

TITLE III

DEVELOPMENT AND BUILDING REGULATIONS

CHAPTER 1

Building Regulations

Section:

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3-1-1 Adoption and Application of Codes

- A. That certain document, three (3) copies of which are on file in the office of the Town Clerk and which may be inspected during regular business hours and additional copies of which are available for purchase, being marked and designated the International Building Code, 2006 edition, including Appendix Chapters A through K, inclusive, as published by the International Code Council, be and is hereby adopted as the building code of the Town of Olathe, State of Colorado, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of such building code on file in the office of the Town of Olathe are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance. (Ord. 01-03; Ord. 2009-08)

- B. Repealed by Ordinance No. 01-03.
- C. That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Olathe, being marked and designated as the International Mechanical Code, 2006 edition, including Appendix Chapter A, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the Town of Olathe, in the State of Colorado regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Town of Olathe are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance. (Ord.01-03; Ord. 2009-10)
- D. Pursuant to C.R.S. 12-58-104(1)(e), The Colorado Plumbing Code, as adopted by the State Board of Plumbing Examiners and amended from time to time shall apply to all plumbing work within the Town. Plumbing Permit fees shall be as set out in said Code or as otherwise set by the State for the State Plumbing Inspector if such inspection is utilized by the Town.
- E. Repealed by Ordinance No. 01-03.
- F. Repealed by Ordinance No. 01-03.
- G. Repealed. (Ord. 01-03; Ord. 2009-08)
- H. Pursuant to C.R.S. 12-23-104, The National Electrical Code as enforced by the State of Colorado from time to time shall apply to all electrical work within the Town.
- I. That certain document, three (3) copies of which are on file in the office of the Town Clerk and which may be inspected during regular business hours and additional copies of which are available for purchase, being marked and designated the International Energy Conservation Code, 2006 edition, be and is

hereby adopted as the Energy Conservation Code of the Town of Olathe, in the State of Colorado, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of the Energy Conservation Code on file in the office the Town of Olathe, Colorado, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance. (Ord. 2009-07)

- J. That certain document, three (3) copies of which are on file in the office of the Town Clerk and which may be inspected during regular business hours and additional copies of which are available for purchase, being marked and designated the International Residential Code, 2006 edition, including Appendix Chapters A through Q, inclusive, as published by the International Code Council, be and is hereby adopted as the Residential Code of the Town of Olathe, in the State of Colorado, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Town of Olathe, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance. (Ord. 2009-09)

- K. That certain document, three (3) copies of which are on file in the office of the Town Clerk and which may be inspected during regular business hours and additional copies of which are available for purchase, being marked and designated the International Fuel Gas Code, 2006 edition, be and is hereby adopted as the Fuel Gas Code of the Town of Olathe, in the State of Colorado, regulating and governing fuel gas systems and gas-fired appliances in the Town of Olathe; providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of the Fuel Gas Code on file in the office the Town of Olathe, Colorado, are

hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance. (Ord. 2009-12)

3-1-2: Administration

- A. The Town Manager shall be responsible for the enforcement of this Chapter and the Codes adopted herein by reference. He may appoint a Building Official or one or more inspectors who shall enforce, interpret and administer the provisions of this Chapter. The Colorado Plumbing Code and the codes adopted herein by reference. Provided, however, the Electrical Code shall be administered and enforced by the State Electrical Inspector.
- B. Whenever in any of the codes adopted or applied in this Chapter it is provided that anything must be done subject to the approval or discretion of any inspector or official, this shall be construed to give such official or inspector only the discretion to determine whether the rule or standards established by such code have been complied with and no such provisions shall be construed as giving any official or inspector any arbitrary or discretionary power to require conditions not prescribed by said codes or to enforce the code in an arbitrary or discriminatory manner.
- C. The Town and State Electrical Inspector and their designated representatives shall have the right of entry to inspect and enforce the provisions of the Chapter, The Colorado Plumbing Code, The National Electrical Code and any of the Codes adopted herein by reference in accordance with the procedures and provisions of Subsection 104 of the International Building Code 2006 Edition, in addition to any of provisions provided by law. (Ord. 01-03; Ord. 2009-08)
- D. Whenever "Town Manager" is used in this Chapter, it shall be construed to mean any authorized Town officer or employee. (Ord. 01-03)

3-1-3: Deletions and Exceptions to the Codes Adopted by Reference

- A. Repealed. (Ord. 2009-08)
- B. The Town of Olathe shall be exempt from paying the fees imposed by the Chapter of the codes adopted or applied herein.
- C. Repealed. (Ord. 2009-08)
- D. Repealed 3-3-1 (D), and figures 3-1-3 (D) (1) and (2) by Ordinance No. 01-03.

- E. “Administrative Authority” as used in the Colorado Plumbing Code shall mean the State of Colorado, its Plumbing inspector and any authorized Town officer or employee.
(Ord. 01-03)
- F. No permit shall be required to connect mobile homes to natural gas supply when the connection is made by the franchised gas company.
- G. The International Building Code, 2006 Edition, as adopted by reference in Section 1, above, is amended to read as follows: (Ord. 2009-08)
1. Section 105.2 is amended by the addition of the word “Platforms” to Section 105.2, Item 6.
 2. Section 108 is amended by the addition of Subsection 108.7 as follows: No fees shall be required for a building permit obtained for Agricultural Buildings, as defined in Section 202. This agricultural building fee exemption does not include fees for mechanical permits nor does it exempt such structures from getting plumbing and electrical permits.
 3. Section 108.6 is amended to establish a fee refund policy, by the addition of the following: Building permit fees may be refunded at a rate of eighty-five percent (85%) of the building permit fee provided the project for which the permit was issued has not commenced and, or, no inspections have been conducted. No refunds will be made after work has commenced or inspections have been conducted.
 4. Section 109 is amended by the addition of Subsection 109.7 as follows: No inspection shall be required for a building permit obtained for Agricultural Buildings as defined at Section 202. However, this exemption is not an exception to the minimum standards set forth in the International Building Code, 2006 Edition, or to the other requirements for inspections for mechanical, electrical or plumbing.
 5. Section 508, Table 508.3.2 is amended to read: Storage rooms over one-hundred (100) square feet in Group I and H occupancies.
 6. Section 508, Table 508.3.3 is amended by changing the opening clause of Footnote b. to read: Footnote b. Occupancy separation need not be provided for incidental storage areas within all occupancies that comply with the provisions of Section 508.3.2, nonseparated occupancies, except Group I and H if the: (The remainder of Footnote b. remains unchanged.)

7. Table 602 is amended by the addition of Footnote f. to E occupancies. Footnote f. Group E day care occupancies that accommodate twelve (12) or fewer persons shall have fire resistive ratings as required for Group R-3 occupancies.
 8. Section 1704.1 is amended to change the last sentence of the first paragraph to read: These inspections are to include the inspections specified in Section 109. (Ord. 01-03; Ord. 2009-08)
- H. The International Residential Code, 2006 Editions, is amended as follows: (Ord. 2009-09)

Section R 108.2 Insert:

- New Residence: \$85.00 per square foot
- New Commercial: Use ICC Building Valuation Data
- New Porch: \$15.00 per square foot
- New Covered Enclosed Porch: \$20.00 per square foot
- New Carport: \$25.00 per square foot
- New Garage: \$30.00 per square foot
- Remodel: \$42.50 per square foot
- Reroof: \$50.00
- Stucco: \$50.00
- New Fence: \$50.00
- Plan Review is equal to 65% of Building Permit Fee

I. International Mechanical Code, 2006 Edition, is amended as follows:
(Ord. 2009-10)

Section 101.1 Insert: Town of Olathe

Section 106.5.2 Insert: \$50.00 Residential Permit Fee that includes a \$10.00 plan check fee

\$100.00 Commercial Permit Fee that includes a \$20.00 plan check fee

Section 106.5.3 Insert: 2. 80%
3. 80%

Section 108.4 Insert: Misdemeanor, \$300.00, 90 days

Section 108.5 Insert: Less than \$50.00 and no more than \$100.00

J. The International Fuel Gas Code, 2006 Edition, is amended as follows:
(2009-12)

Section 101.1 Insert: Town of Olathe

Section 106.5.2 Insert: \$25.00 for Residential, \$50.00 for Commercial

Section 106.5.3 Insert: 80%, 80%

Section 108.4 Insert: Misdemeanor, \$300.00. 90 days

Section 108.5 Insert: Not less than \$50.00 or more than \$300.00

3-1-4: Appeals

- A. The decision of the Town Manager or his designated official Or inspector under this Chapter may be appealed to the Board of Appeals by filing a written appeal on forms provided by the Town with said official or inspector within fifteen (15) days of the date he renders his decision.
- B. Such appeal should set in full the reasons for the appeal and specify the relief requested. It shall be accompanied by an application fee of \$25.00.

- C. The Inspector shall review the appeal and forward it to the Board of Appeals attaching thereto his written recommendations and reasons for his decision.
- D. The decision of the Board of Appeals shall be final.
- E. The Board of Appeals shall have no authority to grant any variance.

3-1-5: Additional Electrical Regulations

- A. Emergency disconnections: In case of emergency, the Electrical Inspector shall have authority to disconnect or cause the disconnection of any electrical equipment and to enter upon the affected premises if necessary for that purpose.
- B. Rules and Regulations: The Electrical Inspector is hereby authorized to make such additional rules and regulations as may be deemed necessary for the interpretation or administration of this Chapter or for protection of life and property.
- C. Electrical Permit Required:
 - 1. It shall be unlawful for any person to install or Construct electric wires, cables, fittings, apparatus or other electrical fixtures or poles or towers supporting the same, within the Town without procuring an electrical permit for each and every installation or construction job.
 - 2. In order to procure a permit for electrical work covered by this Chapter, the individual shall before beginning any such work submit an application to the Electrical Inspector.
 - 3. If a permit to do electrical work covered by this Chapter is not obtained before such work is started all fees pertaining to the issuance of the required permit shall be doubled but the payment of such doubled fee shall not relieve any party obtaining a permit from complying with the requirements of this Chapter nor from any other penalties prescribed in this Chapter.
 - 4. All applications for permits shall be accompanied by the applicable fee.
 - 5. No permit shall be issued to anyone except electricians licensed in accordance with State law or property owners doing their own work upon their own property if the Electrical Inspector has determined that they are competent to do such work.

- D. Permit Fees: The schedule of permit fees as specified by the State Law shall apply and the applicable fee shall be submitted with application for a permit to the Electrical Inspector unless the Board of Trustees shall provide a separate schedule of fees.
- E. State License Required: It shall be unlawful for any person, firm or corporation to perform any electrical work for which a permit is required except for an owner doing work on his own home, without a State Electrical license.
- F. Inspections:
1. It shall be unlawful for any person to hinder or interfere with the Electrical Inspector in the discharge of his duties.
 2. Upon completion of any electrical work covered by permit the Electrical Inspector shall be notified that such electrical work is ready to inspect and it shall be the duty of the Electrical Inspector or his qualified representative to inspect all such work within twenty four (24) hours after the receipt of such notice if possible. (Saturdays and Holidays are not included).
 3. Upon inspection if the work complies with all the provisions of this Chapter a green OK tag shall be placed at the service entrance or other conspicuous place. If the work is found to be defective, incomplete or other wise not complying, a red tag shall be placed in a conspicuous place and the person doing such work shall be notified for a re-inspection and if work then complies with this Chapter a tag shall be issued.
 4. All tags or labels shall bear the signature of the Electrical Inspector and the date of inspection.
 5. No electric current shall be turned on or connection made for use until final inspection has been made of all work covered by this Chapter and until a certificate of approval is issued provided the Electrical Inspector may issue a temporary permit for use of current during the course of construction or constriction or alterations of any building or other structure and said permit shall automatically expire with the failure to construct the work and install the materials in conformity with the requirements of this Chapter.
 6. On completion of any work in accordance with all the provisions of this Chapter the Electrical Inspector shall issue a certificate of approval.

7. No person shall insulate, sheetrock, lath or otherwise cover from view any work covered by this Chapter that has not been inspected and finally approved by the Electrical Inspector or his qualified representative.
8. All steam and gas fitting, furnace work, plumbing and any "signal" wiring shall be in place before the electrical wiring for light, heat, power or communications is completed and no such wiring shall be considered completed until the work referred to above is in place.
9. Changes after Inspections: In the event any wires, cables, fittings, apparatus or other electrical fixtures are in such a position as to interfere with the completion of the building following the acceptance of said electric work by the Electrical Inspector, the electrical contractor or owner shall notify the Electrical Inspector of any changes in the electrical work after the Electrical Inspector has accepted the original work, and the Electrical Inspector shall re-inspect the electrical construction or installation and shall charge an additional inspection fee for said inspection.
10. Failure to Comply: Any person who fails to promptly correct any defect in his work, after having been duly notified by the Electrical Inspector shall not receive any further permits until defect or defects have been corrected.
11. Repairs or Alterations:
 - a. All electrical work done for repair of damage or deterioration or for alteration or remodeling, or otherwise, shall be done in accordance with the requirements of this Chapter.
 - b. When additional alterations or repairs to a building exceed fifty percent (50%) of the value of the existing structure during any twelve (12) month period, the entire building or structure shall be made to conform to the requirements of this Chapter.
 - c. The Electrical Inspector may require repairs or alterations to electric wiring or fixtures not meeting the requirements of this Chapter to the extent necessary to alleviate conditions hazardous to person or property.
12. Change in Use: It shall be unlawful to change the use any building without notifying the Electrical Inspector and obtaining his approval of the electrical facilities of the building as safe for the new use.

13. Responsibility not assumed by the Town: This Chapter shall not be construed to relieve or reduce the responsibility of any person installing or constructing any electrical wires, cables, fitting, apparatus, appliance or other electrical fixtures, for damage to anyone injured by any defect therein, nor shall the Town or any agent thereof be held liable by reason of the inspection authorized herein, or the certificate of approval issued by the Electrical Inspector.

3-1-6: Violations and Penalties:

- A. It shall be unlawful to violate any provision of this Chapter of The Colorado Plumbing Code, The National Electrical Code or of any of the Codes adopted by references herein. Violations of The Colorado Plumbing Code or The National Electrical Code may also be prosecuted under State law.
- B. Any violation of the provisions of this Chapter of the Codes adopted herein by reference or of The Colorado Plumbing Code or of National Electrical Code is hereby declared to be a nuisance and may be abated in accordance with law.
- C. In addition to any other remedy the Town may have, it may maintain an action in a Court of competent jurisdiction to enjoin any violation of any provision of this Chapter The National Electrical Code, The Colorado Plumbing Code or of the Codes adopted herein by reference.
- D. The Town may refuse to issue any permits required by this Chapter, The Colorado Plumbing Code, or by Codes adopted herein by reference if the applicant is in violation of any provisions of the Chapter, The Colorado Plumbing Code, The National Electrical Code or of the Codes adopted herein by reference.
- E. The following penalty clause contained in the International Building Code, 2006 Edition, is hereby set forth in full and adopted: (2009-08)
 1. Section 113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provision of this code.
 2. Section 113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provision of this code.

Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

3. Section 113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provision of this code or of the order or direction made pursuant thereto.
4. Section 113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.
5. Section 114.1 Stop Work Order Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.
6. Section 114.2 Stop Work Order Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
7. Section 114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.
8. Section 115.1 Unsafe structures and equipment conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, in adequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and

removed or made safe as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

9. Section 115.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
 10. Section 115.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe conditions, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.
 11. Section 115.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
 12. Section 115.5 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2. and Chapter 34. (Ord. 01-03; Ord. 2009-08)
- F. The following penalty clause contained in the International Mechanical Code, is hereby set forth in full and adopted: (Ord. 2009-10)
1. Section 108.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a mechanical system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

2. Section 108.2 Notice of Violation. The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of this, or in violation of a detailed statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
3. Section 108.3 Prosecution of violation. If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
4. Section 108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provision of this code shall be guilty of a misdemeanor, punishable by a fine or not more than Three Hundred Dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
5. Section 108.5 Stop Work Orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation of unsafe conditions, shall be liable for a fine of not less than Fifty Dollars (\$50.00) or more than Three Hundred Dollars (\$300.00).
6. Section 108.6 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent

unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the mechanical system on or about any premises

7. Section 108.7 Unsafe mechanical systems. A mechanical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by the code, is hereby declared as an unsafe mechanical system. Use of mechanical system regulated by the code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

- 7.1 Section 108.7.1 Authority to condemn mechanical systems. Whenever the code official determines that any mechanical system, or portion thereof, regulated by this code has become hazardous to life, health, property, or has become unsanitary, the code official shall order in writing that such system either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective mechanical system after receiving such notice. When such mechanical system is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

- 7.2 Section 108.7.2 Authority to order disconnection of energy sources. The code official shall have the authority to order disconnection of energy sources supplied to a building, structure or mechanical system regulated by this code, when it is determined that the mechanical system or any portion thereof has become hazardous or unsafe. Written notice of such order to disconnect service and the causes therefor shall be given within 24 hours to the owner and occupant of such building, structure or premises, provided, however, that in cases of immediate danger to life or property, such disconnection shall be made immediately without such notice. Where energy sources are provided by a public utility, the code official shall immediately notify the serving utility in writing of the issuance of such order to disconnect.

7.3 8.7.3 Connection after order to disconnect. A person shall not make energy source connections to mechanical systems regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorized the reconnection and use of such mechanical systems. When a mechanical system is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation. (Ord. 01-03; Ord. 200-10)

G. The following penalty clause contained in the International Residential Code, 2006 Edition, is hereby set forth in full and adopted: (Ord. 2009-09)

1. Section R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.
2. Section R113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
3. Section R113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code of the order or direction made pursuant thereto.
4. Section R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or

certificate issued under the provision of this code, shall be subject to penalties as prescribed by law.

5. Section R114.1 Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provision of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent to the person doing the work and shall state the conditions under which work will be permitted to resume.
 6. Section R114.2 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.
- H. The following penalty clause contained in the International Fuel Gas Code, 2006 Edition, is hereby set forth in full and adopted: (Ord. 2009-12)
1. Section 108.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize an installation, or cause same to be done, in conflict with or in violation of any of the provision of this code.
 2. Section 108.2 Notice of violation. The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of work in violation of the provision of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provision of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
 3. Section 108.3 Prosecution of violation. If the notice of violation is not complied with promptly, the code official shall request the legal counsel for the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
 4. Section 108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the

approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of misdemeanor, punishable by a fine of not more than \$300.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

5. Section 108.5 Stop work orders. Upon notice from the code official that work is being done contrary to the provision of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the systems after having been served with a stop work order, except such work as that person is directed to perform to remove a violation of unsafe conditions, shall be liable for a fine of not less than \$50.00 dollars or more than \$300.00 dollars.
6. Section 108.6 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction, restrain, correct or abate a violation, prevent illegal occupancy of a building, structure or premises, or stop an illegal act, conduct, business or utilization of the installation on or about any premises.
7. Section 108.7 Unsafe installations. An installation that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared an unsafe installation. Use of an installation regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe installations are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.
 - 7.1 Section 108.7.1 Authority to condemn installations. Whenever the code official determines that any installation, or portion thereof, regulated by this code has become hazardous to life, health, or property, he or she shall order in writing that such system either be removed or restored to a safe condition. A time limit for compliance with such

order shall be specified in the written notice. A person shall not use or maintain a defective mechanical system after receiving such notice. When such installation is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

7.2 Authority to disconnect service utilities. The code official shall have the authority to require disconnection of utility service to a building, structure or mechanical system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure or service systems of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.

7.3 Connection after order to disconnect. A person shall not make energy source connections to installations regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorized the reconnection and use of such mechanical systems. When an installation is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

3-1-7: Moved buildings and structures: (Ord. 01-03)

A. No modular house, manufactured house, mobile home, factory built housing or structure or any building which is to be moved from another site, may be moved onto any site within the Town unless the following have been obtained in advance from the Town, except for manufactured housing or mobile homes to be stored as inventory on a lawful sales lot.

1. All applicable Town permits, including a building permit or sitting permit required by Chapter III – 2 of the Town Code, a building permit for the required foundation, and purchase of a Water tap and Sewer tap, and any building permit required by the Town's Building Codes.

- B. Such structure must be properly placed upon the foundation constructed in accordance with the permit within 30 days of its placement on the site, and properly connected to water, sewer, or electrical service. Pending final placement the structure shall be safely supported.

- C. Any Mobile home, modular or factory built structure design for use as a residence, which is not properly connected to water, sewer, or electricity, or which is vacant for six months or more, or which uses no water or electrical service for six months or more, shall be removed from this premise, unless properly erected on a permanent foundation.