing of Vent Systems. Adopted
- (3) Appendix Chapter C: Exit Terminals of Mechanical Draft Systems. Adopted
- (4) Appendix Chapter D: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems - Deleted in its entirety.
- (5) Appendix Chapter E: Manufactured Housing Used as Dwellings. Deleted in its entirety and replaced with the following:

Appendix Chapter E: Manufactured Homes. Manufactured homes are subject to installation permits and standards developed by Colorado Department of Local Affairs Division of Housing's Manufactured Housing Installation Program (MHIP) Installation Handbook. Adopted

- (6) Appendix Chapter F: Radon Control Methods. Delete in its entirety.
- (7) Appendix Chapter G: Piping Standards for Various Applications. Delete in its entirety.
- (8) Appendix Chapter H: Patio Covers. Delete in its entirety.
- (9) Appendix Chapter I: Private Sewage Disposal. Delete in its entirety.
- (10) Appendix Chapter J: Existing Buildings and Structures. Delete in its entirety.
- (11) Appendix Chapter K: Sound Transmission. Delete in its entirety.
- (12) Appendix Chapter L: Permit Fees. Delete in its entirety.
- (13) Appendix Chapter M: Home Day Care – R-3 Occupancy. Delete in its entirety.
- (14) Appendix Chapter N: Venting Methods. Delete in its entirety.
- (15) Appendix Chapter O: Automatic Vehicular Gates. Delete in its entirety.
- (16) Appendix Chapter P: Sizing of Water Piping Systems. Delete in its Entirety.
- (17) Appendix Chapter Q: Tiny Houses. Delete in its entirety.
- (18) Appendix Chapter R: Light Straw-Clay Construction. Delete in its entirety.



- (19) Appendix Chapter S: Strawbale Construction. Delete in its entirety.
- (20) Appendix Chapter T: Solar-Ready Provisions for Detached one- and two-family dwellings and Townhouses. Delete in its entirety.

#### **5-10 International Mechanical Code, 2018 Edition**

##### **5-10-1 Amendments Additions and Deletions to the International Mechanical Code:**

Add the following sections:

- (1) Section 109.2 (Membership of board) is hereby amended to read as follows: The Ignacio Town Board or a Board of Adjustments appointed by the Town Board, shall hear and decide appeals of orders, decisions, or determinations made by the Building Department relative to the application and interpretation of the IMC.
- (2) Section 301.19 Securing appliance. Appliances designed to be fixed in position shall be securely fastened in place.
- (3) Section 303.3.1 LPG appliances. LPG appliances shall not be installed in a pit or an under floor space which forms a pit.
- (4) Section 303.10 Unvented room heaters. Unvented room heaters must be installed in accordance with Section 620 of the International Fuel Gas Code.
- (5) Section 403.2 Separate Facilities is hereby amended by the insertion of Exception 5 to read as follows: Separate facilities shall not be required to be designated by sex where single-user toilet or bathing rooms are provide in accordance with Sec 403.1.2.

#### **5-11 International Plumbing Code, 2018 Edition**

##### **5-11-1 Amendments, Additions and Deletions to the International Plumbing Code:**

Add the following:

- (1) Section 109.2 (Membership of board) is hereby amended to read as follows: The Ignacio Town Board or a Board of Adjustments appointed by the Town Board, shall hear and decide appeals of orders, decisions, or determinations made by the Building Department relative to the application and interpretation of the IPC.
- (2) 101.2 Scope. Add second paragraph as follows:

The intent of this Code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications, or standards in the Colorado Plumbing Code conflict, the more restrictive shall apply.
- (3) Subsection 305.4.1 is hereby amended by the deletion of the words stricken and the addition of the words as follows:

**305.4.1 Sewer depth.** ~~Building sewers that connect to private sewage disposal systems shall be installed not less than [NUMBER] inches (mm) below finished grade at the point of septic tank connection.~~ Building sewers shall be installed not less than 36 inches below grade.

- (4) Subsection 504.7 is hereby amended by the addition of the words as follows:

**504.7 Required pan.** Where a storage tank-type water heater or a hot water storage tank is installed in a location where water leakage from the tank will cause damage, the tank shall be installed in a pan constructed of one of the following:

1. Galvanized steel or aluminum of not less than 0.0236 inch (0.6010 mm) in thickness.
2. Plastic not less than 0.036 inch (0.9 mm) in thickness.
3. Other approved materials.

A plastic pan shall not be installed beneath a gas-fired water heater.

**Exception:** Where the Building Official deems it impractical due to space restrictions to install a pan for a replacement water heater where a drain pan was not previously installed, a water alarm device may be used in lieu of the pan.

- (5) Subsection 903.1 is hereby amended by the deletion of the words stricken and the addition of the words double-underlined to read as follows:

**903.1 Roof extension.** Open vent pipes that extend through a roof shall be terminated not less than ~~[NUMBER]~~ 6 inches (152 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.

## **5-12 International Fuel Gas Code, 2018 Edition**

### **5-12-1 Amendments Additions and Deletions to the International Fuel Gas Code:**

Add the following:

- (1) Section 109.2 (Membership of board) is hereby amended to read as follows: The Ignacio Town Board or a Board of Adjustments appointed by the Town Board, shall hear and decide appeals of orders, decisions, or determinations made by the Building Department relative to the application and interpretation of the IFGC.
- (2) 406.4.1 Test pressure. Delete Section 406.4.1 and substitute as follows.
- (3) 406.4.1 Test pressure. The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than ten (10) psig (sixty-nine (69) kPa gauge, irrespective of design pressure.
- (4) Appendix Chapters A, B, and C of the International Fuel Gas Code are hereby adopted.

## **5-13 International Energy Conservation Code, 2018 Edition**

### **5-13-1 Amendments Additions and Deletions to the International Energy Conservation Code.**

Replace Section R402.4.1.2 in its entirety with the following:

- (1) **Section R402.4.1.2 Testing.** Single family detached buildings or *dwelling units* shall be tested and verified as having an air leakage rate of not exceeding three air changes per hour or 0.24 cubic feet per minute at 50 Pascals/square feet of *dwelling unit enclosure area*.

Attached multifamily buildings or *dwelling units* shall be tested and verified as having an air leakage rate of less than five air changes per hour or 0.30 cubic feet per minute at 50 Pascals/square feet of *dwelling unit enclosure area*.

Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*. During testing:

- a. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures.
- b. Dampers, including exhaust, intake, makeup air, backdraft and flue dampers, shall be closed, but not sealed beyond the intended infiltration control measures.
- c. Interior doors, if installed at the time of the test, shall be open.
- d. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.
- e. Heating and cooling systems, if installed at the time of the test, shall be turned off.
- f. Supply and return registers, if installed at the time of the test, shall be fully open.

#### **5-14 International Existing Building Code, 2018 Edition**

##### **5-14-1 Amendments Additions and Deletions to the International Existing Building Code.**

- (1) Section 111.2 (Membership of board) is hereby amended to read as follows: The Ignacio Town Board or a Board of Adjustments appointed by the Town Board, shall hear and decide appeals of orders, decisions, or determinations made by the Building Department relative to the application and interpretation of the IFGC.

#### **5-15 International Property Maintenance Code, 2018 Edition**

##### **5-15-1 Amendments Additions and Deletions to the Property Maintenance Code.**

- (1) Section 111.2 (Membership of board) is hereby amended to read as follows: The Ignacio Town Board or a Board of Adjustments appointed by the Town Board, shall hear and decide appeals of orders, decisions, or determinations made by the Building Department relative to the application and interpretation of the IFGC.

#### **5-16 Excavation**

(Ordinance 97, August 12, 1985, Ordinance 180, August 8, 1988, Amended by Ordinance 195, April 9, 2002, Ordinance 273, October 13, 2009)

##### **5-16-1 Permit for Work (Ordinance 273, October 13, 2009)**

(1) Right-of-Way Permit Required

It shall be unlawful for any person, other than the Town through its employees or those persons under contract with the Town, to excavate, cut, open, trench or conduct any other work of any type in, on, under, above, upon or within any street, sidewalk, curb, gutter, alley or other public place within the Town without having first obtained a Permit as required by this section. If an emergency occurs when the Town Hall is not open, a permit must be obtained during business hours within 72 hours of the excavation.

It shall be specifically unlawful for any person to conduct any work on or in any way interfere with or alter any Town utility regardless of location without having lawfully requested a utility location and without having received prior permission from the Town to conduct the proposed work.

(2) Private Property Permit Required

It shall be unlawful for any person, whether property owner, contractor with a Business Service License or legal renter to move dirt in preparation for digging, building, or replacing pipes to excavate, cut, open, dig, trench or conduct any other work of any type on, under, above, upon or on private property in the Town with having first obtained a Permit. If an emergency occurs when the Town Hall is not open, a permit must be obtained during business hours within 72 hours of the excavation.

It shall be specifically unlawful for any person to conduct any work on or in any way interfere with or alter any Town utility regardless of location without having lawfully requested a utility location and without having received prior permission from the Town to conduct the proposed work. This is to protect the citizens and town from any accident, as there are gas and water distribution lines that the town maintains.

(3) Violation

It shall be unlawful for any person, firm, or corporation, whether as principal, agent, employee, or otherwise, to violate or cause the violation of any of the provisions of this Ordinance. It is the policy of the Town to work with citizens. If, in the opinion of staff, all reasonable efforts have been used to resolve the issue then the offending party may be ticketed. If the fine is paid in the appropriate time frame, no other action will be taken. If the fine is not paid the party will be cited into Municipal Court by Town Manager or other code enforcement officer. Upon conviction thereof, the guilty party may be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in county jail for a term not exceeding one year. Appeals of any conviction will be taken to District Court.

5-16-2 Application. (Revised 1988, Ordinance 180, December 12, 2000, and Amended by Ordinance 195, April 9, 2002, Amended by Ordinance 243, January 10, 2007)

- (1) Applications for an excavation and work in or use of right-of-way permit shall be made on forms provided by the Town Clerk and shall contain the following information:

- (a) Name and mailing address of applicant.
  - (b) Description of proposed work.
  - (c) Location of proposed work.
  - (d) Reason for work.
  - (e) Estimated square yards of surface excavation linear feet of curb excavation.
  - (f) An affirmation that the applicant agrees to comply with the state underground utility location statute.
  - (g) Monetary Guarantee (See 5-16-10).
  - (h) Insurance certificate.
  - (i) Signature of applicant.
  - (j) Signature of Staff.
- (2) All applications shall be accompanied by a fee of Ten Dollars (\$10.00), appropriate insurance certificates and bonding requirements as required herein and any payment to the Ignacio general fund.

5-16-3 Liability Insurance; Self Insurance (Ordinance 97, August 12, 1985, Amended Ordinance 243, January 10, 2007)

No person shall be issued an excavation or work in or using public right-of-way permit until such person has furnished a Certificate of Insurance, satisfactory to the Town, certifying that such person is insured against claims for damages for personal injury and for property damage which may arise from or out of the performance of the work of such person or any work performed by a subcontractor, and agent, employee or any person directly or indirectly employed by such person or by a subcontractor. Such insurance must insure against collapse, explosive hazard, damage to nearby utilities and underground work by equipment on the street, and must include protection for a period of one (1) year from the date of completion of an excavation or work in or using public right-of-way against liability arising from completed operation. Liability limits shall be at least those limits specified for coverage under the Governmental Immunity Act, C.R.S. 24-10-101 et seq., and each Certificate must provide that notice of not less than ten (10) days be given to the Town prior to cancellation of any such insurance policy. Any public utility company having a net worth in excess of five million dollars (\$5,000,000.00) is not required to comply with the insurance requirements of this section if such utility provides written notice to the Town of the election of such utility to be self-insured and if such utility provides satisfactory proof at the time an application for an excavation permit is made that the utility does in fact have such net worth. Any such certificate furnished by such utility shall further set forth in writing that such utility shall be responsible for and shall hold harmless the Town against all claims and liabilities arising from the making of any excavation pursuant to the provisions of this section which are made by such public utility, its agents or employees, or by any subcontractor of such public utility or by anyone directly or indirectly employed by such public utility or its subcontractor.

#### 5-16-4 Excavation Standards

All persons receiving an excavation permit from the Town shall commence work not later than ten (10) days after the date such permit is issued. Failure to commence work in a timely manner shall cause an automatic revocation of the permit for which no refund of the permit fee shall be granted. A subsequent permit, with appropriate permit fee, shall be required. All work authorized by an excavation permit shall be diligently and continuously performed until completion. All trenches shall be made in compliance with any applicable Federal, State, County, or Town law, ordinance, rule or regulation regarding slope, depth, bracing and other similar requirements.

#### 5-16-5 Safety Standards and Routing of Traffic

All work performed under an excavation permit shall be done in such a manner as will cause the least inconvenience to the continued flow of traffic on the streets of the Town of Ignacio. In no case shall more than one-half ( 1 / 2 ) of the width of any street, alley or other public place be opened or excavated at any one time, and in all cases, one-half (1/2) of such street, alley or other public place shall remain untouched for the accommodation of traffic until the other one-half (1/2) is restored for safe use, unless specifically approved in writing by the Town Manager. Every person making or causing to be made any excavation shall keep the excavation barricaded at all times and, between the hours of sunset and sunrise, shall keep such excavation properly lighted so as to warn all persons thereof. In no case shall excavated material be used as a barricade. In addition, excavation materials shall not be permitted to block any sidewalks, gutters, drainage ditches, culverts or other structures or easements except as specifically permitted herein.

#### 5-16-6 Backfill - Unpaved Locations

Excavations in unpaved locations shall be filled to the actual surface level of the unexcavated portion of the street with approved material. Additional amounts of such material shall be added by the permit holder upon the order of the Manager, as may be necessary to compensate for any irregularity in the surface that may occur due to settling in the area of excavation during the twelve (12) month period next following the completion of the excavation.

#### 5-16-7 Backfill - Paved Locations

Excavation in paved locations shall be filled to fourteen inches (14") below the actual pavement surface with material as specified in 5-12-8. Appropriate base course and asphalt concrete pavement shall then be placed over the excavation as required by the Town of Ignacio engineer. Paving taking place during summer months should be done within five (5) days of the excavation completion. If excavation occurs during cold months paving must be done by June 15th of the same year.

#### 5-16-8 Backfill - Placement

The material used in backfilling shall consist of the original excavated material or other material as required by the Development Standards (See Appendix A) in a finely divided form free from large lumps, large stones, rocks, pieces of old concrete or asphalt pavement, or large wet or gummy masses and must be placed in compacted layers or lifts of six inches (6") each from the

bottom of the trench to the top of the trench. The backfill material must be thoroughly compacted to a minimum of ninety-five percent (95%) of the maximum density as determined by ASTM D-698 through the entire depth of the excavation or trench, with the exception of the top fourteen inches (14"), which must be compacted in accordance with the Paving Specification of the Town of Ignacio. If, in the opinion of the Town, engineering tests are required to verify the amount of compaction, including proctors, the Town may order the tests, which shall be at the expense of the contractor.

#### 5-16-9 Guarantee

Any permit holder is required to correct any work which is found to be incomplete or which contains defective material or defective workmanship for a period of one (1) year from the date such work was completed and accepted by the Town. Should the person required fail to correct incomplete or defective work within ten (10) days of Town notification to such person, the Town may, at its election, complete such work and bill the person for work required to be done by the Town. The permit holder may also be found to be in violation of this ordinance.

#### 5-16-10 Monetary Guarantee

Excavation shall not be made in any Town street or other public place unless required by absolute necessity or due to any emergency. When an excavation is required in a Town street or in a public place, a cash deposit, performance bond, or letter of credit shall be made to the Town of Ignacio based on 110% of the anticipated costs of the required work. A cost estimate shall be provided by the applicant detailing the anticipated costs and must be approved by the Town engineer. This cost estimate must be approved and the monetary guarantee be in place prior to beginning work.

#### 5-16-11 Advance Notices of Improvements

The Town shall endeavor to keep the public informed of proposed street, curb and gutter or sidewalk improvements in order that facilities may be installed prior to the making of such improvements. It is the responsibility of the persons installing the facilities to do so in advance of such improvements whenever possible.