Title 14

BUILDINGS AND CONSTRUCTION

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ADMINISTRATIVE PROVISIONS

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14.01.030 References to public officials or departments.
A. Whenever there are any references in the Building Code to public officials by title of office held or to particular departments, boards, commissions, bureaus or other agencies of the City, such references shall be taken to refer to the appropriate public officials of the City of Lakewood holding comparable or similar offices in said City of Lakewood, although not designated by the same official title. In any event, the City Manager is authorized to designate and determine the department, public official or agency or other entity having jurisdiction and authority to enforce or to administer this Building Code or any particular part thereof, unless otherwise clearly provided by law or ordinance.

B. Whenever a reference is made to the Building Department, the same shall be taken to mean the department of the City of Lakewood having the jurisdiction and authority to enforce or administer this Building Code, including, but not limited to, building inspection, plan review, contractor registration, environmental control and permit issuance. Whenever the word "Director" is used, said word shall mean the Director of department of the City of Lakewood having jurisdiction and authority to enforce or administer this Building Code. (Ord. O-2019-24 § 4, 2019; Ord. O-2018-6 § 1, 2018; Ord. O-2011-10 § 1, 2011; Ord. O-99-29 § 1 (part), 1999; Ord. O-95-47 § 1 (part), 1995; Ord. O-91-59 § 4, 1991; Ord. O-86-7 § 1, 1986; Ord. O-83-82 § 1, 1983; Ord. O-82-123 § 1, 1982; Ord. O-81-106 § 1, 1981).
14.01.040  **General application.**

Unless otherwise specified herein, the provisions of this Title 14 related to such matters as permits, registration and appeals, shall be generally applicable to each of the individual codes adopted herein. (Ord. O-2018-6 § 1, 2018; Ord. O-2011-10 § 1, 2011; Ord. O-99-29 § 1 (part), 1999; Ord. O-95-47 § 1 (part), 1995; Ord. O-86-7 § 1, 1986; Ord. O-83-82 § 1, 1983; Ord. O-81-106 § 1, 1981).

14.01.050  **Compliance.**

Any person receiving a permit to perform work under the provisions of this Title 14 must comply with all City of Lakewood ordinances and regulations relating to construction or to construction-related activities. (Ord. O-2019-24 § 4, 2019; Ord. O-2018-6 § 1, 2018; Ord. O-2011-10 § 1, 2011; Ord. O-99-29 § 1 (part), 1999; Ord. O-95-47 § 1 (part), 1995).

14.01.060  **Fees.**

A. 1. The City Council shall by resolution establish or modify fees relating to the codes adopted herein. Upon application to the City Manager, the City Manager may waive or reduce said fees if such action will further the economic goals of the City of Lakewood as set forth in Section 3.26.010 of the Lakewood Municipal Code. Said finding shall be made in writing.

2. The government of the United States of America, the State of Colorado and its political subdivisions, school districts and the City of Lakewood, shall be exempt from the payment of fees for work performed on buildings, structures, or equipment owned wholly by such agencies or departments and devoted exclusively to government use.

B.  Permit Fees.  Permit fees shall be paid prior to permit issuance.

C.  Plan review fees.  When submittal documents are required, a plan review fee shall be paid at the time of submitting the documents for plan review. The plan review fees specified in this section are separate fees from the permit fees and are in addition to the permit fees.

D.  Valuation.

1. The estimated determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

2. The Building Official may use as guidelines for determining value or valuation, the building valuation data published by the International Code Council.

E.  Audit of fees.  Fees remitted to the City of Lakewood prior to building permit issuance shall be subject to adjustment in the manner provided in Chapter 3.01 of the Lakewood Municipal Code within three years from the date of the issuance of a Certificate of Occupancy for the project or the date of the final inspection by the City of Lakewood of the project if the actual valuation is either less than or greater than the estimated valuation upon which fee calculations were based.

F.  1. Work commencing before permit issuance. Whenever any work for which a permit is required by this Building Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
2. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee as otherwise required. (Ord. O-2019-24 § 4, 2019; Ord. O-2018-6 § 1, 2018; Ord. O-2011-10 § 1, 2011)
Chapter 14.02

INTERNATIONAL BUILDING CODE

Sections:


Certain provisions of the International Building Code, as indicated herein, are hereby amended.

A. The provisions of Chapter 1 shall include the following amendments:
   1. Subsection 101.1 is deleted.
   2. Subsection 101.4 is deleted.
   3. Subsection 102.6 is replaced with the following:

      102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, the International Existing Building Code, or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

   4. Section 103 is deleted.
   5. Subsection 105.1.1 is deleted.
   6. Subsection 105.1.2 is deleted.
   7. Subsection 105.2 is replaced with the following:
105.2 Work Exempt from Permit. A building permit will not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, pergolas, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. Moveable cases, cabinets, counters, and partitions not over five feet-nine inches in height.
3. Retaining walls not exceeding 30 inches in height, measuring from grade to top of the wall unless supporting a surcharge or impounding flammable liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed 2:1.
5. Private walks and driveways not more than 30 inches above grade and not over any basement or story below and not part of an accessible route.
6. Painting, paper and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery, subject to fire department approval.
8. Window awnings supported by an exterior wall of Group R, Division 3 Occupancies when projecting not more than 54 inches.
9. Shutters, windows, gutters, doors and other minor cosmetic additions not affecting the structure.
10. Roof repairs of less than 100 square feet unless the repair requires removal of mechanical or electrical equipment.
11. Any unforeseen emergency situation whereby the lack of immediate corrective action creates a substantial risk to life, property, health or welfare. Any registered contractor who starts or completes work under this exemption shall obtain the appropriate permit the next business day. Failure to obtain such required permit may be cause for suspension or revocation of the contractor's registration and the permit fee may be doubled.

Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

8. Subsection 105.2.3 is deleted.
9. Subsection 109.2 is replaced with the following:
109.2 Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.

10. Subsection 109.3 is deleted.
11. Subsection 109.4 is deleted.
12. Subsection 110.3.5 is amended by deleting the exception.
13. Subsection 111.2 is replaced with the following:

111.2 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this or other laws that are enforced by the code enforcement agencies, the Building Official shall issue a certificate of occupancy.

14. Subsection 111.3 is replaced with the following:

111.3 Temporary occupancy. A Temporary Certificate of Occupancy may be issued under the following conditions and stipulations:
1. All, partial and/or final inspections on the building shall have been made.
2. On-site improvements such as grading, drainage, parking, sidewalks, landscaping, retaining walls and other features that appear on the approved plans shall be completed.
3. Public improvements such as curb, gutter and sidewalk, street paving, street lighting, landscaping of public way, drainage, structures and all other features that appear on the approved plans shall be completed and accepted.
4. In lieu of completion of any on-site or public improvements as required in 2 or 3 above, the Building Inspection and Engineering Sections may collectively review the circumstances involved and determine the advisability of issuing a Temporary Certificate of Occupancy for a stipulated period of time. The decision to issue a Temporary Certificate of Occupancy will, in addition to the other requirements, be based upon whether sufficient improvements, including but not limited to, drainage improvements, street paving, driveways, and parking areas, have been completed as are necessary for the health, safety and welfare of any users of the property.
5. A stipulation of the Temporary Certificate of Occupancy may be the posting of surety in the form of a Letter of Credit or cash in an amount equal to 150 percent of the total cost of the work to be done at the time the Temporary Certificate of Occupancy is granted. The surety shall be posted for the period of time that the Temporary Certificate of Occupancy is issued. If the work is not completed during the specified time, the surety may be forfeited and used by the City, as necessary, to complete the work. Legal
action may be taken to enforce the terms and conditions that prompted the issuance of the Temporary Certificate of Occupancy.

6. A Temporary Certificate of Occupancy may be issued for any period of time, not to exceed 180 days. The 180-day certificate shall be issued only on the basis of extraordinary need in order to comply with major requirements and it may be renewed by the Building Official upon a showing of continued extraordinary circumstances. Said renewals may be granted for a period not to exceed 90 days.

15. Section 113 is replaced with the following:

Board of Appeals. Persons aggrieved under this Chapter 14.02 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

B. The provisions of Chapter 4 shall include the following amendments:

1. A new subsection 420.7 is added to read as follows:

420.7 Electrical Vehicle Charging: When parking spaces are required to be electric vehicle charging stations (EVCS) capable of supporting future electrical vehicle chargers, they shall be identified on the construction documents. Construction documents shall indicate the location of the proposed EVCS.

420.7.1 Single EVCS required. When only one EVCS space is required, a listed raceway to accommodate a dedicated 208/240-volt branch circuit shall be installed. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of the electric vehicle charger. Construction documents shall identify the raceway termination point. The service panel or subpanel circuit directory shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent device. Electrical vehicle supply equipment shall be installed in accordance with NFPA 70.

420.7.2 Multiple EVCS required. Construction documents shall indicate the raceway termination point and proposed location of future EVCS and electric vehicle chargers. Constructions documents shall also provide information on amperage of future electric vehicle supply equipment, raceway methods(s) wiring schematics and electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have
sufficient capacity to simultaneously charge all electric vehicles at all required EVCS at the full rated amperage of the electrical vehicle supply equipment. Plan design shall be based upon 40-ampere minimum branch circuit. Raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at time of the original construction. Electrical vehicle supply equipment shall be installed in accordance with NFPA 70.

420.7.3 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future electrical vehicle charging as “EV CAPABLE.” The raceway termination location shall be permanently and visibly marked as “EV CAPABLE.”

C. The provisions of Chapter 16 shall include the following amendments:
   1. Subsection 1608.2 is replaced with the following:

      1608.2 Ground snow loads. The ground snow load established for the City of Lakewood is 30 pounds per square foot and is not reducible.

   2. Subsection 1609.3 is replaced with the following:

      1609.3 Basic and Ultimate design wind speed. The basic wind speed for the City of Lakewood is established as 100 mph Vasd and 130 Vult for all structures east of the 10,000 West block and 120 Vasd and 155 Vult for all other structures in all other locations. The ultimate design wind speed, Vult, for use in the design of Risk Category II buildings and structures shall be 138 Vult for all structures east of the 10,000 West block and 166 Vult for all other structures in all other locations. The ultimate design wind speed, Vult, for use in the design of Risk Category III and IV buildings and structures shall be 148 for all structures east of the 10,000 West block and 178 Vult for all other structures in all other locations. The ultimate design wind speed, Vult, for use in the design of Risk Category I buildings and structures shall be 138 Vult for all structures east of the 10,000 West block and 155 Vult for all other structures in all other locations.

   3. Subsection 1609.4 is replaced with the following:

      1609.4 Exposure category. Exposure C shall be used for the design of all structures in the City of Lakewood.

D. The provisions of Chapter 29 shall include the following amendments:
   1. Table 2902.1 add footnote f to read as follows:

      f. Required drinking fountains may be substituted with a water dispenser for an occupant load of 50 or fewer.
E. The provisions of Chapter 30 shall include the following amendments:
   1. A new section 3009 is added to read as follows:

   Section 3009 Permits and Certificates of Inspection.

   3009.1 Permits required. It shall be unlawful to hereafter install any new elevator, moving walk, escalator or dumbwaiter, or to make major alternations to any existing elevator, dumbwaiter, escalator or moving walk as defined in Part XII of the ANSI code, without having first obtained a permit for such installation from the State of Colorado.
   Exception: Permits for conveyances installed within a dwelling unit shall be obtained from the City of Lakewood.

   3009.2 Certificates of inspection required. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by the State of Colorado.
   Exception: Certificate of inspection shall not be required for conveyances within a dwelling unit.

F. The provisions of Chapter 31 shall include the following amendment:
   1. Section 3109 is replaced with the following:


G. The provisions of Chapter 33 shall include the following amendments:
   1. Subsection 3302.2 is replaced with the following:

   3302.2 Manner of removal. Waste materials shall be removed in a manner that prevents injury or damage to persons, adjoining properties and public rights-of-way.

   3302.2.1 Recycling required. For all new buildings, additions, or remodels with a total interior space over 2,500 square feet, or for developments with multiple buildings with a combined total interior space over 5,000 square feet, a construction waste management plan that demonstrates all recyclable concrete, asphalt, untreated wood, metal, and cardboard materials will be donated, reused, or recycled, is required at the time of application for a building permit. The construction waste management plan shall be conspicuously posted on the construction site and labeled containers shall be provided at the construction site for use in capturing recyclable material. Evidence of compliance with the construction waste management plan, such as hauler or recycle center receipts, shall be provided before a Certificate of Occupancy is issued.
2. A new subsection 3303.1.1 is added to read as follows:

3303.1.1 Demolition waste management plan. A demolition waste management plan that demonstrates all recyclable concrete, asphalt, metal materials will be donated, reused, or recycled, and where possible, all remaining materials, such as doors, windows, cabinets, and fixtures, will be recycled, is required at the time of application for a demolition permit. The demolition waste management plan shall be conspicuously posted at the demolition site and labeled containers shall be provided at the demolition site for use in capturing recyclable material. Evidence of compliance with the demolition waste management plan, such as hauler or recycle center receipts, shall be provided before a final inspection is completed.


A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 14.03

INTERNATIONAL SWIMMING POOL AND SPA CODE

Sections:
14.03.020 Purpose of the International Swimming Pool and Spa Code:
14.03.030 Amendments to certain provisions of the International Swimming Pool and Spa Code.
14.03.040 Penalties for violations of International Swimming Pool and Spa Code.


14.03.020 Purpose of the International Swimming Pool and Spa Code:


14.03.030 Amendments to certain provisions of the International Swimming Pool and Spa Code.

Certain provisions of the International Swimming Pool and Spa Code, as indicated herein, are hereby amended.

A. The provisions of Chapter 1 shall include the following amendments:

1. Subsection 101.1 is deleted.
2. Subsection 103 is deleted.
3. Subsection 105.5 is deleted
4. Subsection 105.6 is replaced with the following:

105.6 Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.
5. Section 108 is replaced with the following:

Board of Appeals. Persons aggrieved under this Chapter 14.03 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.
14.03.040 Penalties for violations of International Swimming Pool and Spa Code.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 14.04
INTERNATIONAL MECHANICAL CODE

Sections:
14.04.040 Amendments to certain provisions of the International Mechanical Code.


The purpose of the International Mechanical Code is to provide complete requirements for the installation and maintenance of heating, ventilating, comfort cooling and refrigeration systems. Its subject matter is the regulation of the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances.

14.04.040 Amendments to certain provisions of the International Mechanical Code.
Certain provisions of the International Mechanical Code, as indicated herein, are hereby amended.
A. The provisions of Chapter 1 shall include the following amendments:
   1. Subsection 101.1 is deleted.
   2. Section 103 is deleted.
   3. Subsection 106.5.2 is replaced with the following:

      106.5.2 Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.

   4. Section 109 is replaced with the following:

      Board of Appeals. Persons aggrieved under this Chapter 14.04 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.
B. The provisions of Chapter 5 shall include the following amendment:

1. Subsection 506.3.2.5 is amended to add the following third paragraph:

   An approved smoke test is an acceptable means of testing when the duct is already installed in place. A smoke test shall be performed in the presence of the mechanical inspector by securely capping off both ends of the section of ductwork to be tested. Smoke shall be introduced into the duct by use of a sufficient number of smoke candles to fill the duct with smoke. Sufficient pressure shall then be introduced into the sealed section of duct to force smoke out of any openings. Access to all portions of the duct to be inspected shall be provided for the inspector.

C. The provisions of Chapter 9 shall include the following amendment:

1. A new subsection 928.2 is added to read as follows:

   928.2 Once-through cooling for appliances and equipment. Once-through or single-pass cooling equipment shall be prohibited.


14.04.070 Penalties for violations of International Mechanical Code.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 14.05

INTERNATIONAL PLUMBING CODE

Sections:
14.05.020 Purpose of International Plumbing Code.
14.05.040 Amendments to certain provisions of the International Plumbing Code.
14.05.070 Penalties for violations of Plumbing Code.


14.05.020 Purpose of International Plumbing Code.

The purpose of the International Plumbing Code is to protect the public health and safety by regulation of the installation, alteration or repair of plumbing and drainage systems and providing for the inspection thereof within the City of Lakewood. The subject matter of the code is the installation, alteration or repair of plumbing and drainage systems and the inspection thereof.

14.05.040 Amendments to certain provisions of the International Plumbing Code.

Certain provisions of the International Plumbing Code, as indicated herein, are hereby amended.

A. The provisions of Chapter 1 shall include the following amendment:

1. Subsection 101.1 is deleted.
2. Section 103 is deleted.
3. Subsection 106.6.2 is replaced with the following:

106.6.2 Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.

4. Subsection 106.6.3 is deleted.
5. Section 109 is replaced with the following:

Board of Appeals. Persons aggrieved under this Chapter 14.05 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

B. The provisions of Chapter 3 shall include the following amendment:

1. Subsection 305.4.1 is replaced with the following:
305.4.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below finished grade.

C. The provisions of Chapter 4 shall include the following amendment:
   1. Table 403.1 footnote f is replaced with the following:
      
      f. Required drinking fountains may be substituted with a water dispenser for an occupant load of 50 or fewer.

   2. Subsection 417.3 is replaced with the following:

      417.3 Shower waste outlet. Waste outlets serving showers shall be at least 2 inches in diameter and, for other than waste outlets in bathtubs, shall have removable strainers not less than 3 inches in diameter with strainer openings not less than ¼ inch in minimum dimension. Where each shower space is not provided with an individual waste outlet, the waste outlet shall be located and the floor pitched so that waste from one shower does not flow over the floor area serving another shower. Waste outlets shall be fastened to the waste pipe in an approved manner.

D. The provisions of Chapter 6 shall include the following amendments:
   1. Subsection 603.1 is amended by adding a second paragraph to read as follows:

      The minimum size of the cold-water distribution pipe from the entry to the building to the water heater shall be 1 inch for dwelling units with more than two bathrooms roughed in or complete.

E. The provisions of Chapter 7 shall include the following amendments:
   1. Subsection 706.3 is amended by deleting the exception.
   2. Subsection 706.4 is deleted.
   3. Table 709.1 is amended by changing the minimum size of trap for a shower with a flow rating of 5.7 gpm or less from 1 ½ inches to 2 inches.

F. The provisions of Chapter 9 shall include the following amendments:
   1. Subsection 903.1 is replaced with the following:

      903.1 Roof Extension. All open vent pipes that extend through a roof shall be terminated at least 8 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vents shall be extended at least 7 feet above the roof.

   2. Subsection 909.1 is amended by deleting the exception.
   3. Subsection 915.2 is amended by replacing the first paragraph as follows:

      915.2 Installation. The only vertical pipe of a combination drain and vent system shall be the connection between the fixture drain of a sink, lavatory or drinking
fountain and the horizontal combination drain and vent pipe. The maximum vertical distance shall be 8 feet.

G. The provisions of Chapter 11 shall include the following amendment:
   1. Subsection 1108.1 is replaced with the following:

1108.1 Secondary drains or scuppers. Secondary (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason. The secondary (emergency) drains and scuppers shall be installed with the inlet located 2 inches above the low point of the roof. (Ord. O-2018-6 § 5, 2018; Ord. O-2011-10 § 5, 2011; Ord. O-2006-17 § 3, 2006; Ord. O-2003-20 § 3, 2003; Ord. O-95-47 § 5 (part), 1995; Ord. O-86-7 § 1, 1986; Ord. O-83-82 § 1, 1983; Ord. O-81-106 § 1, 1981).

14.05.070 Penalties for violations of Plumbing Code.
   A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
Chapter 14.06
NATIONAL ELECTRICAL CODE

Sections:
14.06.020 Purpose of National Electrical Code.
14.06.040 Amendments to certain provisions of the National Electrical Code.
14.06.070 Penalties for violations of the National Electrical Code.


14.06.020 Purpose of National Electrical Code.
The purpose of the National Electrical Code is to safeguard persons in buildings and their contents from hazards arising from the use of electricity for lights, heat, power, radio, signaling, and for other purposes. The subject matter of the code is the regulation of electrical conductors and equipment installed within or on public and private buildings and other premises, including yards, carnival and parking lots, and industrial substations; also the conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises; also mobile homes and recreational vehicles.

14.06.040 Amendments to certain provisions of the National Electrical Code.
Certain provisions of the National Electrical Code, as indicated in this section, are hereby amended.
A. The provisions of Annex H shall include the following amendments:
1. Subsection 80.15 is deleted.
2. Subsection 80.19 (D) is deleted.
3. Subsection 80.19 (E) is replaced with the following:

80.19(E) Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.
4. Subsection 80.23 (B) is deleted.
5. Subsection 80.27 is deleted.
14.06.070 Penalties for violations of the National Electrical Code.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 14.07

INTERNATIONAL EXISTING BUILDING CODE

Sections:


The purpose of the International Existing Building Code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings.


Certain provisions of the International Existing Building Code, as indicated herein, are hereby amended.

A. The provisions of Chapter 1 shall include the following amendments:

1. Subsection 101.1 is deleted.

2. Subsection 101.4.2 is replaced with the following:

101.4.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code, the International Fire Code or the International Building Code, or as deemed necessary by the code official for the general safety and welfare of the occupants and the public.

3. Section 103 is deleted

4. Subsection 105.1.1 is deleted.

5. Subsection 105.1.2 is deleted

6. The first paragraph of Subsection 105.3 is replaced with the following:
105.3 Application for Permit. To obtain a permit, the applicant shall file an application in writing on a form furnished by the City of Lakewood for that purpose.

7. Section 108 is replaced with the following:

Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.

8. Section 112 is replaced with the following:

Board of Appeals. Persons aggrieved under this Chapter 14.07 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

B. The provisions of Chapter 4 shall include the following amendment:

1. Subsection 403.8 is deleted

C. The provisions of Chapter 13 shall include the following amendments:

1. Subsection 1301.2 is replaced with the following:

1301.2 Conformance. No building, structure or improvement shall be moved from or into the City, or transported upon any public highway in the City of Lakewood until and unless a building permit to move and set and a transport permit has been obtained therefor and said building structure or improvement complies with the provisions of this section. All such buildings, structures and improvements shall comply with this Code.

1301.2.1 Procedure.

1. Any person who wishes to obtain a building permit, to move and set, in compliance herewith, shall apply at the City of Lakewood, request an inspection of the building, structure or improvement to be moved and set, and file an application for such permit with the Department.

2. The applicant shall submit with an application for said building permit a plot plan, footing and foundation plan and construction plans for any new construction.

3. If the building, structure or improvement is located in the City of Lakewood, all outstanding property taxes shall be paid, and the applicant shall submit with the application a statement from the County Treasurer showing that all past and current taxes have been paid before any permit shall be issued.

4. Upon receipt of the above items, the Building Official shall inspect said building, structure or improvement, and the proposed location where same will be set within the City of Lakewood and upon determining that the proposed development complies with this code and the zoning ordinance, the Building Official shall issue the building permit to move and set. The City Clerk shall issue a transport permit, providing said building complies with the ordinance. The City Traffic Engineer will designate the route to be traveled. The transport permit is good only for the date specified on the permit. The transport permit
will not be issued if 180 days or more have lapsed from the date of inspection by the Building Official.

5. There will be a building permit fee as adopted by City Council resolution to cover costs of investigation and inspection for determining the structural soundness of buildings, structures or improvements to be modified, which fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures or improvements into compliance with the Lakewood Building Code should the building not comply. This fee is not refundable. If buildings, structures or improvements are found in compliance with the Lakewood Building Code, a building permit will be issued at the regular building permit fee.

6. The transport permit provided for in this section shall not be in lieu of any building permits, which may be required by the City of Lakewood.

7. No transport or building permit to move and set shall be issued until the applicant has first obtained any necessary permits from the telephone company, public utilities companies, railroad companies, the Colorado Department of Transportation, and the City Traffic Engineer unless it can be shown by the applicant that these agencies disclaim interest in the matter.

8. No transport or building permit to move and set shall be issued for any building, structure or improvement exceeding 24 feet in width, 20 feet maximum loaded in height, or in excess of 55 feet in length.

9. No person, corporation or company shall transport, move or set any building, structure or improvement in the City of Lakewood until and unless such person, corporation or company shall post with the City of Lakewood a good and sufficient indemnity bond in the amount of Ten Thousand and No/100 Dollars ($10,000.00) in favor of the City of Lakewood and any persons who may suffer damage by reason of such transportation, moving or setting. Such bond shall be made by a surety corporation authorized to do business in this state, and may be issued on an annual basis, but shall not be in excess of such period of time.

D. The provisions of Chapter 7 shall include the following amendments:

1. Subsection 707.2 is amended by deleting exception 3.
2. Subsection 707.3.2 is deleted.

E. The provisions of Chapter 14 shall include the following amendments:

1. Subsection 1401.2 is amended by inserting “March 27, 1972,” in the place designated for the applicable date.
2. Subsection 1401.3.2 is replaced with the following:

1401.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the International Fire Code.

**14.07.070 Penalties for violation of the International Existing Building Code.**

**Code**

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 14.08

INTERNATIONAL ENERGY CONSERVATION CODE

Sections:


The purpose of the International Energy Conservation Code is to adopt and enforce efficiency standards for the construction and renovation of residential and nonresidential buildings. All construction shall conform to the International Energy Conservation Code as set forth in or incorporated by this chapter.


Certain provisions of the International Energy Conservation Code, as indicated herein, are hereby amended.

A. The provisions of Chapter 1 (CE) shall include the following amendments:
   1. Subsection C101.1 is deleted.
   2. Section C107 is replaced with the following:

Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.

3. Section C109 is replaced with the following:

Board of Appeals. Persons aggrieved under this Chapter 14.08 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in chapter 14.12 of the Lakewood Municipal Code.

B. The provisions of Chapter 4 (CE) shall include the following amendment:
   1. A new Section C409 is added to read as follows:

C409 Solar Ready Zone
C409.1 General. A solar ready zone shall be located on the roof of buildings that are oriented between 110 degrees and 270 degrees of true north or have low-slope roofs. Solar ready zones shall comply with sections C409.2 through C409.8.

Exceptions:
1. A building with a permanently installed on-site renewable energy system.
2. A building with a solar ready zone that is shaded for more than 70 percent of daylight hours annually.
3. A building where the licensed design professional certifies that the incident solar radiation available to the building is not suitable for a solar ready zone.
4. A building where the licensed design professional certifies that the solar zone area required by Section C409.3 cannot be met because of extensive rooftop equipment, skylights, vegetative roof areas or other obstructions.

C409.2 Construction document requirements for solar ready zone. Construction documents shall indicate the solar ready zone.

C409.3 Solar ready zone area. The total solar ready zone area shall not be less than 40% of the roof area calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas and mandatory access or set back areas as required by the International Fire Code. The solar ready zone shall be a single area or a smaller separated sub-zone areas. Each sub-zone shall be not less than 5 feet in width in the narrowest dimension.

C409.4 Obstructions. Solar ready zones shall be free from obstructions including pipes, vents, ducts, HVAC equipment, skylights, and roof mounted equipment.

C409.5 Roof loads and documentation. A collateral dead load of not less than 5 pounds per square foot (5 psf) shall be included in the gravity and lateral design calculations for the solar ready zone. The structural design loads for roof dead load and roof live load shall be indicated on the construction documents.

C409.6 Interconnection pathway. Construction documents shall indicate pathways for routing of conduit or piping from the solar ready zone to the electrical service panel or service hot water system.

C409.7 Electrical service reserved space. The main electrical service panel shall have a reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled “For Future Solar Electric.” The reserved space shall be positioned at the end of the panel that is opposite from the panel supply conductor connection.

C409.8 Construction documentation certificate. A permanent certificate, indicating the solar ready zone and other requirements of this section shall be posted near the electrical distribution panel, water heater or other conspicuous location by the builder or licensed design professional.
C. The provisions of Chapter 5 (CE) shall include the following amendment:
   1. Subsection C501.4 is replaced with the following:


D. The provisions of Chapter 1 (RE) shall include the following amendments:
   1. Subsection R101.1 is deleted.
   2. Section R107 is replaced with following:

Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.

   3. Section R109 is replaced with the following:

Board of Appeals. Persons aggrieved under this Chapter 14.08 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in chapter 14.12 of the Lakewood Municipal Code.

E. The provisions of Chapter 4 (RE) shall include the following amendments:
   1. A new Subsection R404.2 is added to read as follows:

R404.2 Electrical Energy Consumption Meter: Each dwelling located in R-2 apartment houses shall have separate electrical meters.

   2. Subsection R402.4.1.2 is replaced with the following:

R402.4.1.2 Testing. Single family detached dwelling units shall be tested and verified as having an air leakage rate not exceeding 3 air changes per hour or 0.24 cubic feet per minute. Attached single family or multifamily dwelling units shall be tested and verified as having an air leakage rate not exceeding 5 air changes per hour or 0.30 cubic feet per minute. Testing shall be conducted in accordance with ASTM E 779, ASTM E 1827 or RESNET/ICC 380 and reported at a pressure of 0.2 inches 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:
   1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed beyond the intended weather stripping or other infiltration control measures;
   2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open. Access hatches to conditioned crawl spaces and conditioned attics shall be open;
4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

3. Subsection R405.4.2 is replaced with the following:

R405.4.2 Compliance report. Compliance software tools shall generate a report that documents that the proposed design complies with Section R405.3.

A compliance report on the proposed design shall be submitted with the application for the building permit. Upon completion of the building, a compliance report based upon the as-built condition of the building shall be submitted to the code official before a certificate of occupancy is issued. Batch sampling of buildings to determine energy code compliance for all buildings in the batch shall be permitted when approved by the code official.

Compliance reports shall include information in accordance with Sections R405.4.2.1 and R405.4.2.2. Where the proposed design of a building could be built on different sites where the cardinal orientation of the building on each site is different, compliance of the proposed design for the purposes of the application for the building permit shall be based upon the worst-case orientation, worst-case configuration, worst-case building air leakage and worst-case duct leakage. Such worst-case parameters shall be used as inputs to the compliance software for energy analysis.

4. Subsection R406.4 is replaced with the following:

R406.4 ERI reference design. Compliance based on an Energy Rating Index analysis requires that the rated design be shown to have an ERI less than or equal to 61.

5. Table 406.4 is deleted.


A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the
violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 14.09

INTERNATIONAL RESIDENTIAL CODE

Sections:


The purpose of the International Residential Code is to adopt and enforce minimum standards to safeguard life or limb, health and public welfare for the construction and renovation of one- and two-family dwellings and townhouses. All construction shall conform to the International Residential Code set forth in or incorporated by this chapter.


Certain provisions of the International Residential Code, as indicated herein, are hereby amended.

A. The provisions of Chapter 1 shall include the following amendments:
   1. Subsection R101.1 is deleted.
   2. Subsection R101.2 is replaced with the following:

   R101.2 Scope. The provisions of the International Residential Code for one- and two-family dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures.

   Exceptions:
   1. Live/work units located in townhouses and complying with Section 419 of the International Building Code shall be permitted to be constructed in accordance with the International Residential Code. Fire Protection must be provided per the International Building Code Subsections 419.5 and 420.5.
   2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the
International Residential Code. Fire protection must be provided per the International Building Code Subsection 420.5.

3. Subsection R102.7 is replaced with the following:

R102.7 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code, the International Existing Building Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

R102.7.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirement of this code, unless otherwise stated. Additions, alteration, repairs and relocations shall not cause and existing structure to become unsafe or adversely affect the performance of the building.

4. Section R103 is deleted.

5. The portion of subsection R105.2 under the heading of “Building” is replaced with the following:

Building:
1. One-story detached accessory structures used as tool and storage sheds, pergolas, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
2. Retaining walls not exceeding 30 inches in height, measuring from grade to top of the wall unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed 2:1.
4. Private sidewalks and driveways not more than 30 inches above grade and not over any basement or story below.
5. Painting, paper, and similar finish work.
6. Prefabricated swimming pools that are less than 24 inches deep.
7. Window awnings supported by an exterior wall of Group R-3 occupancies when projecting not more than 54 inches from the exterior wall and not requiring additional support.
8. Shutters, windows, gutters, doors and other minor cosmetic additions not affecting the structure.
9. Swings and other playground equipment accessory to a one or two family dwelling or townhouse.
10. Roof covering repairs of less than 100 square feet unless the repair requires removal of mechanical or electrical equipment.
11. Decks not over 200 square feet in area that are not more than 30 inches above grade at any point, are not structurally attached to the dwelling, do not serve the required exit door and are not installed over a required emergency escape and rescue opening.
12. Any unforeseen emergency situation whereby the lack of immediate corrective action creates a substantial risk to life, property, health or
welfare. Any registered contractor who starts or completes work under this exemption shall obtain the appropriate permit the next business day. Failure to obtain such required permit may be cause for suspension or revocation of the contractor's registration and the permit fee may be doubled.

6. Subsection R105.2.3 is deleted.
7. A new subsection 106.1.5 is added to read as follows:

R106.1.5 Construction or Demolition Waste Management Plan. For all new buildings, additions, or remodels with a total interior space over 2,500 square feet, or for developments with multiple buildings with a combined total interior space over 5,000 square feet, a construction waste management plan that demonstrates all recyclable concrete, asphalt, untreated wood, metal, and cardboard materials will be donated, reused, or recycled, is required at the time of application for a building permit. In the case of any building demolition, a demolition waste management plan that demonstrates all recyclable concrete, asphalt, and metal materials will be donated, reused, or recycled, and where possible, all remaining materials, such as doors, windows, cabinets, and fixtures, will be recycled, is required at the time of application for a demolition permit. The waste management plan shall be conspicuously posted on the construction site and labeled containers shall be provided at the construction-site for use in capturing recyclable material. Evidence of compliance with the waste management plan, such as hauler or recycle center receipts, shall be provided before a Certificate of Occupancy is issued, or in the case of demolition, before a final inspection is completed.

8. Section R108 is replaced with the following:

Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.

B. The provisions of Chapter 3 shall include the following amendments:
1. Table R301.2 (1) is replaced with the following:

<table>
<thead>
<tr>
<th>Ground Snow Load</th>
<th>Wind Speed d (mph)</th>
<th>Seismic Design Category g</th>
<th>SUBJECT TO DAMAGE FROM</th>
<th>Accumulated snow</th>
<th>Winter design temp</th>
<th>Ice barrier Under-layerment Required i</th>
<th>Flood Hazards</th>
<th>Air Freezing Index j</th>
<th>Mean Annual Temp k</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 PSF</td>
<td>Exposure C</td>
<td>B</td>
<td>Severe</td>
<td>36 inches</td>
<td>12 inches</td>
<td>No</td>
<td>NFIP: July 21, 1972</td>
<td>FIRM: June 17, 2003</td>
<td>532</td>
</tr>
</tbody>
</table>

Footnote d is replaced with the following:

d. The City of Lakewood is located in a “Special Wind Region.” Design wind speed for the City of Lakewood is established as 100 mph Vasd and 130 Vult, 3-second gust for all structures east of the 10,000 West block and 120 Vasd and 155 Vult for all other structures in all other locations.

*Ground snow load is not reducible.
2. Subsection R302.2 is replaced with the following:

R302.2 Townhouses. A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 shall be provided. The cavity of the common wall shall not contain plumbing or mechanical equipment, ducts or vents. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4. Fire walls shall be constructed in accordance with Section 706 of the International Building Code.

3. Subsection R302.4 is amended by deleting exception 5.

4. Subsection R309.5 is replaced with the following:

R309.5 Electric Vehicle Charging: Newly constructed one- or two-family dwellings and townhouses with a dedicated attached or detached garage shall facilitate future installation and use of electric vehicle chargers. For each dwelling unit, a 208/240-volt individual branch circuit or a listed raceway to accommodate a future individual branch circuit shall be installed. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of the electric vehicle charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel or subpanel circuit directory shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent device. Electrical vehicle supply equipment shall be installed in accordance with NFPA 70.

Exception: Additions and alterations to existing one- or two-family dwellings and townhomes constructed per the International Residential Code are exempt from this requirement.

R309.5.1 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future electrical vehicle charging as “EV CAPABLE”. The raceway termination location shall be permanently and visibly marked as “EV CAPABLE”.

5. Section R313 is deleted.

6. Subsection R315.3 is replaced with the following:

R315.3 Location. Carbon monoxide alarms in dwellings shall be installed outside of each separate sleeping area within fifteen feet of the entrance of each sleeping area/room. Where a fuel burning appliance is located within a sleeping area or its attached bathroom, a carbon monoxide alarm shall be installed within the sleeping area.

C. The provisions of Chapter 9 shall include the following amendments:

1. Subsection R905.2.8.3 is replaced with the following:

R905.2.8.3 Sidewall flashing. Base flashing against a vertical sidewall shall be step flashing and shall be not less than 4 inches in height and 4 inches in width and
shall direct water away from the vertical sidewall onto the roof or into the gutter. Where siding is provided on the vertical sidewall, the vertical leg of the flashing shall be continuous under the siding. Where anchored masonry veneer is provided on the vertical sidewall, the base flashing shall be provided in accordance with this section and counterflashing shall be provided in accordance with Section R703.8.2.2. Where exterior plaster or adhered masonry veneer is provided on the vertical sidewall, the base flashing shall be provided in accordance with this section and Section R703.6.3.

2. Subsection R908.3.1 is replaced with the following:

R908.3.1 Recovering versus replacement. New roof coverings shall not be installed without first removing all existing layers of roof coverings down to the roof deck.

Exceptions:

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
2. Metal panel, metal shingle and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs when applied in accordance with Section R907.4.
3. The application of a new protective coating over an existing spray polyurethane foam roofing system shall be permitted without tear-off of existing roof coverings.

3. Subsection 908.3.1.1 is deleted.

D. The provisions of Chapter 10 shall include the following amendment:
   1. Subsection R1004.4 is replaced with the following:

R1004.4 Unvented gas log heaters. Unvented gas log heaters are prohibited.

E. The provisions of Chapter 11 are replaced with the International Energy Conservation Code.

F. The provisions of Chapter 15 shall include the following amendment:
   1. Subsection M1502.4.5.2 is deleted.

G. The provisions of Chapter 24 are replaced with the International Fuel Gas Code.

H. The provisions of Chapter 26 shall include the following amendment:
   1. Subsection P2603.5.1 is replaced with the following:

P2603.5.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below finished grade.

I. The provisions of Chapter 27 shall include the following amendment:
   1. A new subsection P2719.2 is added to read as follows:
P2719.2 Floor drains in structural wood floors. Floor drains installed in structural wood floors shall be full bodied drains with a minimum diameter of 6 inches at the strainer or shall be listed floor sinks.

J. The provisions of Chapter 29 shall include the following amendment:
   1. Subsection P2904 is deleted.

K. The provisions of Chapter 31 shall include the following amendment:
   1. Subsection P3105.1 is amended by deleting the exception.

L. The provisions of Chapter 32 shall include the following amendment:
   1. Table 3201.7 is amended by changing the minimum size of a trap for a shower with a total flow rating of 5.7 gpm or less from 1 ½ inches to 2 inches.

M. The provisions of Part VIII, Chapters 34 through 43 are replaced with the National Electrical Code.

N. The provisions of Appendix E shall include the following amendments:
   1. Subsection AE201.1 Manufactured Home definition is replaced with the following:

   Manufactured Home. Any pre-constructed building unit or combination of pre-constructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for the occupancy by persons for residential purposes, in either temporary or permanent locations and which unit or units are not licensed as a vehicle. Manufactured Homes include, Manufactured Homes built to the HUD standards, and factory-built housing units built to the building code standards adopted by State of Colorado Department of Housing.

   2. Subsection AE201.1 the following definition is added:

   Mobile Homes. (Units Constructed in or before 1976) A pre-HUD home built to the ANSI A-119.1 standard. Such mobile homes may be unlabeled, or for Colorado homes built between 1971 and 1976, possess a State of Colorado Mobile Home Certification label.

   3. Subsection AE304.3.3 is deleted.

O. The provisions of Appendix F shall include the following amendments:
   1. Section AF101 is replaced with the following:

   AF101.1 General. This appendix contains radon control requirements for new construction in the City of Lakewood.

   2. Subsection AF103.4 is replaced with the following:

   AF103.4 Subfloor preparation for basements or enclosed crawl spaces with concrete floors and slab on grade dwellings:
   A layer of gas-permeable material shall be placed under those portions of concrete slabs or subfloors that are (a) within the walls of living spaces and
directly contact the ground and (b) where either new fill material is placed to create a new sub-grade or trenches are used for underground plumbing or depressurization pipes. The gas-permeable layer shall consist of one of the following:

1. A uniform layer of clean aggregate, a minimum of 4 inches thick. The aggregate shall consist of material that will pass through a 2-inch sieve and be retained by a ¼-inch sieve.
2. A uniform layer of sand (native or fill), a minimum of 4 inches thick, overlain by a layer or strips of geotextile drainage matting designed to allow the lateral flow of soil gases.
3. Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire sub-floor area.

3. Subsection AF103.4.1 is deleted.
4. Subsection AF103.4.2 is deleted.
5. Figure AF102 is amended by adding a footnote to read as follows:

   a. The polyethylene sheeting shown in the figure is not required below concrete slabs in basements. The polyethylene sheeting is required in all crawl spaces and shall meet the requirements of Section 103.5.2.

P. The provisions of Appendix H shall include the following amendments:
1. A new subsection AH103.3 is added to read as follows:

   AH103.3 Enclosed Patios. Conditioned, enclosed patios shall be considered a room addition and shall be constructed as required by Chapters 1 through 33 of this code.

2. Subsection AH105.2 is replaced with the following:

   AH 105.2 General. Patio covers shall be supported on piers or other approved foundation systems that extend below frost depth as defined in Table R301.2(1). Enclosed patios as defined in AH102 shall be supported on a continuous foundation system extending below frost depth as defined in Table R301.2(1). Walls shall not be supported on a slab or shallow-depth foundation.

3. Subsection AH106 is deleted.


A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be
required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 14.10
International Fuel Gas Code

Sections:


Certain provisions of the International Fuel Gas Code, as indicated herein, are hereby amended.

A. The provisions of Chapter 1 shall include the following amendments:
   1. Subsection 101.1 is deleted.
   2. Subsection 101.2 is amended by deleting the exception.
   3. Section 103 is deleted.
   4. Subsection 106.6 is replaced with the following:

      106.6. Fees. Fees and valuation for permits required by this Code shall be as specified in Section 14.01.060 of the Lakewood Building Code

   5. Section 109 is replaced with following:

      Board of Appeals. Persons aggrieved under this Chapter 14.10 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

B. The provisions of Chapter 3 shall include the following amendments:
   1. Subsection 303.3 is amended by deleting exceptions 3 and 4
   2. A new Subsection 305.13 is added to read as follows:
305.13 Roof mounted equipment. Equipment or appliances installed on a roof shall be a minimum of 12 inches above the roof on an approved or listed curb or platform.

C. The provisions of Chapter 4 shall include the following amendments:
1. Subsection 404.6 is replaced with the following:

404.6 Underground penetrations prohibited. Gas piping shall not penetrate a building foundation wall below grade. When passing through masonry or concrete exterior walls, gas piping shall be encased in a protective pipe sleeve. The annular space between the gas piping and the sleeve shall be sealed to prevent the infiltration of water.

2. Subsection 404.12 is replaced with the following:

404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 12 inches below grade, except as provided for in Section 404.12.1. Underground plastic gas piping shall be installed a minimum of 18 inches below grade.

3. Subsection 406.4.2 is replaced with the following:

406.4.2 Test pressure. Threaded gas piping shall be tested at 20 psi for a duration of 24 hours. Welded or medium pressure gas piping shall be tested at 60 psi for 24 hours.

D. The provisions of Chapter 6 shall include the following amendments:
1. Subsection 621.1 is replaced with the following:

621.1 Unvented room heaters. Unvented gas burning appliances shall not be installed in any occupied building.

2. Subsection 623.2 is amended by adding an exception to read as follows:

Exception: Commercial cooking appliances installed in accordance with the manufacturer’s specifications for residential installation may be approved by the Building Official.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the
penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 14.11
REGISTRATION OF CONTRACTORS

Sections:
14.11.010 Registrations required.
14.11.020 Registrations required-Exception.
14.11.030 Application information.
14.11.040 Registration approval.
14.11.050 Validity of registration.
14.11.060 Registration fee.
14.11.070 Registration fee refund.
14.11.080 Classification of registration.
14.11.090 Registration classification descriptions.
14.11.100 Upgrading of registration.
14.11.110 Registrant responsibility-General.
14.11.120 Suspension or revocation of registration.

14.11.010 Registrations required.
No person, firm, or corporation shall perform any work or service, or contract with any other person, firm, or corporation or with any governmental entity to perform any work or service for compensation, in or in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, removal, conversion, or demolition of any building or structure in this City of Lakewood or in connection with causing the same to be done, or working within the public right-of-way, where the work done or to be done or caused to be done requires a permit or is regulated by the Building Code, nor shall any permit be issued to any such person, firm, or corporation, unless such person, firm, or corporation shall have first obtained and paid the required registration fee for, and shall keep and maintain in full force and effect by the payment of annual fees, a valid registration authorizing such person, firm, or corporation to conduct work or perform services within the categories set forth in this chapter. The registered contractor is responsible for fulfilling the terms of the permit issued, particularly with reference to meeting all minimum code requirements. The Building Official may issue one building permit to an applicant for a registration before the registration is issued, providing the Building Official has approved the registration application and all moneys have been paid.

14.11.020 Registrations required-Exception.
A. Registrations shall be required for all types of work hereinafter specified and classified.
B. Exception. Upon evidence satisfactory to the Building Official that the applicant is competent to perform as a contractor in the categories in which the work falls, the requirement for a registration may be waived for the following:
   1. Public utility and communication companies and water and sanitation districts and mutual companies when engaged in the installation, operation, and maintenance of equipment which will be used for the production, generation, or distribution of the utility, product or service from their source through the facilities owned or operated by utility companies to the point of the customer service, but not their buildings;
2. An owner acting as a contractor when engaged in the construction of a new R-3 single-family detached, or U occupancy for the owner's personal use. Plumbing, mechanical and electrical work must be performed by registered contractors. There shall be no limit on the number of permits issued for one address. In order to qualify for the exception in this subsection, such owner shall be limited to the construction of no more than one new building of R-3 single-family detached or U occupancy in thirty-six months;

3. An owner acting as a contractor when engaged in the alteration and/or addition(s) to owner occupied R-3 or U occupancies. Owners may also obtain plumbing, mechanical and electrical permits for alterations and additions when approved by the Building Official.

4. An owner of commercial and/or industrial property may perform nonstructural remodeling. A commercial tenant may also perform nonstructural work within their leased space with written permission presented to the City of Lakewood from the owner. All such work must be nonstructural. Work performed in this category may not exceed more than thirty percent of the area of the structure. There shall be no limit to the number of permits issued to the owner per one address per year. Electrical, plumbing, and mechanical work is excluded from this exception. The owner can do the following categories of work when the following requirements have been met:
   a. Plumbing work when the owner or a person directly on owner’s payroll has a valid state master plumber's license,
   b. Electrical work when the owner or a person directly on owner’s payroll has a valid state master electrician's license,
   c. Mechanical work when satisfactory evidence of the competence of the owner or person(s) directly on owner’s payroll is submitted to the Building Official.


14.11.030 Application information.
Applications for registration shall be on such forms and shall contain such information as may be required by the Building Official, and applicants may at any time or from time to time be required to furnish additional information with respect to their qualifications and financial status or other matters relating to or affecting their registrations as may be deemed necessary or desirable by the Building Official or the Board of Appeals. Failure to furnish such information within sixty days or to furnish supplemental information as may be required by the Building Official or the Board of Appeals shall be grounds for denial of registration or revocation of registration. (Ord. O-2011-10 § 11, 2011; Ord. O-86-7 § 1, 1986; Ord. O-81-106 § 1, 1981).

14.11.040 Registration approval.
The Building Official shall review all contractor registration applications. The Building Official has the authority to make the following decisions: approval, approval with restriction, approval with probation, and denial.
   A. All decisions of the Building Official are subject to review by the Board of Appeals.
   B. If the registration is granted on a restricted or probationary basis, the applicant will be advised as to the limits or restrictions of the registration during the period of probation.
   C. The Building Official may at any time during the probationary period request the applicant to appear before him for further review. The Building Official may at any time review the applicant's compliance with the Building Code. At the end of the probationary period, the Building Official will decide whether or not the applicant has satisfactorily met the criteria of the probation and therefore is eligible for unrestricted registration.
D. If the registration is granted on a probationary or restricted basis, or is denied by the Building Official, the applicant may appeal to the Board of Appeals within thirty days of said decision of the Building Official or the applicant may reapply, but no sooner than ninety days from such decision. After two denials, no further application will be accepted for consideration by the Building Official within a year of the second denial. (Ord. O-2011-10 § 11, 2011; Ord. O-86-7 § 1, 1986; Ord. O-81-106 § 1, 1981).

14.11.050 Validity of registration.
Registrations are valid only when the information contained on the application including name, business designation, and address is correct and current and any change is reported within thirty days after making the change or prior to making an application for a building permit.
A. Incorporation or change in incorporation creating a new legal entity shall require a new registration for such entity even though one or more stockholders or directors have a registration.
B. The organization of a partnership or the change in a partnership creating a new legal entity shall require a new registration, even though one or more of the partners are registered.
C. The dissolution of a corporation or partnership which has been registered terminates the registration and no individual or firm may operate under such registration.
D. Registrations are not transferable.
E. A registration shall remain valid until the expiration date on the registration certificate, unless otherwise suspended, revoked or cancelled. Renewal shall be the responsibility of the contractor.

14.11.060 Registration fee.
Persons, firms, or corporations required to be registered shall pay to the City of Lakewood the annual registration fee as adopted by City Council resolution and shall complete the registration application form provided by the City of Lakewood for such purpose. Registrations may be issued for a period of one year to three years at the discretion of the Building Official, and shall by their own terms expire at the end of such term. (Ord. O-2019-24 § 4, 2019; Ord. O-2011-10 § 11, 2011; Ord. O-94-40 § 3, 1994; Ord. O-86-7 § 1, 1986; Ord. O-81-106 § 1, 1981).

14.11.070 Registration fee refund.
In the event of a request for refund of registration fees, twenty-five percent of the fee shall be retained by the City of Lakewood to cover the costs of processing the application for registration. No refund shall be permitted subsequent to the issuance of any permits to the registrant. (Ord. O-2019-24 § 4, 2019; Ord. O-2011-10 § 11, 2011; Ord. O-86-7 § 1, 1986; Ord. O-81-106 § 1, 1981).

14.11.080 Classification of registration.
There shall be various classes of registrations and the holder of each registration shall be authorized to perform within the classification as outlined in Section 14.11.090. Fees and insurance schedules will vary with the class of registration held by the registered contractor. (Ord. O-2011-10 § 11, 2011; Ord. O-86-7 § 1; Ord. O-81-106 § 1, 1981).
14.11.090  

Registration classification descriptions.

Class A  Structural Contractor.

1. Unlimited Commercial. New which includes remodel. May take permits and contract for any type or size of structure, including demolition of any structure. Contractors within this category may operate within all categories subordinate to this category. Registrant may operate as a Class D municipal contractor, subject to restrictions therein and provided the work is performed by competent personnel directly on the registrant's payroll and provided the registrant applied for and received approval to extend the registrant's classification to include each or any of the above.

2. Limited Commercial. New which includes remodel. May take permits and contract for construction limited to two stories, including demolition of these structures. All R occupancies shall be limited to a maximum of four stories. Contractors within this category may operate within all categories subordinate to this category, and may operate as a Class D municipal contractor, subject to restrictions therein and provided the work is performed by competent personnel directly on registrant's payroll and provided the registrant applied for and received approval to extend the registrant's classification to include each or any of the above.

3. Residential. New construction, which includes remodel. May take permits and contract for any structure of Group R-3 or U occupancy, which may include minor demolition in connection with permitted construction. Registrant may also operate as a Class D municipal contractor when such work is in connection with the registrant's permitted construction.

4. Commercial/Residential Remodel. May take permits and contract for any improvements, remodels and repairs, of Group R-3 or U occupancies and commercial or industrial properties. Work performed may not exceed more than 30 percent of the area of the original structure.

5. Special. May take permits and contract for work in one or more of the categories below when such categories are designated on the approved registration:

a. Concrete (includes retaining walls not in the public right-of-way);

b. Demolition (demolish, move or salvage and structure);

c. Drywall-lath plaster;

d. Elevator (electrical work must be performed by a Colorado state-licensed electrician in the employ of this contractor or by a registered electrical contractor);

e. Excavating and grading;

f. Fence;

g. Masonry and fireplace (fireplace may be masonry or mechanical);

h. Roofing and waterproofing;

i. Siding;

j. Sign;

k. Steel-iron-sheet metal;

l. Swimming pool;

m. Framing;

n. Low Voltage;

o. Miscellaneous;

p. Insulation.

The above listed special categories of work may be performed on both residential and commercial properties. Class 5 special contractors may perform work not specifically stated on the registration that is directly related to or in connection with the designated category or categories for which the registration was issued. Except for the simple connection of a sign or small appliance to a prepared electrical source, all electrical work must be performed by either...
a Colorado state-licensed electrician in the employ of the registrant and/or a City of Lakewood-registered electrical contractor. Direct connections to the plumbing systems and/or potable water supply must be made by either a Colorado state-licensed master plumber in the employ of the registrant, or by a City of Lakewood-registered plumbing contractor. Class 5 special contractors may operate as a subcontractor in the type of work for which their registration was approved.

Class B Plumbing Contractor.

Plumbing contractor shall mean any person, firm, partnership, corporation, association or combination thereof who undertakes or offers to undertake for another the planning, laying out, supervising and installing or the making of additions, alterations and repairs in the installation of water supply, waste and vent, building drain and/or sewer, or gas lines. In addition, a Class B plumbing contractor may perform work in the Class C mechanical category and may do work in the public right-of-way provided that registrant is able to comply with requirements for a Class D Municipal registration. In addition to any materials that may be required by this chapter for an application for registration, applicants for a Class B plumbing registration shall provide the following:

1. A copy of the current Colorado State Plumbing Contractor’s License.
2. The name, address, and copy of the current master plumber card of any master plumber employed by the plumbing contractor.

No plumbing permit shall be issued to any plumbing contractor who does not have a valid and effective registration at the time of issuance of such permit; nor shall a plumbing permit be issued to an owner or to any other person or contractor for the performance of work within the City of Lakewood by a plumbing contractor who does not have a valid and effective registration at the time of issuance of such permit; provided, however, that the Building Official may, in the Building Official’s discretion, issue a permit for such work to an owner or contractor upon the specific written condition made a part of such permit that the planning, laying out, supervising, installing, or making of additions, alterations, or repairs in the installation of water supply, waste and vent, building drain and sewer, and gas lines shall be performed by a plumbing contractor having a valid and effective registration under the provisions hereto at the time of the performance of the work under such permit.

Class C. Mechanical Contractor.

May perform all mechanical work. May not perform work in the Class B plumbing category other than installation, modification or repair of gas lines.

Class D. Municipal Contractor.

May take permits and contract for work in the public right-of-way or on private property. This work includes installation of sewer, water, storm drains and service lines and includes excavation and backfilling of trenches or installation of asphalt or concrete paving, curbs, gutters and sidewalks. A Class D municipal contractor will be required to fulfill additional insurance requirements as specified by the City of Lakewood. The issuance of permits to work in the public right-of-way is subject to collateral requirements as established by City of Lakewood ordinances covering such work.

Class E Electrical Contractor.

Electrical contractor shall mean any person, firm, partnership, corporation, association or combination thereof who undertakes or offers to undertake for another the planning, laying out, supervising and installing or the making of additions, alterations and repairs in the installation of wiring apparatus and equipment for electrical light, heat and power. It is unlawful for any electrical contractor, as defined in this section, to undertake or offer to undertake for another the planning, laying out, supervising, installing or making of additions, alterations or repairs in the installation of wiring apparatus and equipment for electrical light, 

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heat or power, unless such electrical contractor shall be registered with the City of Lakewood pursuant to the terms and provisions of the ordinance codified in this chapter, and unless such registration is then currently effective and in good standing, and not suspended, revoked, terminated or expired.

In addition to any materials that may be required by this chapter for an application for registration, applicants for a Class E Electrical registration shall provide the following:

1. A copy of the current Colorado State Electrical Contractor’s License Certificate.
2. The name, address, and copy of the current master electrician card of any master electricians employed by the electrical contractor.

No electrical permit shall be issued to any electrical contractor who does not have a valid and effective registration at the time of issuance of such permit; nor shall an electrical permit be issued to an owner or to any other person or contractor for the performance of work within the City of Lakewood by an electrical contractor who does not have a valid and effective registration at the time of issuance of such permit; provided, however, that the Building Official may, in the Building Official’s discretion, issue a permit for such work to an owner or contractor upon the specific written condition made a part of such permit that the planning, laying out, supervising, installing, or making of additions, alterations, or repairs in the installation of wiring apparatus and equipment for electrical light, heat or power shall be performed by an electrical contractor having a valid and effective registration under the provisions hereto at the time of the performance of the work under such permit. (Ord. O-2019-24 § 4, 2019; Ord. O-2011-10 § 11, 2011)

14.11.100 Upgrading of registration.

Registered contractors wishing to upgrade their registration to a higher classification must submit a new application and any other information deemed necessary by the Building Official. Such new registration, if approved, will then be in force for a period of one year to three years at the discretion of the Building Official. No credit shall accrue toward the new classification fee for the unused term of the original registration. (Ord. O-2011-10 § 11, 2011)

14.11.110 Registrant responsibility-General.

All registrants shall be responsible for work requiring a permit under the provision of the Building Code and for all the items as herein listed in this section:

A. To provide minimum required safety measures and equipment to protect workmen and the public as prescribed by the Building Code and other applicable local, state and federal regulations;
B. To present the registration certificate when requested by the Building Official or authorized representative;
C. To obtain a permit when required;
D. To construct, without substantial departure from or disregard of the drawings and specifications on file with the City and approved by the Building Official and permit issued for the same unless such changes are approved by the Building Official;
E. To complete all work authorized on the permit issued under the authority of the Building Code unless good cause is shown for non-completion;
F. To obtain inspection services when required by the Building Code;
G. To pay any fee assessed under authority of the Building Code; and
H. To comply with any order issued under authority of the Building Code. (Ord. O-2011-10 § 11, 2011)
14.11.120 Suspension or revocation of registration.

A. Authority. The Building Official may suspend or revoke a registration when the registrant (including partners of a partnership, members of a firm or joint venture, or officers, directors or holders of ten percent or more of the stock of a corporate registrant) commits one or more of the following acts or omissions:

1. Failure to comply with any of the registrant’s responsibilities as outlined in this Title 14;
2. Knowingly combining or conspiring with any other person, firm or corporation to permit or allow the registration to be used by such persons, firms or corporations;
3. By acting as agent, partner, associate or in any other capacity with persons, firms or corporations to evade any provision of the Building Code;
4. Violation of the provisions of the Building Code;
5. Any conduct or activity made unlawful by the laws of the United States, the State of Colorado, or the ordinances of the City of Lakewood having any bearing upon, or relation to, the work or services performed under the registration or the conviction of or a plead of “nolo contendere” to any felony or offense involving moral turpitude, providing the provisions of C.R.S. 1973, Section 24-5-101 shall be applicable with respect to consideration of felony matters;
6. Any conduct constituting fraud or misrepresentation in or connected with any activity or activities relating to building or which are governed by this code;
7. Failure to keep and maintain necessary insurance, workmen’s compensation or necessary state registrations and licenses.
8. The registration of an electrical contractor shall automatically be suspended upon the suspension by the State Electrical Board of a license held by the electrical contractor as an entity or of a member of a firm or joint venture, or an officer, director, or holder of ten percent or more of the stock of a corporate registrant. The registration shall be cancelled upon the revocation of any such license by the State Electrical Board.
9. The registration of a plumbing contractor shall automatically be suspended upon the suspension by the State Plumbing Board of a license held by the plumbing contractor as an entity or of a member of a firm or joint venture, or an officer, director, or holder of ten percent or more of the stock of a corporate registrant. The registration shall be cancelled upon the revocation of any such license by the Examining Board of Plumbers.

B. Procedure. When any of the acts or omissions as herein enumerated are committed by a registrant and the Building Official deems that such registration shall be suspended or revoked, the procedure shall be as follows:

1. The registrant shall be notified, in writing, by certified mail, mailed to the registrant’s address of record with the Building Official, at least seven days prior to suspension or revocation;
2. Upon receipt of the notice, the registrant may request a hearing. Such request shall be in writing to the Building Official within ten days of mailing of the notice. A request for a hearing shall not stay any suspension or revocation imposed;
3. If a hearing is requested by the registrant in writing, within the time limits above, the Building Official shall set a time, date and place and so notify the registrant;
4. When a hearing is conducted, the registrant and other interested parties may be in attendance. Upon completion of the hearing, the Building Official may take all evidence admitted under advisement and shall notify the registrant of the findings and ruling in writing by certified mail;
5. If the decision rendered by the Building Official is adverse to the registrant, the registrant may appeal to the Board of Appeals as an “aggrieved” person and shall file an application for review by the Board of Appeals within thirty days after mailing of notice of the ruling of the Building Official. Appeals shall be in accordance with provisions of Chapter 14.12;
6. Should the Board of Appeals be called upon to review a decision of the Building Official, it shall conduct a hearing and set forth its findings and decisions in writing. Decision of the Board shall be made after notice and a hearing at which any party or applicant shall be entitled to appear and present evidence and be represented by counsel. Review from a decision of the Board of Appeals shall be as provided for in Rule 106 of the Colorado Rules of Civil Procedure, and shall be limited to the causes therein specified. Such appeal shall not delay the suspension or revocation. A record of the hearings before the Board shall be kept, whether by electronic transcription, secretarial minutes or otherwise, and such records shall be kept in the custody of the Building Official and shall be made available for transcription as may be required. Both the aggrieved party and the City shall be considered parties to every proceeding of this type before the Board of Appeals and the appeal procedures referred to above are available to the aggrieved party and the City of Lakewood;

7. Emergency Suspension. If the Building Official finds that an emergency exists which is cause for suspension or revocation of a registration, the Building Official may enter an order for immediate suspension of such registration, pending further investigation and proceedings for suspension or revocation as herein provided. The registrant may, upon notice of such suspension, request an immediate hearing before the Building Official. (Ord. O-2019-24 § 4, 2019; Ord. O-2011-10 § 11, 2011)
Chapter 14.12

BOARD OF APPEALS

Sections:
14.12.010 Creation and appointment.

14.12.010 Creation and appointment.
There shall exist in the City a Board of Appeals consisting of seven members appointed by
the City Council, except that all members heretofore appointed to the Board of Appeals
holding office on the effective date of the ordinance codified in this title shall continue to hold
office until the expiration of their terms. Members shall be appointed for a term of three years.
Members must be qualified by experience and training to pass upon matters pertaining to
building construction. In the event of the resignation, death, or retirement of any member, or
removal of a member for good cause, a replacement shall be designated by City Council. If a
replacement is designated, it shall be for the unexpired portion of the three-year regular term
and not for a full three-year term. When the term of office of a regular member or alternate
expires, a replacement shall be designated by City Council. The appointed member shall
serve a full three-year term.

A. The Board of Appeals shall annually elect a chairman from the regular members who
shall preside over all hearings and proceedings of the Board. The chairman may designate a
member of the authority to assume the duties in the chairman’s absence.

B. The Building Official or authorized representative shall function as Secretary and staff
advisor to the Board of Appeals and shall not vote on any matter coming before the board.
(Ord. O-2011-10 § 12, 2011; Ord. O-2006-17 § 12, 2006; Ord. O-86-7 § 1, 1986; Ord. O-82-9
§ 1, 1982; Ord. O-81-106 § 1, 1981).

The Board of Appeals shall have the following authority to hear and decide appeals from
any order (or the failure to issue an order when one is called for), requirement, decision, or
determination made by the Building Official or authorized representative or other
administrative official in the following areas:

A. To interpret the provisions of this title;

B. To grant relief in the application of the codes adopted by Title 14 of the Lakewood
Municipal Code, providing the Board determines the applicant demonstrates all of the
following:

1. The appeal was filed within the time allowed in subsection (F) of this section;

2. The strict application of the code is impractical or serves no useful purpose in its
application to this case;

3. The relief is in conformity with the intent and purpose of the code;

4. The relief does not lessen any fire-protection or health and safety requirements or any
degree of structural integrity; and,

5. The material, method or work offered is, for the purpose intended, comparable to that
prescribed in the code in suitability, strength, effectiveness, fire resistance, durability, safety
and sanitation.
C. To hear appeals from the decision of the Building Official regarding contractor registrations as follows:
   1. To review and decide upon all appeals of decisions made by the Building Official on contractor registrations in the City of Lakewood;
   2. To review and approve rules, regulations, and procedures relating to contractor registrations;
   3. To conduct appellate hearings in the event the Building Official exercises authority to deny the issuance of a registration or to revoke or suspend an existing registration;
   4. To conduct appellate hearings in the event the Building Official exercises authority to deny the issuance of a registration or to revoke or suspend an existing registration;
   5. To conduct appellate hearings in the event the Building Official exercises authority to deny the issuance of a registration or to revoke or suspend an existing registration;
   6. To conduct appellate hearings in the event the Building Official exercises authority to deny the issuance of a registration or to revoke or suspend an existing registration;
   7. To conduct appellate hearings in the event the Building Official exercises authority to deny the issuance of a registration or to revoke or suspend an existing registration;

D. Any decision made by the Board as a result of an appeal shall apply only to that applicant.

E. Limitations of authority. The Board of Appeals shall have no authority relative to the interpretation of administrative provisions of these codes.

F. An appeal by an aggrieved party from any determination, action, or failure to act by the Building Official shall be filed by the aggrieved party within fourteen days from said determination. Failure to file said appeal within fourteen days shall be a waiver of any further right of appeal. The filing of an appeal shall not prevent the issuance of a building permit for other construction that is not the object of the appeal.

G. In addition to the appellate responsibilities to be exercised in accordance with the procedures set forth in this section, the Board of Appeals shall have the following responsibilities:
   1. To review additions, changes or amendments which may be proposed to be made in these codes and advise the City Council with respect to the desirability and necessity for any such changes, particularly with reference to local conditions prevailing in the City of Lakewood and the Denver metropolitan area;
   2. To review, without further direction of the Council, all proposed amendments to the Building Code or any code adopted by this title, and make recommendations to the City Council with respect thereto;
   3. To receive proposals for amendments to the Building Code from the Building Official and any person, firm, corporation, or association, and to make recommendations to the Council with respect to the Building Code;
   4. To receive recommendations of the fire authorities having jurisdiction in the City of Lakewood and Police Department regarding amendments to the Building Code;
   5. To call upon and receive expert opinions with respect to the broad spectrum of building matters, particularly as related to proposed amendments to the Building Code.


All decisions of the Board of Appeals shall be in writing and shall state the reasons and grounds for such decision.

A. Decisions of the Board shall be made after notice and a hearing at which any party or applicant shall be entitled to appear and present evidence and be represented by counsel. Copies of all such decisions shall be mailed to all parties in interest and to the City Attorney within five days of the making of such decision, by first class mail, postage prepaid, to the address of each party in interest as the same appears in the records of the Board of Appeals, and to the City Attorney at the Lakewood Municipal Building. The decisions of the Board of Appeals shall be final and there shall be no further administrative review.
B. Decisions of the Board of Appeals shall be subject to review by court action, in accordance with Rule 106 of the Colorado Rules of Civil Procedures and should be limited to the causes stated herein. Any application for review must be filed in the District Court, not later than thirty days from the final action of the Board of Appeals.

C. The City of Lakewood shall be considered to be a party to every proceeding before the Board of Appeals, and the City of Lakewood shall have thirty days following any decisions within which to initiate proceedings for the appeal or review of any such decision, and shall be barred from appeal or review of the same if proceedings are not commenced within such thirty-day period. (Ord. O-2019-24 § 4, 2019; Ord. O-2011-10 § 12, 2011; Ord. O-86-7 § 1, 1986; Ord. O-81-106 § 1, 1981).


A record of hearings before the Board of Appeals shall be kept, whether by electronic transcription, secretarial minutes, or otherwise and such records shall be kept in the custody of the City Clerk and shall be made available for transcription as may be required. (Ord. O-2011-10 § 12, 2011; Ord. O-86-7 § 1, 1986; Ord. O-81-106 § 1, 1981).
Chapter 14.13

PUBLIC IMPROVEMENTS

Sections:

14.13.010 Application and authority.
14.13.030 Land uses.
14.13.050 Standards and conditions for construction of public improvements.
14.13.080 Collateral.
13.13.100 Default of, or noncompliance with, public improvements agreement.

14.13.010 Application and authority.
Every application for a zoning change, special use permit, final plat, building permit, modification to an approved official development plan for a planned development district, or modification to an approved site plan shall be reviewed by the city to determine whether the applicant, the land which the applicant desires to develop, and other facts contained in or relating to the application, are in full compliance with the provisions of this chapter, the zoning ordinance, the subdivision ordinance, and all other applicable ordinances, rules and regulations of the city relating to zoning, special use permits, platting, construction, site plans, drainage, and public improvements. If the city determines that there is noncompliance with said provisions, the city shall so inform the applicant, and no further processing of the zoning change, special use permit, platting, building permit, or modification application shall occur until such time as the city determines that the application is in full compliance with said provisions. Whenever the term “applicant” is used in this chapter, it shall mean the “owner of land proposed to be developed and/or his authorized agent.” Unless the context indicates otherwise, whenever the term “modification” is used in this chapter, it shall mean a modification to an approved official development plan for a planned development district and/or a modification of an approved site plan. (Ord. O-94-40 § 4, 1994; Ord. O-84-105 § 1 (part), 1984).

A. Public Improvements Defined. “Public improvements” shall be defined as those rights-of-way, easements, access rights, and physical improvements which, upon formal acceptance by the city, shall become the responsibility of the city for ownership and/or maintenance and repair, unless otherwise provided, and shall include, but not by way of limitation, the following: curb and gutter, asphalt pavement, concrete pavement, streets of all types, survey monuments, pavement stripping, sidewalks, pedestrian/bike paths, traffic signals, street lights, highways, freeways, rights-of-way, easements, access rights, construction plans, medians, bridges, acceleration and deceleration lanes, culverts, storm drainage facilities including necessary structures, channels, water lines, sanitary sewer lines, and all other improvements, which upon acceptance by the city, are intended to be for the use of and enjoyment of the public.
B. Review. Applications for zoning changes, special use permits, final plats, building permits, and modifications shall be reviewed by the City Engineer in accordance with the provisions contained in this chapter to determine if the dedication, acquisition, installation, construction, or reconstruction of public improvements is necessary. The need for all public improvements shall be based upon a consideration of the following factors:

1. The need to insure that the health, safety and welfare of the public will be maintained;
2. A determination as to whether public improvements are necessary to serve the area in which the development is to occur;
3. Existing or potential development of the surrounding area;
4. The zoning use involved.

C. The City Council may by resolution adopt policies to provide guidelines on the need for public improvements.

D. Public Improvements Agreement. If the City Engineer determines that the applicant's zoning change, special use permit, final plat, building permit, or modification application creates the need for the dedication, acquisition, installation, construction, or reconstruction of public improvements, then, after such determination has been made, the applicant shall enter into a public improvements agreement prior to the city's approval of the zoning change, special use permit, final plat, building permit, or modification application. The public improvements agreement shall be in a form determined by the city, and shall provide for the dedication and/or construction of necessary public improvements by the applicant. In some instances the city may wish to postpone the actual execution of the public improvements agreement until further development of the property, in which case the city shall make it clear by resolution, ordinance or otherwise that the approval of the zoning change, special use permit, final plat, building permit, or modification application is conditioned upon the dedication and/or construction of the required public improvements.

1. Zoning Changes. Every application for a zoning change shall be reviewed by the City Engineer in accordance with the provisions of this chapter and the ordinances and regulations of the city to determine if public improvements are necessary as a condition of the approval of the zoning change.

2. Special Use Permit. Every application for a special use permit shall be reviewed by the City Engineer in accordance with the provisions of this chapter and the ordinances and regulations of the city to determine if public improvements are necessary as a condition of the approval of the special use permit.

3. Final Plat. Every application for a final plat shall be reviewed by the City Engineer in accordance with the provisions of this chapter and the ordinances and regulations of the city to determine if public improvements are necessary as a condition of the approval of a final plat. If the applicant is a party to an existing public improvements agreement for land which is being replatted, the City Engineer may in his discretion require an amendment to said agreement to provide for additional or other public improvements necessary to serve the land to which the new application for a final plat applies.

4. Building Permits. Every application for a building permit shall be reviewed by the City Engineer to determine if the applicant is already a party to a current and valid public improvements agreement providing for public improvements necessary to serve the land to which the application for a building permit applies.
a. If the applicant is a party to a current and valid public improvements agreement and it is determined that the agreement was executed less than two years prior to the date that the building permit application is filed and the applicant provides all collateral required by the agreement, then the Building Official shall issue the building permit if all other requirements as set forth in this code are met, and shall incorporate said public improvements agreement into said permit by reference. If, however, it is determined that the public improvements agreement was executed more than two years prior to the date that the application for a building permit is filed, the application shall be reviewed by the City Engineer to determine if additional improvements are necessary to serve the land to which the application for a building permit applies, in which case the applicant shall enter into a new or amended public improvements agreement prior to the issuance of a building permit.

b. If the applicant is not a party to a current and valid public improvements agreement and the City Engineer determines that public improvements are made necessary by the proposed construction of the anticipated use thereof, the City Engineer shall so inform the Building Official, and no building permit shall be issued until the applicant has entered into a public improvements agreement for the dedication, acquisition, installation, construction, or reconstruction of said improvements as required by the provisions of this code.

5. Modifications. Every application requesting a modification to an approved official development plan for a mixed use district and every application requesting a modification of an approved site plan shall be reviewed by the City Engineer in accordance with the provisions of this chapter and the ordinances and regulations of the city to determine if the modification necessitates the need for new, additional or other public improvements.

6. This chapter recognizes that in some instances the specific requirements of this code as they relate to the terms and conditions of public improvements agreements cannot be imposed with strict precision given the varying factual circumstances of individual cases. Therefore, in those instances where it is necessary to make minor modifications, variances and/or waivers of specific public improvements requirements, the City Engineer may do so.

7. Every public improvements agreement shall be acknowledged and signed by the owner of the land proposed to be developed and/or his duly authorized agent. An agent, signing the public improvements agreement, must give adequate assurance to the city that he or she has the clear and explicit authority to act on behalf of the owner. (Ord. O-88-66 §§ 1, 2, 1988; Ord. O-88-19 § 1, 1988; Ord. O-84-105 § 1 (part), 1984).

14.13.030 Land uses.

The property use in every proposed development shall be reviewed by the City Engineer to determine if public improvements are necessary as defined in Section 14.13.020(B). If the proposed development makes the acquisition, installation, construction, or reconstruction of public improvements necessary, such improvements shall be acquired, installed, constructed or reconstructed in accordance with the following:

A. Policies adopted by City Council resolution;

B. All public improvements required must be acquired, installed, constructed or reconstructed immediately unless waived or deferred in accordance with policies adopted pursuant to Section 14.13.020(C);
C. If the City Engineer determines that only a portion of the necessary public improvements should be dedicated and/or constructed immediately, then the remainder shall be dedicated and/or constructed when additional building permits are issued or at a time determined appropriate by the City Engineer consistent with the policies described in Section 14.13.020(C);

D. The City Council shall retain the option of seeking creation of a special improvement district in accordance with the provisions of Section 10.1 of the City Charter and other applicable city ordinances and regulations. (Ord. O-88-66 § 3, 1988; Ord. O-84-105 § 1 (part), 1984).


A. Initially the Planning Director, and Public Works Director, and subsequently Planning Commission, shall hear and decide appeals from any order, decision, or determination made by the City Engineer which relates to the requirements for public improvements in connection with the application for a zoning change, special use permit, final plat, or modification to an approved official development plan.

B. If an applicant applies for a building permit on land which will not be considered by the city for a zoning change, special use permit, final plat or modification of an official development plan and for which no public improvements agreement is in existence, the applicant shall have the right of appeal to the Planning Director, and Public Works Director either before signing a public improvements agreement or after signing a public improvements agreement. If the applicant chooses to appeal prior to signing a public improvements agreement, no building permit shall be issued until there has been a final determination on the appeal and a public improvement agreement, if applicable, has been signed by the applicant. If the applicant chooses to sign a public improvements agreement and obtain a building permit prior to appeal, the applicant shall have ten calendar days after signing said public improvements agreement to appeal in writing the improvements required by the City Engineer to the Planning Director, and Public Works Director.

C. An expeditious and informal appeal to the Planning Director, and Public Works Director is a prerequisite to an appeal to the Planning Commission. The Planning Director, and Public Works Director shall hear the appeal within twenty calendar days after receipt of a completed appeal application. The Planning Director, and Public Works Director shall make a written decision which shall be mailed to the applicant within fifteen calendar days of said hearing.

D. The Planning Director, Public Works Director shall have the authority to defer on the basis of written city policy or waive all or part of the public improvements and/or modify the extent of public improvements consistent with maintaining the health, safety and welfare of the public and consistent with the Engineering Regulations, Construction Specifications and Design Standards.

The Director's decision shall be based on consideration of the following factors:

1. The cost of the public improvements relative to the cost of the private improvements; or

2. Whether there are comparable public improvements or the potential for such improvements in the adjacent or immediate area; or
3. The classification of the street where the public improvements will be located; the necessity for improvements on arterial and collector streets is often greater than the need for improvements on local streets; or
4. Whether there has been an erroneous application of the standards of Sections 14.13.020(B) or 14.13.030 to the development; or
5. Whether the strict application of this chapter will be in the interest of the public health, safety and welfare or achieve substantial justice.

E. Any appeal from the decision of the Planning Director, and Public Works Director shall be to the Planning Commission. A notice of appeal must be filed with the secretary of the Planning Commission within ten calendar days of receipt of the decision of the Planning Director, and Public Works Director. The Planning Commission shall hold a complete, new hearing within thirty calendar days of the filing of the notice of appeal. Those issues that have been adjudicated by the Planning Director, and Public Works Director and not appealed are final. The Planning Commission shall have the same authority and use the same factors to decide appeals as is set forth in subsection (D) of this section. Any appeal of the final decision of the Planning Commission shall be to the Jefferson County District Court.

F. Any appeal to the Planning Commission shall require payment of a fee prior to consideration of the appeal. The amount of this fee shall be established by City Council resolution.

G. The City Council shall not hear an application for a zoning change, final plat or modification until all administrative appeals, including appeal to the Planning Commission, have been exhausted or waived by the applicant and the applicant has subsequently signed a public improvements agreement.

Application for a special use permit shall not be approved until all administrative appeals, including appeal to the Planning Commission, have been exhausted or waived by the applicant and the applicant has subsequently signed a public improvements agreement. (Ord. O-2019-24 § 4, 2019; Ord. O-91-59 § 6 (part), 1991; Ord. O-88-19 § 2, 1988; Ord. O-85-126 § 1, 1985; Ord. O-84-105 § 1 (part), 1984).

14.13.050 Standards and conditions for construction of public improvements.

Whenever public improvements are required under this chapter, the following provisions shall apply:

A. The cost of constructing all public improvements shall be borne by the applicant, and the construction thereof shall be at the sole cost, risk, and expense of the applicant, unless city ordinances state otherwise;
B. Public improvements shall be constructed in full compliance with the applicable design and construction standards as adopted by the city. Even so, the applicant shall indemnify and hold the city harmless from all claims by any person based upon improper or negligent construction of said public improvements;
C. No public improvement construction shall be started until the city has approved the plans, specifications, and permit application as set forth in Chapter 12.04 of this code;
D. In the event the terms or enforceability of a public improvements agreement is litigated, the city shall be reimbursed for its reasonable attorneys' fees and costs by the applicant, provided the city is the prevailing party. (Ord. O-84-105 § 1 (part), 1984).

A. After completion of all improvements to be constructed pursuant to a public improvements agreement, the applicant shall request, by certified letter addressed to the City Engineer, that the City Engineer issue a certificate of acceptance to said applicant. At his discretion the City Engineer may, by written notice, require said request to be accompanied by a letter from a registered professional engineer stating that said improvements have been completed and installed in accordance with the public improvements agreement, the approved final engineering construction plans, and the applicable design standards of the city. The City Engineer may also require a submission of as-built drawings certified by said registered professional engineer.

B. The City Engineer shall, within thirty days after receipt of said written request, cause the improvements to be inspected. If the City Engineer determines that all improvements are completed without significant defects and that they comply with the provisions of any applicable engineering standards and public improvements agreement, the City Engineer shall issue the certificate of acceptance.

C. If the City Engineer determines that any improvements are not complete, or if they are complete, that they contain significant defects, the City Engineer shall inform the applicant, by certified mail, of the improvements requiring completion or repair, and shall not issue a certificate of acceptance until the specified improvements are completed or repaired. Upon receipt of this written notice, the incomplete or defective public improvements shall be completed or repaired within forty-five calendar days unless extended by the City Engineer. Requests for extension shall be by certified mail addressed to the City Engineer, and shall be made on the basis of inclement weather or other similar circumstances beyond the applicant's control.

D. All public improvements shall be completed by the applicant by a date to be determined by the City Engineer, which date shall be incorporated into the applicable public improvements agreement. If no certificate of acceptance has been issued prior to said date, the city may construct, complete, or repair any public improvements required under such agreement and may apply the collateral required by Section 14.13.080 to pay the costs of completion, correction, or repair, or may employ any other lawful remedy to secure completion, correction, or repair of such improvements. Upon completion, correction or repair of such improvements, the City Engineer shall issue a certificate of acceptance thereof, provided the city has received the full amount of all funds necessary to pay for such completion, correction, or repair from the applicant or the applicant’s collateral.

E. Within one year from the date of issuance of the certificate of acceptance, the applicant shall repair any defect discovered in any improvements for which a certificate of acceptance has been issued; provided that written notice of such defect has been provided to the applicant by the City Engineer. If any such defect is not repaired within forty-five days of notice thereof, the city may correct said defect and may apply the collateral required by Section 14.13.080 to pay the costs of such repairs, or may employ any other lawful remedy to secure correction and repair of such defect and to recover any costs incurred by the city in doing so.
F. Dedications of rights-of-way, easements, access rights, and all other interests in real property conveyed to the city by an applicant as part of the applicant's public improvement requirements shall be submitted to the City Manager or his designee. Acceptance by the City Manager or designee shall constitute acceptance by the city. The face page of the conveyance instrument shall contain a reference to Ordinance No. O-83-108, and the appropriate tax schedule number to aid the County Assessor in removing the property from the county tax rolls. A sample acceptance format is as follows:

Ordinance Log No. Tax Schedule Accepted By
No. City of Lakewood
By: __________________________

(Ord. O-84-105 § 1 (part), 1984).


The public improvements agreement may, if approved by the City Engineer, provide that the installation, construction, or reconstruction of public improvements shall be in specified phases. If construction in phases is approved, the provisions of this chapter shall apply to each phase as if it were a separate and distinct public improvements agreement. Any such phase shall be an integrated, self-contained project consisting of all public improvements necessary to serve the property to be developed as part of said phase, and phasing shall not be utilized to provide for construction of public improvements on a piecemeal basis. Each separate phase shall include, as a minimum, both sides of a street at least one block long, or equivalent development as determined by the City Engineer, with all attendant and related public improvements. (Ord. O-84-105 § 1 (part), 1984).

14.13.080 Collateral.

A. All collateral shall be for the benefit of the city, and shall indemnify the city for the cost of acquisition, installation, construction, or reconstruction of the required public improvements. Collateral shall be in the form of cash, surety bond, or irrevocable letter of credit, or a combination thereof, in a form approved by the City Attorney. Surety bonds shall be obtained from a financially responsible insurance company licensed in the State of Colorado and acceptable to the city. Irrevocable letters of credit shall be issued by a federally insured national or state banking institution or savings and loan having a capital and surplus of not less than ten million dollars or such other financial institution, including one with less capital and surplus, as may be acceptable to the city. Collateral shall be filed with the city when a building permit application is submitted to the city for land which is covered by a public improvements agreement or in those cases where a building permit application is not submitted, at a time determined appropriate by the City Engineer. However, under no circumstances will the posting of collateral by an applicant relieve the applicant of his responsibility to perform all obligations under the terms of the public improvements agreement. The exact amount of collateral to be required of an applicant shall be established by the City Engineer based on the following standards.

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B. If the City Engineer's estimate of total cost for the acquisition, installation, construction, or reconstruction of public improvements exceeds ten thousand dollars, the applicant shall provide collateral to the city to guarantee the acquisition, installation, construction, or reconstruction of said public improvements in the amount of one hundred percent of said estimate. The exact percentage may be reduced from the normal one hundred percent requirement by the City Engineer based on the following standards:

1. If the public improvements are in place and dedications have been made prior to the filing of an application for a building permit for improvements constructed as part of a public improvements agreement, the city shall verify by inspection that the improvements in place are in satisfactory condition. If said improvements are in satisfactory condition, the collateral shall be a minimum of ten percent of the City Engineer's estimate of the total cost of public improvements. Said collateral shall be held to correct any defect in the materials or workmanship of the improvements which may subsequently be discovered and for which notice is given to the applicant within one year pursuant to the provisions of Section 14.13.060. If, however, upon inspection the improvements are found not to be in satisfactory condition and the city determines that repairs are necessary, additional collateral shall be required based upon the City Engineer's estimate of the costs of such needed repairs. It is not necessary that a certificate of acceptance be in effect in order for the applicant to be entitled to the collateral reductions provided in this chapter.

2. In those cases where public improvements have not been constructed and/or dedications have not been made prior to the filing of an application for a building permit, then the following standards shall apply:

a. The first time an applicant enters into a public improvements agreement with the city, the collateral required for the public improvements shall be one hundred percent of the City Engineer's estimate of the total cost of the proposed public improvements.

b. After the applicant has satisfactorily completed one public improvements agreement, including issuance of a certificate of acceptance, successful completion of the one-year warranty period, and return of all collateral by the city, the second time an applicant enters into a public improvements agreement with the city, the applicant may apply for a reduction of the collateral required. Upon review of the applicant's performance record on the initial project and approval of the City Engineer, the collateral required may be reduced to fifty percent of the City Engineer's estimate of the total cost of the proposed public improvements.

c. After satisfactory completion of a second public improvements agreement by the applicant, including issuance of a certificate of acceptance, successful completion of the one-year warranty period and return of all collateral by the city, the applicant may apply for an additional reduction of the collateral required for all subsequent public improvement agreements. Upon review of the applicant's performance on the second project and approval of the City Engineer, the collateral required may be reduced to twenty-five percent of the City Engineer's estimate of the total cost of the proposed public improvements.

3. Notwithstanding the aforementioned provisions concerning possible collateral reductions, an applicant shall always be required to post collateral in the amount of one hundred percent of the estimated total cost of public improvements if the City Engineer determines that one of the following situations applies:

a. The applicant fails to post the proper collateral for any public improvements after the required amount has been determined.
b. The collateral posted by the applicant is inadequate and the applicant refuses to post additional collateral.

c. It becomes necessary for the city to use the collateral posted by an applicant in order to complete or repair public improvements for which the collateral was initially posted.

d. The applicant fails to complete public improvements by the date specified in the public improvements agreement or by the date of any approved extensions.

4. If collateral requirements are increased to one hundred percent as a result of the City Engineer's determination that one of the situations in subsection (B)(3) of this section applies, the applicant will again be eligible for collateral reductions provided the public improvements are successfully completed, including issuance of a certificate of acceptance, successful completion of the one-year warranty period, and return of all collateral by the city, and upon review and approval of the applicant's performance record by the City Engineer.

5. Notwithstanding anything to the contrary contained in this section, any contractor performing work pursuant to a contract directly with the city shall adhere to the performance payment requirements set forth in the contract documents.

C. If the City Engineer's estimate of total cost for the acquisition, installation, construction, or reconstruction of public improvements is ten thousand dollars or less, no collateral shall be required, unless, at the time that the applicant requests a temporary certificate of occupancy for any building to be served by the improvements, acceptance of said improvements has not yet occurred, in which event, collateral in an amount equal to the greater of ten percent of the total costs of all public improvements to be constructed pursuant to a public improvements agreement or one hundred fifty percent of the estimated cost of such improvements remaining to be satisfactorily completed shall be provided before any temporary certificate of occupancy is issued for any structure to be served by such improvements. However, under no circumstances will collateral be accepted in lieu of acceptance of public improvements for purposes of a final certificate of occupancy.

D. Upon issuance of the certificate of acceptance, collateral in the amount of ten percent of the estimated total cost of the accepted improvements shall be provided or retained. Said collateral shall be applied to correct any defect in the materials and workmanship of the improvements constructed and installed for which notice and opportunity for correction has been given pursuant to Section 14.13.060. If no defect is discovered and notice thereof is given to the applicant within one year, all of said collateral shall be released.

E. If, at the expiration of one year from the date of issuance of the certificate of acceptance, the applicant has failed to correct any defect of which notice has been mailed to him, the city shall retain the collateral for forty-five additional days to allow time for correction of each such defect and for a claim to be made by the city against such collateral in the event that such defect has not been corrected within the time allowed by Section 14.13.060(E). At the end of such forty-five day period, the city shall release any collateral against which no written claim has been made by the city. (Ord. O-84-105 § 1 (part), 1984).
   A. No final certificate of occupancy shall be issued for any building constructed pursuant to a building permit unless a certificate of acceptance for all public improvements required as a condition of issuance of said permit has been issued by the City Engineer. At the discretion of the city, the applicant may obtain a temporary certificate of occupancy provided collateral has been posted pursuant to Section 14.13.080(C) in lieu of completion and acceptance of public improvements. However, no certificate of occupancy, temporary or final, shall be issued under any conditions for any building constructed pursuant to a building permit unless the following conditions are met:
      1. Public improvements such as drainage improvements, driveways, parking areas, etc., have been constructed sufficient to ensure that the health, safety, and welfare of the public will be maintained;
      2. All-weather access is provided and maintained.
   B. Public improvements in place prior to building permit issuance that are damaged during construction shall be repaired by the applicant and accepted by the city prior to issuance of a certificate of occupancy. (Ord. O-84-105 § 1 (part), 1984).

14.13.100 Default of, or noncompliance with, public improvements agreement.
   No building permit shall be issued to any applicant who is (1) a party to a public improvements agreement, or (2) a successor-in-interest of a party to such an agreement, if the City Engineer determines that the applicant or applicant's predecessor-in-interest is in any way in default or noncompliance with the agreement. Once a building permit has been issued to an applicant who is a party, or a successor-in-interest to a party, to a public improvements agreement, the continued performance of the agreement in accordance with its terms shall be a continuing condition precedent to the validity of said building permit, and the building official may immediately suspend said permit and all work being done thereunder upon any evidence satisfactory to the City Engineer of nonperformance, noncompliance, or breach of said public improvements agreement by said applicant. Withholding or suspension of building permits shall not be deemed to be an exclusive remedy for any breach of a public improvements agreement. (Ord. O-84-105 § 1 (part), 1984).
Chapter 14.14

BUILDING NUMBERING AND STREET NAMING

Sections:
  14.14.010 Buildings to be numbered.
  14.14.040 Notice to place number.
  14.14.120 Default of, or noncompliance with provisions.

14.14.010 Buildings to be numbered.
All buildings or structures, except detached accessory use structures, shall have displayed the proper building number above or near the primary door nearest the access point and emergency fire lane to any such numbered structure. It shall be the duty of the owner/occupant to place said numbers in the manner provided in this chapter. (Ord. O-99-8 §1, 1999; Ord. O-82-10 § 1 (part), 1982).

The City Manager, or duly designated representative, shall designate the proper numbers for all houses, buildings or structures required to be numbered in the city. (Ord. O-99-8 §1, 1999; Ord. O-91-59 § 5 (part), 1991; Ord. O-82-10 § 1 (part), 1982).

A. It shall be the duty of the City Manager, or duly designated representative, to maintain in his office or department the official record of the proper numbers assigned to all houses, buildings or structures erected after August, 1970.
B. Records of addresses between 1946 and 1970 are retained in county files. (Ord. O-99-8 § 1, 1999; Ord. O-82-10 § 1 (part), 1982).

14.14.040 Notice to place number.
A. It shall be the duty of any owner/occupant of any premises, upon notice from the City Manager, or duly designated representative, to cause the official number to be placed on any building so owned or occupied. Such numbers shall be placed in the manner required within 30 days after service of such notice.
B. It is unlawful for any owner/occupant to be in violation of this ordinance or to fail to place a required number upon any building, or to retain or use or permit to be retained or used upon any building, any number other than the number designated by the City Manager, or duly designated representative. (Ord. O-99-8 §1, 1999; Ord. O-91-59 § 5 (part), 1991; Ord. O-82-10 § 1 (part), 1982).

In all cases where a street has been named or numbered or renamed or renumbered pursuant to any other legal requirement, as the same may be required from time to time by action of the Council, it shall be the duty of the City Manager, or duly designated representative, to adjust and rename or renumber such streets. (Ord. O-99-8 § 1, 1999; Ord. O-91-59 § 5 (part), 1991; Ord. O-82-10 § 1 (part), 1982).


In all cases where there is a mistake or conflict in names or numbers, or where some special arrangement varying from the general terms of this chapter is necessary, the City Manager, or duly designated representative, shall direct and make the proper adjustment of the same. (Ord. O-99-8 § 1, 1999; Ord. O-91-59 § 5 (part), 1991; Ord. O-82-10 § 1 (part), 1982).


I. Addresses for single family residences, single story multi-family residences and commercial developments shall be as follows:

A. Building numbers shall be Arabic numerals constructed of durable material, of contrasting color with the background, and not less than 4 inches nor greater than 12 inches in height.

B. Building numbers shall be posted on the building and clearly visible from the adjacent right-of-way and from any adjacent private drive or alley. Building numbers shall be free of all sight obstructions including, but not limited to, shrubbery, fencing, garages, trailers and motor vehicles.

C. Those building numbers which must be visible from any adjacent private drive or alley may be posted on the building, an adjacent fence, an adjacent post or other adjacent structure.

II. Addresses for multi-family developments of two stories or more shall be as follows:

A. Buildings shall have arabic numerals that are constructed of durable material, of a contrasting color with the background, and not less than six inches (6") nor more than twelve inches (12") in height. The size of the number between the limitations of six inches (6") and twelve inches (12") shall be determined by factors relating to the visibility of the number from the street, the contrast between the color of the number and the color of the background, the necessity for more visibility of the building numbers and other criteria relating to the ready visibility of the building numbers.

B. Numbers shall be posted on the front of each building, as well as on the right-of-way and drive aisle sides of the buildings. Numbers shall be free of all sight obstructions, including but not limited to, trees, landscaping, garages, fences and motor vehicles.

C. A multi-family structure of 2 stories or more which contains an outside entrance which serves more than 2 units shall display the unit numbers at said entrance. In addition, each unit shall have its unit number displayed at or near its main entrance door. Where there is more than one stairwell in a building, the corresponding unit numbers will be placed outside each stairwell. Unit numbers will be of a contrasting color to the background and will be no less than 4 inches nor greater than 12 inches in height.
D. In multi-family developments where there are more than 4 residential buildings, there shall be a map posted at the main entrance of the development complex. The map shall show the development, indicating, at a minimum, the location of buildings and their addresses, the location of roads, alleys, and rights-of-way and amenities such as pools, club house, tennis courts, etc. (Ord. O-2019-24 § 4, 2019; Ord. O-2000-16 § 1, 2000; Ord. O-99-8 § 1, 1999; Ord. O-91-59 § 5 (part), 1991; Ord. O-82-10 § 1 (part), 1982).

The City Manager, or designee, shall prepare, periodically, maps of the city streets showing the present official numbers of all buildings. (Ord. O-99-8 § 1, 1999; Ord. O-82-10 § 1 (part), 1982).

At all new construction sites, a temporary sign shall be erected on the property indicating the assigned address of the structure. (Ord. O-99-8 § 1, 1999; Ord. O-94-40 § 5, 1994; Ord. O-82-10 § 1 (part), 1982).

A. All private roadways within the city upon which building numbering and addressing are dependent shall be named and marked with reflectorized street signs having a primary legend in all capital letters no less than 4 inches high. Suffixes shall be in all capital letters no less than 2 inches high. The sign shall be placed at all intersections of private roadways with other private or public roadways and shall be erected and maintained by the owner or owners of said private roadway.

B. All private roadway identification signs shall be freestanding signs of a type approved by the Traffic Engineer and of no less than 6 inches in height and no less than 24 inches in length fastened at a height of no less than 7 feet to a pole securely anchored in the ground and as near as practicable to the edge of the private roadway being identified. The City Traffic Engineer shall approve the placement prior to the installation. (Ord. O-99-8 § 1, 1999; Ord. O-82-10 § 1 (part), 1982).

No final certificate of occupancy shall be issued for any building constructed pursuant to a building permit unless the provisions of this Chapter have been complied with. (Ord. O-99-8 § 1, 1999; Ord. O-82-10 § 1 (part), 1982).

14.14.120 Default of, or noncompliance with provisions.
A. The building official may immediately suspend the building permit and all work being done thereunder upon any evidence satisfactory to the Public Works Director, or his designee, of nonperformance, noncompliance, or breach of the provisions of this Chapter. Withholding or suspension of building permits shall not be deemed to be an exclusive remedy for any breach of this Chapter.

B. Failure to comply with any of the provisions of this Ordinance may result in a fine not to exceed one thousand dollars ($1,000.00) or imprisonment not to exceed 365 days or both such fine and imprisonment. (Ord. O-2019-24 § 4, 2019; Ord. O-99-8 § 1, 1999).

In addition to enforcement by any authorized personnel, this ordinance may be enforced by the City Manager or his designee, or the Public Works Director, or designee. (Ord. O-2019-24 § 4, 2019; Ord. O-99-8 § 1, 1999).
Chapter 14.15

STORMWATER MANAGEMENT

Sections:
14.15.010 Title.
14.15.020 Purpose.
14.15.030 Definitions.
14.15.040 Applicability.
14.15.050 Design criteria and performance standards.
14.15.060 Easements.
14.15.070 Statement on building permit, final plat and/or site plan.
14.15.080 Disclaimer of liability.
14.15.090 Public and private responsibilities for maintenance of system.
14.15.100 Administration.
14.15.110 Administrative appeals.

14.15.010 Title.
The ordinance codified in this chapter shall be known as the “stormwater management ordinance of the city.” (Ord. O-81-165 § 1, 1981; Ord. O-81-78 § 1, 1981).

14.15.020 Purpose.
In order to promote the public health, safety, and general welfare of the citizens of Lakewood, Colorado, these stormwater management regulations are enacted for the general purpose of assuring the proper balance between use of land and the preservation of a safe and beneficial environment. More specifically, the provisions of these regulations are intended to reduce property damage and human suffering and minimize the hazards of personal injury and loss of life due to flooding. This is to be accomplished by establishing runoff control, establishing responsibilities for maintenance and operation, and establishing technical standards and criteria for implementation of stormwater management. (Ord. O-81-165 § 2, 1981; Ord. O-81-78 § 1, 1981).

14.15.030 Definitions.
For purposes of this chapter, the words and terms used, defined, interpreted, or further described herein shall be construed as follows:
“City” means the City of Lakewood, Colorado.
“Control structure” means a facility constructed to regulate the rate of discharge of stormwater.
“Development” means any manmade change to real estate or property, including buildings or other structures, streets, parking lots, mining, dredging, filling, grading, paving, or excavating.
“Director” means the City Manager or designee.
“Easement” means authorization by a property owner for use by another party or parties of all or any portion of his/her land for a specified purpose.
“Emergency excess stormwater passage” means a channel or swale formed in the ground surface to carry stormwater runoff through a specific area.

“Excess stormwater” means that portion of stormwater runoff which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.

“Five-year storm” means rainstorms of a specific duration having a twenty percent chance of occurrence in any given year.

“Infill development” means the development of land which:
1. Has previously been subdivided; or
2. Is described by a metes and bounds description and which can legally be developed without subdivision.

“Natural drainage” means water which flows by gravity in channels formed by the surface topography of the earth prior to changes made by the efforts of man.

“Natural state” means land with soil and vegetation conditions that existed prior to any manmade activity on the land.

“New development” means the development of land which has not been previously legally subdivided.

“One-hundred year storm” means rainstorms of a specific duration having a one percent chance of occurrence in any given year.

“Safe stormwater drainage capacity” means the quantity of stormwater runoff that can be transported within a channel, passage, conduit, tube, duct, or combination thereof, in such a manner that the elevation of the water does not rise above the level of the adjacent ground surface so as to cause any damage to structures or facilities located thereon.

“Stormwater detention area” means an area designated to temporarily accumulate excess stormwater.

“Stormwater management system” means all facilities used to control stormwater, including stormwater pipes, stormwater detention areas, berms, channels, swales, control structures, easements, emergency excess stormwater passages, irrigation systems, improved watercourses, and any other facility or appurtenances used in the management of stormwater.

“Stormwater runoff” means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.

“Stormwater runoff release rate” means the rate (quantity per unit of time) at which stormwater runoff is released from upstream to downstream land.

“Tributary watershed” means the entire catchment area that contributes stormwater runoff to a given point. (Ord. O-81-165 § 3, 1981).

14.15.040 Applicability.
Any person, firm, corporation or business proposing to construct buildings or develop or redevelop land within the city shall be required to provide stormwater runoff control meeting the requirements of this chapter whenever the total area of land under identical ownership, including land to be developed or upon which buildings are to be constructed, equals or exceeds those shown in the following chart. This chart applies to both building permits and subdivision of land.
**Type of Development** | **Detention Required**
--- | ---
Single-family and Two-family | 2 acres
All others | 1 acre

Water quality measures shall be required when any development or redevelopment disturbs an area meeting or exceeding the thresholds in the Stormwater Discharge Permit issued to the city. (Ord. O-2013-2 § 1, 2013; Ord. O-94-40 § 6, 1994; Ord. O-81-165 § 4, 1981).

**14.15.050  Design criteria and performance standards.**

It shall be the duty of an applicant for a building permit or subdivision of land to provide a stormwater management system as provided in this section.

A. Design Criteria. Unless otherwise provided, the engineering regulations, construction specifications design standards, and amendments adopted by the City Council, shall govern the design of improvements with respect to managing stormwater runoff.

B. Stormwater Runoff Release Rate. Any person meeting the application provisions of this chapter as specified in Section 14.15.040 shall control the release rate of stormwater runoff so that runoff after development shall not exceed the runoff from the same parcel of land in its natural state for the five-year and one-hundred-year storm respectively.

C. Determination of Detention Volume and Water Quality Capture Volume. The volume of required water detention shall be calculated on the basis of runoff from the five-year and one-hundred-year return frequency storms. Such calculations should be made in accordance with a method of analysis in the Storm Drainage Criteria Manual, published by the City of Lakewood, unless specified otherwise by the Director. Calculations for the water quality capture volume should be made in accordance with a method of analysis in the Urban Storm Drainage Criteria Manual, Volume 3, published by the Urban Drainage and Flood Control District, unless specified otherwise by the Director.

D. Compensating Detention. In the event that orderly and reasonable development of an area requires that the detention of stormwater be located elsewhere, compensating detention (the detention of an equal volume of stormwater) may be provided at an alternative location if approved by the Director.

E. Partial and Full Exemption. When it can be demonstrated by the applicant to the Director that a higher stormwater release rate will not be contrary to the purpose and intent of this chapter and where such proposed release rate will not exceed the safe stormwater drainage capacity in the downstream portion of the watershed, the release rate may be increased or decreased as deemed appropriate by the Director. When determining the safe stormwater drainage capacity in the downstream portion of the watershed, it shall be assumed that all undeveloped land in the tributary watershed would be granted the same exemption as the applicant. If the safe stormwater drainage capacity is exceeded under these conditions, the applicant's release rate will be decreased so that the safe stormwater drainage capacity is not exceeded.
F. Emergency Excess Stormwater Passage. An excess stormwater passage shall be provided for all stormwater detention areas. Such passage shall have the capacity to convey through the proposed development the excess stormwater for the tributary watershed. The capacity of such stormwater passage shall be constructed in a manner to transport the peak rate of runoff from the one-hundred-year frequency storm assuming all storm sewers are inoperative, all upstream areas are fully developed, and that antecedent rainfall has saturated the tributary watershed.

No buildings or structures shall be constructed within the excess stormwater passage; however, streets, parking lots, playgrounds, park areas, pedestrian walkways, utility easements and other open space uses shall be considered compatible uses within the excess stormwater passage.

Where a proposed development contains an existing natural drainage channel, appropriate land planning shall be undertaken to preserve the natural drainage channel as part of the excess stormwater passage. (Ord. O-2013-2 § 2, 2013; Ord. O-81-165 § 5, 1981).

14.15.060 Easements.

A. Easements which cover the outlet structure, low flow pipe, stormwater pipes, detention area berms, and other parts of the stormwater management system as the city deems desirable, shall be granted to the city. These easements are to be deeded for the purposes of operation, repair, alteration, and maintenance in areas composed of single-family detached dwellings and two-family dwellings or in other developments when the city has accepted maintenance and operation responsibilities.

B. All developments which have publicly owned easements shall provide covenants running with the land stating that no buildings, fills, excavations, structures, fences, or other alterations shall be constructed within a publicly owned easement without the express written consent of the city.

C. The enactment of the ordinance codified in this chapter is not intended to modify or alter any existing easement or rights-of-way for storm drainage purposes, but is intended to establish criteria for construction and maintenance and operation of new storm drainage facilities, both public and private. (Ord. O-81-165 § 7, 1981).

14.15.070 Statement on building permit, final plat and/or site plan.

When the city has determined that maintenance and operation of the stormwater management system is to be a private responsibility, the building permit, final plat and/or site plan of that development shall have language stating that the maintenance and operation of the stormwater management system will remain the responsibility of the property owner and his heirs, successors, and assigns. (Ord. O-81-165 § 8, 1981).

14.15.080 Disclaimer of liability.

The criteria set forth in this chapter establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirements in this chapter shall not constitute a representation, guarantee, or warranty of any kind by the city as to the adequacy or safety of any stormwater management system. Larger storms may occur or stormwater runoff heights may be increased by manmade or natural causes. These regulations shall not create liability on the part of the city with respect to any legislative or administrative decision made under this chapter. (Ord. O-81-164 § 9, 1981).
14.15.090 Public and private responsibilities for maintenance of system.

A. Public Responsibilities. In areas constructed exclusively as single-family detached dwellings or two-family detached dwellings, the city shall be responsible, after acceptance of the stormwater management system, for the maintenance and operation of any stormwater management system within a public easement. It is the intent of the city to provide for maintenance and operation of stormwater facilities in areas of single-family detached dwellings and two-family detached dwellings, provided there are public easements within which maintenance and operation can be done, and provided all design, construction, and maintenance criteria of the city are followed. Maintenance and operation of condominiums, multifamily, commercial, industrial and other uses shall be done by other persons as stated in subsection (B) of this section. In areas of mixed use such as multifamily housing and single-family detached dwellings, the Director will decide on a case-by-case basis whether maintenance and operation will be performed by the city.

B. Private Responsibilities. If the Director has determined that the city will not accept the responsibility for maintenance and operation of a stormwater management system, the owner of the land then has the responsibility for the maintenance and operation of the stormwater management system. Such responsibility shall be assumed by subsequent owners.

If the city has determined that the property owner has not properly maintained or operated the stormwater management system, the Director shall cause notice to be served upon the property owner. Such notice shall be in writing, signed by the Director, and shall be personally served upon the property owner. The notice shall specifically state why the stormwater management system has been determined to be improperly maintained or operated and the procedures which must be undertaken to correct the system’s deficiencies.

Any person wishing to appeal the city’s determination that the stormwater management system has not been properly maintained or operated shall file a written petition with the Director as described in Section 14.15.110. If the property owner does not appeal or correct the deficiencies within fourteen days of service of the notice, the city has the right to enter the property, maintain the stormwater management facilities, and require reimbursement for the costs that may be incurred by the city. (Ord. O-81-165 § 6(C), 1981).

14.15.100 Administration.

This chapter shall be administered by the Director. (Ord. O-81-165 § 6(A), 1981).

14.15.110 Administrative appeals.

A. Any person affected by any decision of the Director which has been given in connection with the application and enforcement of this chapter may appeal the decision to the Planning Commission. The appeal shall be filed within seven days of the decision of the Director.

B. Any person appealing the decision shall file a written petition with the Director and set forth a brief statement concerning the purpose of the hearing. Upon receipt of the petition, the Director shall set a time and place for such hearing and shall provide written notice to the petitioner. At such hearing, the petitioner shall be given the opportunity to be heard and show why any decision should be modified or withdrawn. The hearing shall be commenced not later than forty-five days after the date on which the petition was filed.

C. Any person aggrieved by the decision of the Planning Commission may seek relief in any court of competent jurisdiction as provided by the laws of Colorado. Any appeal pursuant to this section shall not stay the effect of the Director’s order unless so ordered by the Planning Commission. (Ord. O-81-165 § 6(B), 1981).
Chapter 14.16  

PARK AND OPEN SPACE DEDICATION

Sections:
14.16.010 Scope and application.  
14.16.020 Park standards.  
14.16.030 Regional parks provided.  
14.16.040 Calculation of land dedication requirements for park and open space.  
14.16.050 Criteria for land eligible for park and open space use.  
14.16.060 Criteria for land not eligible for park and open space use.  
14.16.070 Procedure/fee determination.  
14.16.080 Site development standards-General.  
14.16.090 Planning Area Map.  
14.16.100 Review.

14.16.010 Scope and application.  
Each development containing residential land uses shall dedicate to the city park sites and open space areas in accordance with the provisions of this title. Except as provided in this section, at the discretion of the Community Resources Director(Director), fees in lieu of dedications shall be levied as set forth herein. The Director shall use current, adopted city planning documents as a guide for determining park and recreation needs in proximity to the proposed development area. The park and open space requirements in this chapter 16 shall be reasonably related to the needs of the residents of the proposed development. All developments containing residential uses greater than 14.99 acres in size shall dedicate land in accordance with this chapter 16 unless the City Council approves a fee in lieu alternative. (Ord. O-2019-24 § 4, 2019; Ord. O-2018-4 § 1, 2018; Ord. O-89-3 § 5 (part), 1989: Ord. O-83-137 § 1 (part), 1983).

14.16.020 Park standards.  
For purposes of this title, the city’s park standards shall be a minimum of ten and five-tenths (10.5) acres of park area per one thousand anticipated population within the proposed development. This standard of ten and five-tenths (10.5) acres per one thousand (1,000) population is composed of the following elements:  
A. Five (5) acres per one thousand (1,000) population for regional parks;  
B. Three (3) acres per one thousand (1,000) population for community parks;  
C. Two and five-tenths (2.5) acres per one thousand (1,000) population for neighborhood parks. (Ord. O-2018-4 § 1, 2018; Ord. O-83-137 § 1 (part), 1983).

14.16.030 Regional parks provided.  
The City Council determines, as of the time of adoption of the ordinance codified in this chapter, that the regional park needs of the residents of the City of Lakewood are satisfied by Bear Creek Lake Park, William Frederick Hayden Park, the Bear Creek Greenbelt, Jefferson County Parks, and State of Colorado parks to the west and south of the City of Lakewood. Therefore, a residential development shall not be obligated to dedicate land for regional park purposes in the City of Lakewood. Consequently, that the operating standard for dedication of parkland shall be five and five-tenths (5.5) acres of parkland per one thousand (1,000) population for community parks and neighborhood parks. (Ord. O-2019-24 § 4, 2019; Ord. O-2018-4 § 1, 2018; Ord. O-2004-30 § 1, 2004; Ord. O-83-137 § 1 (part), 1983).
14.16.040 Calculation of land dedication requirements for park and open space.

A. Parkland Standard. All residential developers shall provide a minimum of five and five-tenths (5.5) acres of park area per one thousand (1,000) anticipated population or cash in lieu thereof, except for developments of 14.99 acres or greater where no fee-in-lieu option shall be applicable.

B. Density Factor. To provide an estimated and equitable population standard among different housing types, a density factor (representing average number of persons within the unit type) shall be applied to the calculation as follows:

1. Single Family Detached = 3.00
2. Single Family or Multi-Family Attached = 1.50
3. Senior Housing = 1.25

C. Example Calculation:

Proposed development size: 10 acres

Proposed density: 10 units/acre, multi-family attached

Park and open space acreage required:

10 development acres x 10 units/acre x 1.5 density factor x 5.5 acres parkland/1000 people = .825 acres of parkland required.

D. Dwelling Unit Changes. If an area is replatted prior to construction of the development, and the number of anticipated dwelling units increases or decreases by more than ten percent (10%), the developer shall be required to adjust either the amount of parkland dedicated consistent with the aforementioned provisions and formula or the amount of cash in lieu thereof to provide for the change in units.

E. At the discretion of the Director, all or a portion of the park dedication required may remain in private ownership, provided the privately owned park land is open to public use. The land area that may remain in private ownership shall:

1. Not exceed an average slope of 4:1;
2. Be privately maintained; and
3. Be noted on development plans as a fulfillment of parkland dedication requirements.


14.16.050 Criteria for land eligible for park and open space use.

The following criteria will normally apply in determining what type and nature of land will meet the requirement for dedication:

A. Land that is accessible from two (2) separate locations by standard maintenance vehicles or from one location with a minimum fifty-foot frontage;

B. Land or water bodies contiguous to other acceptable parkland or existing parkland;

C. Usable land within the one hundred-year floodway fringe that would not be inundated in a five-year storm; and

D. Special areas of natural, historical or cultural significance.

The Director will develop criteria to further define usable land.

14.16.060 Criteria for land not eligible for park and open space use.
The following criteria will normally apply in determining what type and nature of land will not meet the requirement for dedication:
A. Land required by city's zoning code for private open space;
B. Land used to fulfill requirements of the city's storm drainage ordinances, such as detention ponds, retention ponds or drainageways;
C. Rights-of-way and easements for irrigation ditches, laterals and aqueducts, power lines, pipelines or other public or private utilities without the written permission of the right-of-way owner; and
D. Hazardous geological land area, mineral extraction areas and hazardous wildfire areas.
(Ord. O-2018-4 § 1, 2018; Ord O-83-137 § 1 (part), 1983).

14.16.070 Procedure/fee determination.
A. All land dedications, and/or fee requirements in lieu of land dedications, for subdivisions and other residential development shall be met at the time of platting or, if platting is not required, at time of site plan approval. The Director may delay the collection of fees to the time of building permit issuance. The amount of the fee to be paid shall be the fee in effect at the time payment is made.
B. If the Director determines that a land dedication in accordance with this chapter would not serve the public interest, the Director may require payment of a fee in lieu of the dedication, or may require dedication of a smaller amount of land than would otherwise be required and payment of a fee in lieu of the portion not dedicated. The Director may also accept improvements of equal or greater value of the fee that would have been collected. The Director shall set the amount of the fee equal to the amount of the fair market value of the land that would otherwise be dedicated.
C. Fees shall be payable to the City of Lakewood and shall be designated for the acquisition and/or development of park and open space land in the same Planning District as shown in 14-16-090.
D. In those instances where the Director elects to require a fee-in-lieu of land dedication, the Director may, subject to City Council approval, waive all or a portion of the fee requirements for individual housing units set aside for households earning no more than eighty percent (80%) of the area median income (AMI) through recorded deed restriction for a minimum period of twenty (20) years.

14.16.080 Site development standards-General.
A. Land that has been platted as public park and open space, or otherwise dedicated to the city, shall not be used in the development process of adjoining lands, except as stated in subsections (B), (C) and (D) of this section, or as reflected in an approved subdivision grading plan.
B. The developer shall be responsible for the installation of public improvements adjacent to the park site including, but not limited to, curb and gutters, streets, storm drainage facilities, and bridges made necessary by the development. Such public improvements will normally be limited to two hundred ten (210) linear feet per acre of parkland. This does not include park development or tap fees unless such improvements are part of an Improvement Agreement.
C. All slopes shall be stabilized in accordance with acceptable engineering standards to prevent public endangerment, and for ease of maintenance. The maximum slope shall normally not exceed 4:1 or other slope treatment will be required.

D. Sites shall be made easily accessible to city maintenance equipment.

14.16.090  Planning Area Map.


14.16.100  Review.

This Chapter shall be reviewed by City Council every 5 years, beginning five years after the effective date of Ordinance O-2018-4, and no later than December 31, 2023.
Chapter 14.17

SCHOOL LAND DEDICATION

Sections:
14.17.010 Scope and application
14.17.020 Calculation of land dedication requirements for school sites
14.17.030 Conveyance of dedicated land
14.17.040 Criteria for eligible and ineligible land
14.17.050 Dispersal of surplus land
14.17.060 Procedure for determination of cash-in-lieu of land fee
14.17.070 Conveyance of cash-in-lieu of land fee
14.17.080 Appeals

14.17.010 Scope and application.
A. In order to meet the infrastructure demands placed upon the City of Lakewood and the Jefferson County School District R-1 to adequately serve new residential development, the subdivider of new residential lots, or the developer of existing undeveloped residential lots and new multi-family residential dwelling units for which building permits are issued after the enactment of this Ordinance shall provide public school sites or fees in lieu thereof to reasonably serve the proposed subdivision or residential development. The City Manager, in consultation with the School District, shall decide if the subdivider shall dedicate land or provide cash in lieu thereof. The City Manager, in consultation with the School District, shall determine the location of the land to be dedicated.

B. The School District has adopted a methodology which incorporates school needs and school population and results in a formula which indicates the average number of people living in single-family detached homes, single-family attached homes, and multi-family homes. Said methodology further incorporates analysis performed by the School District relating to construction costs of school facilities and the relationship of those costs to the individual students. The City Council finds that there is a direct nexus and relationship between the amount of land to be dedicated and the size of development as set forth in said methodology. (Ord. O-2019-24 § 4, 2019; Ord. O-97-5 § 1 (part), 1997).

14.17.020 Calculation of land dedication requirements for school sites.
The amount of land area dedication required for public school sites shall be calculated based upon a ratio of four (4.0) acres of land per one thousand (1,000) additional population generated by the subdivision or multi-family development. Calculation of generation population shall be based upon the following population density factors:

<table>
<thead>
<tr>
<th>TYPE OF DWELLING UNIT</th>
<th>PEOPLE PER DWELLING UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Detached</td>
<td>3.25</td>
</tr>
<tr>
<td>Single Family Attached</td>
<td>2.50</td>
</tr>
<tr>
<td>Multi-family</td>
<td>2.00</td>
</tr>
</tbody>
</table>
The resulting formula shall be used to determine the land area required for public dedication:

\[
\text{Number of dwelling units x number of people per unit x 4.0 Acres} \div 1,000 \text{ people}
\]

No dedication requirements shall be assessed upon residential health care facilities or multi-family retirement dwelling units. (Ord. O-97-5 § 1 (part), 1997).

14.17.030 Conveyance of dedicated land.

Land dedications for school sites shall be made to the City of Lakewood in fee simple. These land dedications shall be conveyed to the School District by the City of Lakewood upon approval of a site plan by the City of Lakewood and designation of funding for construction of the school on the site. (Ord. O-2019-24 § 4, 2019; Ord. O-97-5 § 1 (part), 1997).

14.17.040 Criteria for eligible and ineligible land.

Prior to dedication the City of Lakewood shall determine if any geological, environmental, or other studies are to be done by the subdivider or developer before any property is transferred. Land dedicated for school sites shall meet the standards of the School District, but in no event shall the following land areas be considered to fulfill the requirements of the provision for public school sites:

A. Streams, gulches and lands within the floodway of the 100-year floodplain;
B. Rights-of-way and/or easements of irrigation ditches or aqueducts;
C. Greenbelts, walkways, bikepaths, or equestrian trails;
D. Lakes, detention ponds, boggy lands or other bodies of water;
E. Steep or rugged land areas; and
F. Land areas which are hazardous for geological or environmental reasons, or sensitive wildlife areas. (Ord. O-2019-24 § 4, 2019; Ord. O-97-5 § 1 (part), 1997).

14.17.050 Dispersal of surplus land.

Any land dedicated or conveyed for school purposes to the City of Lakewood may be sold at the request of the School District. The moneys acquired thereby shall be administered and disposed of pursuant to 14.17.070. (Ord. O-2019-24 § 4, 2019; Ord. O-97-5 § 1 (part), 1997).


A. At the option of the City Manager of the City of Lakewood, in consultation with the School District, if sufficient land is not being dedicated to serve as a school site, or if sufficient land for a school site cannot be amassed with dedication of contiguous land, a cash-in-lieu of land fee may be substituted in accordance with the provisions of this section.

B. The estimated value of the land to be compensated for by cash-in-lieu fees shall be based upon the fair market value for the development proposed, once platted or site planned for said land. The estimated value of the land shall be determined by mutual agreement between the developer and the City of Lakewood. In the event of an inability of either of the parties to agree on the estimated value of the land, an independent qualified appraiser shall be selected by mutual agreement. Said independent appraiser’s findings on the estimated value of the land shall be final and binding on all parties. The qualified appraiser shall be a Member of the Appraisal Institute (M.A.I.) or an Accredited Rural Appraiser (A.R.A.). The developer shall pay the cost of said appraiser. (Ord. O-2019-24 § 4, 2019; Ord. O-97-5 § 1 (part), 1997).
14.17.070  **Conveyance of cash-in-lieu of land fee.**

A. Fees paid as cash-in-lieu of land dedication shall be paid to the City of Lakewood. Said cash-in-lieu fees shall be paid prior to final approval by the City of Lakewood of a residential subdivision, or prior to issuance of a building permit for existing undeveloped residential lots or new multi-family residential structures. Said cash-in-lieu fees shall be deposited in a special interest-bearing account with accounting books maintained to identify the amount held in the name of the development for which the fees were paid. Interest accrued shall be payable to the School District. The City of Lakewood shall retain a One Hundred Dollar ($100.00) administrative fee for each disbursement made to the School District.

B. Funds may be withdrawn from the special accounts by the City of Lakewood for conveyance to the School District for capital construction projects within the currently adopted senior high school attendance area from which said funds originated. The funds will be conveyed to the School District upon approval of a site plan by the City of Lakewood and/or a plan for use of the funds for an existing school site which is in need of capital improvements. (Ord. O-2019-24 § 4, 2019; Ord. O-97-5 § 1 (part), 1997).

14.17.080  **Appeals.**

Appeals pertaining to the calculation of land dedication for school sites and cash in lieu thereof shall be to the Planning Commission. (Ord. O-97-5 § 1 (part), 1997).
Chapter 14.18

STORMWATER MANAGEMENT UTILITY

Sections:

14.18.010 Title.
14.18.020 Purpose.
14.18.030 Definitions.
14.18.060 Providing for the use of the service charge.
14.18.070 Administrative and Judicial Review.
14.18.080 Penalty.
14.18.090 Unusual circumstances.
14.18.100 Severability.

14.18.010 Title.

The ordinance codified in this chapter shall be known as the Stormwater Management Utility Ordinance of the City of Lakewood, Colorado. (Ord. O-98-28 § 1, 1998).

14.18.020 Purpose.

A. Due to its general terrain and geographical location, property within the City of Lakewood is particularly subject to damage from stormwaters which from time to time overflow existing watercourses and drainage facilities. Therefore, the City of Lakewood hereby adopts this chapter in order to construct, operate and maintain stormwater facilities for its own use and for the use of public and private users within and without the territorial boundaries of the City of Lakewood, and to provide for a method whereby the City of Lakewood may prescribe, revise, and collect in advance or otherwise, from any owner of any real property receiving service therefrom, rates, fees, and charges or any combination thereof for the services furnished by stormwater facilities, including, without limiting the generality of the foregoing, minimum charges, charges for the availability of service, and reasonable penalties for any delinquencies, including but not necessarily limited to interest on delinquencies from any date due, reasonable attorneys' fees, and other costs of collection, and providing that the City Council of the City of Lakewood may modify, supervise, or regulate any such rates, fees or charges.

B. Furthermore, this chapter will promote the general public health, safety and welfare by reducing the potential for the movement of emergency vehicles to be impeded or inhibited during storm or flooding periods, and by minimizing storm and flood losses, inconvenience, and damage resulting from runoff in the City of Lakewood.

C. Notwithstanding the above, floods from runoff may occur which exceed the capacity of stormwater facilities constructed and maintained by funds made available pursuant to this chapter. This chapter does not imply that property subject to the fees and charges established herein will be free from stormwater flooding or flood damage. This chapter shall not create any liability on the part of the City of Lakewood or any officer or employee thereof for any flood damage. (Ord. O-2019-24 § 4, 2019; Ord. O-98-28 § 1, 1998).
14.18.030 Definitions.
For the purposes of this chapter, the following words and terms shall be defined as follows, unless the context in which they are used clearly indicates otherwise.
A. "Director" means the Public Works Director of Lakewood, Colorado, or his/her designee.
B. "Development" means any manmade change to real property including, but not limited to, buildings or other structures, streets, parking lots, mining, dredging, filling, grading, paving, or excavating.
C. "Impervious surface" means surfaces on or in real property where the rate of infiltration of stormwater into the earth has been reduced by the works of man. For purposes of this chapter, buildings, manmade structures, driveways, patio areas, roofs, concrete or asphalt sidewalks, parking lots, or storage areas, and other bricked, oiled, macadam or hard-surfaced areas which impede passage of stormwaters into the earth's surface are deemed to be impervious.
D. "Person" means a natural person, corporation, partnership, or other entity.
E. "Project costs" means those costs of administration, management, planning, engineering, construction, reconstruction, right-of-way acquisition, replacement, contingencies, fiscal, legal, and all operation and maintenance costs of stormwater facilities including those costs to comply with federal, state or City laws regulating stormwater facilities or runoff.
F. "Runoff" means that part of snowfall, rainfall or other stormwater which is not absorbed, transpired, evaporated, or left in surface depressions, and which then flows controlled or uncontrolled into a watercourse or body of water.
G. "Service charge" means the Stormwater Management Utility Service Charge as created by this ordinance.
H. "Stormwater facilities" means any one or more of the various devices used in the collection, treatment, or disposition of storm, flood or surface drainage waters, including all manmade structures, or natural watercourses for the conveyance of runoff, such as: detention areas, berms, swales, improved watercourses, channels, bridges, gulches, streams, gullies, flumes, culverts, gutters, pumping stations, pipes, ditches, siphons, catch basins and street facilities; all inlets; collection, drainage or disposal lines; intercepting sewers, disposal plants; outfall sewers; all pumping, power, and other equipment and appurtenances; all extension, improvements, remodeling, additions, and alterations thereof; and any and all rights or interests in such stormwater facilities.

There is hereby established a Stormwater Management Utility. Through said utility the City of Lakewood shall construct, operate and maintain stormwater facilities and pay other project costs with the service charge and other funds available in the Stormwater Management Utility Fund. It is not the purpose of the Stormwater Management Utility to fund construction, operation, maintenance or other costs not directly associated with stormwater facilities. (Ord. O-2019-24 § 4, 2019; Ord. O-98-28 § 1, 1998).

A. There is hereby imposed on the owner of each and every lot or parcel of land within the City of Lakewood containing an impervious surface, except as specifically hereinafter provided, a Stormwater Management Utility Service Charge. This service charge is deemed reasonable and is necessary to pay for: (1) the project costs of the existing City of Lakewood stormwater facilities; and (2) project costs of future City of Lakewood stormwater facilities. All of the proceeds of the service charge are for payment for use of the City of Lakewood's stormwater facilities by the owners of real property upon which the service charge is imposed.

B. All public and private highways, roadways, streets and alleys and associated sidewalks and bikepaths shall be a part of the stormwater facilities and, therefore, shall be exempt from all charges imposed by this chapter. Said exemption shall not apply to public or private parking lots, driveways, service drives, drive aisles or internal site roadways and sidewalks.

C. The basis for the amount of the charge is the extent to which each parcel of land within the City makes use of the stormwater facilities, such use to be defined as the runoff from the parcel's impervious surfaces. The charge is also based upon the cost of including the parcel in the property and billing records, plans and monitoring programs of the Stormwater Management Utility.

D. The service charge shall be paid upon billing by the City of Lakewood. The amount of the fee shall be in accordance with a schedule established by City Council resolution. Prior to consideration of a resolution to modify the fee, the City of Lakewood shall publicize the proposed fee modification and provide an opportunity for public input regarding the proposed fee.

E. The Director shall determine the number of square feet of impervious surface in or on the real property of each owner, using the definition of impervious surface set forth in this chapter. The impervious area for each single family detached property and for each duplex property shall be 2250 square feet unless modified by the Director pursuant to 14.18.070.

F. The service charge shall be subject to additional fees for delinquent payment, uncollectible checks, liens and any other penalties which are the same as those imposed with City of Lakewood water or sewer utility charges. (Ord. O-2019-24 § 4, 2019; Ord. O-98-28 § 1, 1998).

14.18.060 Providing for the use of the service charge.

A. All fees and charges paid and collected pursuant to this chapter shall be credited and deposited into a special enterprise fund, designated as the “Stormwater Management Utility Fund,” and shall not be transferred to any other account of the City of Lakewood, except to pay for Project Costs.

B. The City of Lakewood may pledge all or any portion of the service charge, or any other fees and charges collected pursuant to this chapter, including those anticipated to be collected, to the payment of principal, interest, premium, if any, and reserves for general obligation bonds, revenue bonds or any other obligations lawfully issued or otherwise contracted for by the City of Lakewood for the payment or other financing of project costs, or for the purpose of refunding any obligations issued or otherwise contracted for such purpose.

C. The annual budget of the City of Lakewood shall include a proposed budget for project costs including the operation and maintenance of stormwater facilities for the ensuing budget year, and the construction of stormwater facilities during the same period. There shall also be included in the annual budget a statement of all amounts in the Stormwater Management Utility Fund, and an estimate of anticipated revenues for the ensuing budget year.
D. Any obligations issued or contracted for by the City of Lakewood pursuant to this chapter, or any other applicable provision of law, may be issued without the necessity of an election, unless such obligations shall be general obligation bonds of the City of Lakewood, in which event such obligations shall not be issued or contracted for without prior electoral approval. All such obligations shall be issuable in such form, shall mature at such time or times and in such amounts, shall be payable at such place, either within or without the State of Colorado, shall be subject to such terms of redemption and shall be secured in such manner as the City Council of the City of Lakewood shall determine. Such obligations may be sold at public or private sale under such terms and conditions as the City Council of the City of Lakewood shall determine. All other terms, provisions and other matters relating to such obligations shall be such as are approved by the City Council of the City of Lakewood.


14.18.070 Administrative and Judicial Review.

A. Any owner who disputes the amount of the service charge made against his property may petition the Director for a hearing on a revision or modification of such charge no later than thirty (30) days after having been billed for such charge. The Director may hold hearings himself, or may designate another as a hearing officer with authority to hold such hearing or hearings.

B. Such petition for a hearing shall be in writing, and the facts and figures submitted shall be submitted in writing as sworn statements, in a form acceptable to the Director, and at a hearing scheduled by the Director. The hearing shall take place within the City of Lakewood, and notice thereof and the proceedings shall otherwise be in accordance with rules and regulations issued by the Director.

C. The Director shall make a final decision and may confirm or modify such charge or determination in accordance with the facts submitted. Such decision by the Director shall be in writing and notice thereof shall be mailed to or served upon the petitioner within ten (10) days from the date of the Director’s action. Service by certified mail, return receipt requested, shall be conclusive evidence of notice for the purpose of this chapter. Such action shall be considered a final order of the Director, and any review thereof shall be by the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedures. (Ord. O-98-28 § 1, 1998).

14.18.080 Penalty.

A. It shall be unlawful for any person to violate any of the provisions of this chapter. Any person who violates the provisions of this chapter shall be subject to the penalties as set forth in Section 1.16.020.

B. In the event any owner or owners of any lot, parcel of land, or any real property within the legal boundaries of the City of Lakewood shall neglect, fail, or refuse to pay the charges or fees fixed by this chapter, the City of Lakewood may pursue any remedy available at law or equity to enforce and collect the service charge. The City of Lakewood may also recover, in addition to service charges due, all court costs, attorneys' fees and interest on the amount owing.

C. In addition to other civil collection procedures, all fees and charges, together with all interest and penalties for default in payment, and all costs in collecting the same, until paid, shall constitute a perpetual lien on the property, on a parity with the tax lien of general, state, county, city, town or school taxes, and no sale of such property to enforce any general, state,
D. county, city, town or school tax or other liens shall extinguish the perpetual lien for such fees, charges, interest, penalties and costs.

E. Delinquent charges and fees may be collected as any other debt owed to the City of Lakewood at the option of the City of Lakewood.

F. Enforcement of this subsection shall be in the Municipal Court of the City of Lakewood or the District Court of Jefferson County. No remedy provided herein shall be exclusive, but the same shall be cumulative; and the taking of any action hereunder, including charge or conviction of violation of this chapter in the Municipal Court of the City of Lakewood, shall not preclude or prevent the taking of other action hereunder to enjoin any violation of that ordinance. (Ord. O-2019-24 § 4, 2019; Ord. O-2017-16 § 21, 2017; Ord. O-98-28 § 1, 1998).

14.18.090 Unusual circumstances.

   It is anticipated there will be situations which are not addressed by the procedures and criteria in this ordinance. In these cases the Director is delegated the authority to analyze and decide those cases. (Ord. O-98-28 § 1, 1998).

14.18.100 Severability.

   In the event that any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter, or the application thereof, is for any reason held or decided to be unconstitutional or unlawful, such decision shall not affect the validity of the remaining portions or applications of this chapter. (Ord. O-98-28 § 1, 1998).
Chapter 14.20
ENGINEERING REGULATIONS, CONSTRUCTION SPECIFICATIONS AND DESIGN STANDARDS

Sections:
14.20.010 Adopted.
14.20.030 Compliance.
14.20.040 Conflict.
14.20.050 Authority.

14.20.010 Adopted.

One copy of each of the documents adopted in Section 14.20.010 shall be on file in the City Clerk's office and are open to public inspection during regular office hours. (Ord. O-94-40 § 7, 1994; Ord. O-86-107 § 6, 1986).

14.20.030 Compliance.
The Engineering Regulations, Construction Specifications, and Design Standards, shall govern construction of public facilities and construction within the public ways of this city; and no such construction shall be approved unless performed and completed in accordance with the Engineering Regulations, Construction Specifications, and Design Standards. (Ord. O-86-107 § 3, 1986).

14.20.040 Conflict.
In cases of conflict between the Engineering Regulations, Construction Specifications, and Design Standards adopted in this chapter and any other rule, regulation, or ordinance of the city, the Engineering Regulations, Construction Specifications, and Design Standards shall prevail. (Ord. O-86-107 § 4, 1986).

14.20.050 Authority.
The Planning Director, and Public Works Director shall have and is given the authority to, from time to time and at any time, make minor additions, revisions, and corrections to the Engineering Regulations, Construction Specifications, and Design Standards in accordance with good engineering standards and practice. (Ord. O-2019-24 § 4, 2019; Ord. O-91-59 § 21, 1991; Ord. O-86-107 § 5, 1986).

Any person who violates any of the provisions of the Engineering Regulations, Construction Specifications and Design Standards adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties as set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. (Ord. O-2017-16 § 22, 2017; Ord. O-2007-13 § 2, 2007).
Chapter 14.21

EXCAVATION, GRADING AND RETAINING WALLS

Sections:
14.21.010 Purpose.
14.21.030 Permits required.
14.21.040 Hazards.
14.21.050 Definitions.
14.21.060 Grading permit requirements.
14.21.070 Qualitative grading requirements.
14.21.090 Grading fees.
14.21.100 Bonds.
14.21.120 Fills.
14.21.130 Setbacks.
14.21.140 Drainage and terracing.
14.21.150 Retaining walls.
14.21.170 Grading inspection.
14.21.180 Completion of work.

14.21.010 Purpose.
The purpose of this chapter is to protect the public health, safety, and welfare by regulating grading on private property and to establish guidelines which relate to the aesthetic impacts of cuts and fills upon adjacent properties. In preparing a property for development, care should be taken to preserve existing land forms to the maximum extent possible consistent with the need to establish appropriate street grades, drainage patterns, and building sites. (Ord. O-88-40 § 1 (part), 1988).

This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. (Ord. O-88-40 § 1 (part), 1988).

14.21.030 Permits required.
A. No person shall do any grading without first having obtained a grading permit from the Planning Director, and Public Works Director except for the following:
   1. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not except any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than two feet after the completion of such structure;
2. Cemetery graves;
3. Refuse disposal sites controlled by other regulations;
4. Excavations for wells or tunnels or utilities;
5. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, providing such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property;
6. Exploratory excavations under the direction of soils engineers or engineering geologists;
7. An excavation which is (a) less than two feet in depth, or (b) which does not create a cut slope greater than two feet in height and steeper than three horizontal to one vertical;
8. A fill less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical;
9. A fill less than three feet in depth, which does not exceed fifty cubic yards on any one lot and does not obstruct a drainage course, and which is not intended to support structures;
10. Street right-of-way construction.

B. No person shall do any grading without first having obtained a grading permit from the Planning Director, and Public Works Director. No grading permit will be issued until such time as the Planning Director, and Public Works Director has approved a grading plan which is accompanied by a final site plan for an impending development. Additionally, the Director has the authority to require, prior to issuance of a grading permit, a haul route to be approved by the Director for transporting any excess dirt material. Further, the Director may require that he approve any site within Lakewood where the excess material is to be dumped. A grading plan shall be valid for a period not to exceed six months from the date of approval. An exception to the site plan requirement may be authorized by the Planning Director, and Public Works Director based upon the following circumstances:
1. The proposed grading is in direct response to a drainage problem; or
2. It is clear that the proposed grading is appropriate for the property, and that no adverse impact on adjacent properties will result; or
3. The proposed grading is done to achieve a subgrade or an anticipated street right-of-way and/or drainage structures or outfalls; or
4. The proposed grading is overlot grading of a large single-family or PD zoned area, being done prior to approval of a final plat and final site plan, and only in instances where it is clear that such grading will not impact surrounding areas.

In instances where a grading permit is issued prior to approval of a site plan, no building permit will be issued until a site plan (or plot plan in the case of a single-family home or duplex) and final grading plan have been approved by the Director.

A grading permit shall be required for an entire filing or each site, and may cover both excavations and fills.

Existing excavations or embankments in place prior to the adoption of this ordinance will be exempt from the standards outlined herein. This exception is granted only if the grading was done in accordance with Chapter 70 of the Uniform Building Code in effect at the time of grading of the excavation or embankment, and if a grading permit has been issued, and the work performed according to an approved grading plan. (Ord. O-2019-24 § 4, 2019; Ord. O-94-40 §§ 8, 9, 1994; Ord. O-91-59 § 5 (part), 1991; Ord. O-88-40 § 1 (part), 1988).
14.21.040 Hazards.
Whenever the Planning Director determines that any existing excavation or embankment or fill on private property has become a hazard to public safety, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Director shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code. Failure to comply with this chapter will result in the owner’s failure to obtain a certificate of occupancy for the project, the city issuing a stop work order to halt the work, or any other actions as deemed necessary by the Director. (Ord. O-2019-24 § 4, 2019; Ord. O-94-40 § 10, 1994; Ord. O-91-59 § 5 (part), 1991; Ord. O-88-40 § 1 (part), 1988).

14.21.050 Definitions.
For the purposes of this chapter, the definitions listed hereunder shall be construed as specified in this section.

“Approval” means the proposed work or completed work conforms to this chapter in the opinion of the Planning Director, and Public Works Director.

“As-graded” is the extent of surface conditions on completion of grading, including the final quantities of cuts and fills that have occurred.

“Bedrock” is in-place solid rock.

“Bench” is a relatively level step excavated into earth material on which fill is to be placed.

“Borrow” is earth material acquired from an off-site location for use in grading on a site.

“Civil Engineer” is a professional engineer registered in the State of Colorado to practice in the field of civil works.

“Civil engineering” is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

“Compaction” is the densification of a fill by mechanical means.

“Director” is the Planning Director, Permits Director and Public Works Director of the City of Lakewood, Colorado or designee.

“Earth material” is any rock, natural soil or fill and/or any combination thereof.

“Engineering Geologist” is a geologist experienced and knowledgeable in engineering geology.

“Engineering geology” is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil work.

“Erosion” is the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

“Excavation” is the mechanical removal of earth material.

“Existing grade” is the grade prior to grading.

“Fill” is a deposit of earth material placed by artificial means.

“Finish grade” is the final grade of the site which conforms to the approved plan.

Geotechnical Engineer. See Soils Engineer.

“Grade” is the vertical location of the ground surface.
“Grading” is any excavation or filling, or combination thereof.
“Key” is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
“Rough grade” is the stage at which the grade approximately conforms to the approved plan.
“Site” is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
“Slope” is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
“Soil” is sediments or other unconsolidated accumulations of solid particles produced by the physical and chemical disintegration of rocks; may or may not contain organic matter.
“Soils Engineer” (geotechnical engineering) is an engineer experienced and knowledgeable in the practice of soils (geotechnical) engineering.
“Soils engineering” (geotechnical engineering) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and/or testing of the construction thereof.
“Substantial for purposes of this chapter” means the cutting or filling of a site to accomplish a two foot or greater change from natural grade.

14.21.060 Grading permit requirements.
A. Plans and Specifications. When required by the Director, each application for a grading permit shall be accompanied by three sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. These reports will be required on a case-by-case basis as determined by the Director. The plans and specifications shall be prepared and signed by a civil engineer where required by the Director.
B. Information on Plans and in Specifications. Plans shall be drawn to scale and upon approval will be required to be submitted as mylar reproducible for records. The plans shall be of a sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that the proposed grading will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Plans and specifications shall be drawn according to the Engineering Regulations, Construction Specifications and Design Standards of the City of Lakewood.
C. For grading plans submitted with a building permit application in the 1-R, 2-R and 3-R Zone Districts, the plans and specifications shall be drawn according to the requirements provided by the Plans and Permits Section of the Department of Planning, Permits and Public Works. The standards of Section 14.21.070 will apply to single-family and duplex building permit applications.
D. Soils Engineering Report. The soils engineering report required by subsection (A) of this section shall include:
1. Data regarding the nature, distribution and strength of existing soils;
2. Conclusions and recommendations for grading procedures;
3. Design criteria for corrective measures, including buttress fills, when necessary;
4. Opinions and recommendations covering adequacy of sites to be developed by the proposed grading, including the stability of slopes.

Recommendations included in the report and approved by the Director shall be incorporated in the grading plans or specifications.

E. Engineering Geology Report. The engineering geology report required by subsection (A) of this section shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the Director shall be incorporated in the grading plans or specifications.

F. Changes to permit. The Director may require that grading operations and project design be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued. (Ord. O-2011-11 § 2, 2011; Ord. O-91-59 § 4 (part), 1991; Ord. O-88-40 § 1 (part), 1988).

14.21.070 Qualitative grading requirements.

A. It shall be the responsibility of the owner/developer to assure that minimal impact on adjacent properties results from the grading proposal. If a substantial change in grade occurs within fifty feet of the property line, the Director shall have the authority to require a less steep slope, more extensive landscape buffering, additional setback or other appropriate measures in order to minimize impacts on adjacent properties.

B. The grading plan shall include contours extending a minimum of one hundred feet beyond the property lines of the subject site. This distance may be varied or waived by the Director on a case-by-case basis, depending on individual circumstances. Any buildings, trees (exceeding four inches in caliper) or other physical features, such as drainageways, lakes, etc., must be shown on the grading plan. Additionally, the first floor finished elevation of any buildings on the adjacent properties and any tree which may have its roots impacted by the proposed grading shall be shown.

C. Fill slopes between the subject site and buildings on an adjacent site should not exceed 3:1 grade if the height of the slope where the fill is occurring exceeds two feet. This gradient is established to assure that the slope is capable of supporting landscape material, can be reasonably maintained, and to mitigate potential impacts such as erosion, deposition and drainage flows on adjacent properties. Acceptable ground cover for such a slope must be reflected on the site plan submitted for such a slope and must be reflected on the site plan submitted with the grading plan. If the Director has waived the site plan requirement, the grading plan shall reflect appropriate ground cover treatment for erosion control.

D. The height of any proposed building will be considered in evaluating the impact on adjacent land use. The height and setback of buildings on adjacent properties will also be considered to determine if negative impacts with respect to appearance, visibility and drainage would result.

E. On-site drainage and the need to maintain flows away from the proposed buildings will be considered when reviewing proposed site grading.

F. Retention of existing land forms by designing buildings which are built into a hillside or which provide walk-out basements is encouraged even though this may result in some slopes which exceed the 3:1 standard outlined in subsection (C) of this section.

G. If a site plan is submitted after grading has occurred, changes to the approved grading may be required if the site plan indicates a need for such. (Ord. O-88-40 § 1 (part), 1988).
A. The Planning Commission shall hear and decide appeals from any order, decision or determination made by the Director which relates to failure of the grading plan to meet engineering standards. The Planning Commission shall also hear and decide appeals from any order, decision, or determination made by the Director which relates to failure of the grading plan to meet aesthetic/qualitative standards, or failure to mitigate the impact on the subject site or on adjacent properties.
B. The applicant shall have fourteen days after receiving a written denial from the Director to appeal said denial. Any appeal from an order, decision, or determination of the Director shall require payment of a fee prior to Planning Commission’s consideration of the appeal. The amount of this fee shall be established by City Council resolution. The decision of the Planning Commission shall be final and any appeal from that decision shall be to Jefferson County District Court. (Ord. O-88-40 § 1 (part), 1988).

14.21.090 Grading fees.
A. General. Fees shall be as determined by City Council resolution.
B. Plan Review Fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth by City Council resolution. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.
C. Grading Permit Fees. A fee for each grading permit shall be paid to the Director as set forth by City Council resolution. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities. (Ord. O-88-40 § 1 (part), 1988).

14.21.100 Bonds.
The Director may require a surety bond, cash bond, or letter of credit in such form and amount as may be deemed necessary to assure that the work is completed in accordance with the approved plans and specifications. (Ord. O-88-40 § 1 (part), 1988).

A. General. Unless otherwise recommended in the approved soils engineering and/or engineering geology report, cuts shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.
B. Slope. The slope or cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than three horizontal to one vertical except as in accordance with the provisions and criteria of Section 14.21.070 of this title. No approval for slopes steeper than 3:1 is permitted unless the owner furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. The provisions of Section 14.21.070 continue to apply.
14.21.120 Fills.

A. General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

B. Fill Location. Fill slopes shall not be constructed on natural slopes which have a slope steeper than three to one.

C. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill and, where slopes are steeper than five to one and the height is greater than five feet by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five to one shall be at least ten feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least ten feet wide but the cut shall be made before placing the fill and must be accepted by the soils engineer or engineering geologist or both as a suitable foundation for fill.

D. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Director, no rock or similar irreducible material with a maximum dimension greater than twelve inches shall be buried or placed in fills.

Exception: The Director may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. When required, rock sizes greater than twelve inches in maximum dimension shall be ten feet or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with finer material.

E. Compaction. All fills shall be placed and compacted in accordance with Section 203 of the Colorado Department of Transportation Standard Specifications for Road and Bridge Construction.

F. Slope. The fill slopes shall be no steeper than three horizontal to one vertical.


14.21.130 Setbacks.

A. General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

B. Top of Cut Slope. The top of cut slopes shall be made not nearer to a site boundary line than ten feet, unless authorized pursuant to Section 14.21.070 of this title. The setback may need to be increased for any required interceptor drains, and as determined by the Director.
C. Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than ten feet, or three feet of setback for each one foot of fill, whichever is greater, unless otherwise allowed pursuant to Section 14.21.070. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Director deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks;
2. Provision for retaining or slough walls;
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion;

D. Modification of Slope Location. The Director may approve alternate setbacks. The Director may require an investigation and recommendation by a qualified engineer or engineer geologist to demonstrate that the intent of this section has been satisfied. (Ord. O-88-40 § 1 (part), 1988).

14.21.140 Drainage and terracing.

A. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than three horizontal to one vertical.

B. Terrace. Terraces at least six feet in width shall be established at not more than thirty foot intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than sixty feet and up to one hundred twenty feet in vertical height, one terrace at approximately mid-height shall be twelve feet in width. Terrace widths and spacing for cut and fill slopes greater than one hundred twenty feet in height shall be designed by the civil engineer and approved by the Director. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of five percent and must be paved with reinforced concrete not less than four inches in thickness or with an approved equal paving. They shall have a minimum depth at the deepest point of one foot and a minimum paved width of five feet. A single run of swale or ditch shall not collect runoff from a tributary area exceeding thirteen thousand five hundred square feet (projected) without discharging into a down drain.

C. Subsurface drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

D. Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Director and/or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive downdrains or other acceptable devices.

Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Director.

Exception: The gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than ten feet in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of ten feet.
3. No existing slope, which has a slope face steeper than ten horizontally to one vertically, has a vertical height in excess of ten feet.
E. Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than forty feet measured horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of twelve inches and a minimum paved width of thirty inches measured horizontally across the drain. The slope of drain shall be approved by the Director. (Ord. O-88-40 § 1 (part), 1988).

14.21.150 Retaining walls.
These regulations governing the installation of retaining walls are applicable to all zone districts. All retaining wall designs shall be reviewed and approved by the appropriate staff of the City of Lakewood to assure structural stability and ensure that their appearance is pleasing and compatible with the building on the site. Planning staff shall review the surface treatment of retaining walls to determine aesthetic appearance and compatibility with the on-site structures. Inspection of retaining walls in the public right-of-way or easements will be conducted by the engineering staff. Inspection of retaining walls on private property will be conducted by the Planning Department, and Public Works Department staff.

A. Any retaining wall exceeding thirty inches in height shall be designed and sealed by a Professional Engineer. The design must be reviewed and approved by the appropriate city staff.

B. If a series of adjacent walls are structurally interdependent and the sum of the height of the walls is greater than thirty inches, the structure will be reviewed as one wall.

C. Terracing through the use of successive retaining walls shall provide benches sufficient in width to allow for acceptable landscape material and maintenance of that material.

D. The materials, color, height, and forms of all retaining walls shall be reviewed for their compatibility with buildings, plant materials, land forms, and other on-site and off-site elements.


A. Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable. If any erosion is occurring, the Director has the authority to immediately require any means necessary to alleviate the erosion, i.e., silt fencing, hay bales, water trucks, etc. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted, when substantiated by recommendations contained in the soils engineering or engineering geology reports. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

B. The Director may require cash or letter of credit in such form and amount as may be deemed necessary to assure that the work is completed in accordance with approved plans and specifications for erosion control. If said collateral is drawn down by the City of Lakewood for whatever reason, the Director may require the owner and/or developer of the property to replenish the collateral as needed and repay any monies spent by the City of Lakewood in excess of established surety. The cost estimate and surety amount may be amended by the Director at any time.
C. It is the obligation of the owner or developer to ensure that erosion control measures shall be in place prior to commencement of grading, or stockpiling, and shall be maintained throughout construction. Additional measures may be required during construction and shall be installed at the direction of the Director. Should the owner and/or developer fail to maintain proper erosion control measures, the City of Lakewood or designee may enter the property and provide necessary corrective measures and bill the owner and/or developer for the cost to the City of Lakewood, or the City of Lakewood may draw on the collateral for reimbursement of its costs. By signing a City of Lakewood application for grading and erosion permit, the owner and/or developer expressly grants authority to the City of Lakewood to enter upon the premises to provide necessary erosion control.

D. If the owner and/or developer violates any provision of this Chapter, including any provision of this section relating to erosion control, collateral, or payment to the City of Lakewood, or any other violation, the Director may issue a stop work order.

E. If the City of Lakewood performs or causes to be performed any work upon the property which the owner and/or developer has not performed, and if the owner and/or developer has not paid the costs to the City of Lakewood within thirty (30) days after billing, the City of Lakewood may certify the amount owed to the Treasurer of Jefferson County including additional administrative costs incurred by the City of Lakewood. Said amount shall become an assessment on and lien against the property of the owner and will be collected in the same manner as a real estate tax on the property. (Ord. O-2019-24 § 4, 2019; Ord. O-98-12 § 1, 1998; Ord. O-88-40 § 1 (part), 1988).

14.21.170 Grading inspection.

A. General. All grading operations for which a permit is required shall be subject to inspection by the Director, if on private property. Engineering Division personnel shall inspect grading within public right-of-way. When required by the Director, special inspection and testing of grading operations shall be performed in accordance with the provisions of subsection C of this section.

B. Grading Designation. All grading in excess of five thousand cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as “engineered grading.” Grading involving less than five thousand cubic yards shall be designated “regular grading” unless the permittee, with the approval of the Director, chooses to have the grading performed as “engineering grading.”

C. Engineering Grading Requirements. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soils engineering and engineering geology reports into the grading plan. He also shall be responsible for the professional inspection and approval of the grading. If required by the Director, a special inspection must be conducted to verify the engineering grading was properly administered. This responsibility shall include, but need not be limited to, inspection and approval as to the establishment or line, grade and drainage of the development area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the Director. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work. The grading contractor shall submit in a form prescribed by the Director a statement of compliance to the as-built plan.

Soils engineering and engineering geology reports shall be required as specified in Section 14.21.060. During grading, all necessary reports, compaction data and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the Director by the soils engineer and the engineering geologist.
The soil engineer’s area of responsibility shall include, but need not be limited to, the professional inspection and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters and the need for subdrains or other groundwater drainage devices. He shall report his findings to the soils engineer and the civil engineer for engineering analysis.

The Director shall inspect the project at the various stages of the work to determine that adequate control is being exercised by the professional consultants.

D. Regular Grading Requirements. The Director may require inspection and testing by an approved testing agency.

The testing agency’s responsibility shall include, but need not be limited to, approval concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills.

When the Director has cause to believe that geologic factors may be involved, the grading operation will be required to conform to the “engineering grading” requirement.

E. Notification of Non-Compliance. If, in the course of fulfilling his responsibility under this chapter, the civil engineer, the soils engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Director. Recommendations for corrective measures, if necessary, shall be submitted by the civil engineer, soils engineer or the engineering geologist.

F. Transfer of Responsibility for Approval. If the civil engineer, the soils engineer, the engineering geologist or the testing agency of record is changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of his technical competence for approval upon completion of the work. (Ord. O-2011-11 § 4, 2011; Ord. O-88-40 § 1 (part), 1988).

14.21.180 Completion of work.

A. Final Reports. Upon completion of the rough grading work and at the final completion of the work, the Director may require the following reports and drawings and supplements thereto:

1. An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The engineer shall state that to the best of his knowledge the work was done in accordance with the final approved grading plan.

2. A soils-grading report prepared by the soils engineer, including locations and elevations of field density tests, summaries of field and laboratory test and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soils engineering investigation report. He shall render a finding as to the adequacy of the site for the intended use.

3. A geologic grading report prepared by the engineering geologist, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He shall render a finding as to the adequacy of the site for the intended use as affected by geologic factors.
B. Notification of Completion. The permittee or his agent shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted. (Ord. O-88-40 § 1 (part), 1988).

If there is any conflict between the provisions of this chapter and the International Building Code or the International Residential Code, the provisions of this chapter shall control. (Ord. O-2011-11 § 5, 2011; Ord. O-88-40 § 1 (part), 1988).
Chapter 14.22

UNDERGROUND STORAGE TANK REMOVAL

Sections:
14.22.010 Definitions.
14.22.020 Notification.
14.22.030 Abandonment or removal.
14.22.040 Registered contractors.
14.22.050 Removal.
14.22.060 Inspection fee.
14.22.070 Penalties.

14.22.010 Definitions.
As used in this chapter:
"Operator" means any person in control of, or having responsibility for, the operation of an underground storage tank.
"Owner" means:
1. In the case of an underground storage tank in use on or after November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for storage, use, or dispensing of regulated substances; or
2. In the case of an underground storage tank in use before November 8, 1984, but no longer in use on or after November 8, 1984, any person who owned such tank immediately before the discontinuation of its use.
"Person" means any individual, trust, firm, joint-stock company, corporation (including a government corporation), partnership, association, commission, municipality, state, county, city and county, political subdivision of a state, interstate body, consortium, joint venture, or commercial entity or the government of the United States.
"Regulated substance" means:
1. Any substance defined in Section 101 (14) of the federal "Comprehensive Environmental Response, Compensation and Liability Act of 1980," as amended, but not including any substance regulated as a hazardous waste under subtitle (C) of the federal "Resource Conservation and Recovery Act of 1976," as amended; or
2. Petroleum, including crude oil, and crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).
"Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a regulated substance from an underground storage tank into groundwater, surface water, or subsurface soils.
"Reportable quantities" means those which, as a result of a release of a regulated substance, equal or exceed the reportable quantity under the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," and its subsequent amendments, and petroleum products in quantities of twenty-five gallons or more.
"Tank" means a stationary device designed to contain an accumulation of a regulated substance, constructed of nonearthen materials including, but not limited to, concrete, steel, fiberglass or plastic which provide structural support.
“Underground storage tank” means any one or combination of tanks, including underground pipes connected thereto, except those identified in the second paragraph of this definition, that is used to contain an accumulation of regulated substances and the volume of which, including the volume of underground pipes connected thereto, is ten percent or more beneath the surface of the ground. “Underground storage tank” does not include:
1. Any farm or residential tank of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. Any tank used for storing heating oil for consumptive use on the premises where stored;
3. Any septic tank;
4. Any pipeline facility, including its gathering lines, regulated under the federal “Natural Gas Pipeline Safety Act of 1968,” as amended, or the federal “Hazardous Liquid Pipeline Safety Act of 1979,” as amended, or regulated under Colorado law if such facility is an intrastate facility;
5. Any surface impoundment, pit, pond, lagoon, or landfill;
6. Any stormwater or wastewater collection system;
7. Any flow-through process tank;
8. Any liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;
9. Any storage tank situated in an underground area, such as a basement, cellar, mine-working, drift, shaft, or tunnel area, if the tank is situated upon or above the surface of the floor; or
10. Any pipes connected to any tank which is described in the second paragraph of this definition. (Ord. O-91-33 § 1 (part), 1991).

14.22.020 Notification.
All owners or operators of underground storage tanks which contain or have contained a regulated substance must notify the Fire Chief or Police Chief or their designees if any of the following events occur:
A. The underground storage tank will be abandoned in place;
B. The underground storage tank will be removed;

14.22.030 Abandonment or removal.
No underground storage tank shall be abandoned in place without the prior approval of the Fire Chief or Police Chief or their designees. An owner or operator must notify the Fire Chief or Police Chief or designee five days prior to removal of an underground storage tank. (Ord. O-91-33 § 1 (part), 1991).

14.22.040 Registered contractors.
Underground storage tanks shall be removed only by contractors registered with the City of Lakewood. (Ord. O-2011-11 § 6, 2011; Ord. O-91-33 § 1 (part), 1991).
14.22.050 Removal.
   A. All underground storage tanks shall be removed according to the guidelines promulgated by the American Petroleum Institute. Current guidelines are available at the office of the Lakewood Hazardous Materials Coordinator.
   B. All underground storage tanks shall be emptied of contaminants by an acceptable and approved American Petroleum Institute method prior to transportation.
   C. Contents shall not be discharged onto any surrounding property.
   D. All electrical power and sources of ignition must be shut off prior to excavation.
   E. The Fire Chief or Police Chief or their designees must inspect each tank and surrounding area prior to removal.
   F. No underground storage tank shall be destroyed or disassembled on site.
   G. A state-licensed underground storage tank installer must be present on site during the tank removal process. (Ord. O-91-33 § 1 (part), 1991).

14.22.060 Inspection fee.
   The owner or operator shall pay to the City of Lakewood an inspection fee in the following amount:
   $50.00 for the first tank located on site.
   $25.00 for each additional tank located on site. (Ord. O-91-33 § 1 (part), 1991).

14.22.070 Penalties.
   A violation of this chapter shall be enforced by a charge in the Municipal Court of the City of Lakewood and, additionally, an order from the Fire Chief or Police Chief or designees to cease the tank removal. The provisions of the ordinance codified in this chapter may be enforced by the City of Lakewood and/or the Fire Protection District having jurisdiction over the site of the violation. No remedy provided herein shall be exclusive, and the taking of any action hereunder, including charge or conviction of violation of this chapter in the municipal court, shall not preclude the taking of other action, including civil lawsuits. (Ord. O-91-33 § 1 (part), 1991).
Chapter 14.23

SPECIAL IMPROVEMENT DISTRICTS

Sections:
14.23.010 Adoption of state statutory procedure.
14.23.020 Specific alterations of statutes.
14.23.030 Notice requirement.
14.23.040 Administrative regulations.

14.23.010 Adoption of state statutory procedure.
Except as otherwise provided herein or in the Charter, the statutes of the State of Colorado codified as Part 5 of Article 25 of Title 31, Colorado Revised Statutes, in effect as of the date hereof, shall prescribe the method and manner of creating improvement districts by the city, and all other matters related to such improvement districts. In addition, the city shall have the right and authority to use and operate under the provisions of the statutes of the State of Colorado codified as Part 11 of Article 25 of Title 31, Colorado Revised Statutes, in connection with such improvement districts. (Ord. O-92-27 § 1 (part), 1992).

14.23.020 Specific alterations of statutes.
In accordance with the authority contained in Section 14.23.010 hereof, it is provided that:

A. The provisions of Section 31-25-503(1)(a), (b), (c), and (d), C.R.S., shall not apply to improvement districts created or to be created by the city. Any improvement and any improvement district may be initiated by either: (i) submission to the city of a petition therefor subscribed by the owners of not less than twenty-five percent of the property by area within an improvement district; or (ii) adoption of an ordinance by the City Council declaring its intention to create the district and construct, install, or otherwise acquire such improvements, without the necessity of receiving a petition therefor. References in Title 31, Article 25, Part 5, Colorado Revised Statutes, to the resolution of intention to create a district under Section 31-25-503(1)(d), C.R.S., shall be deemed to refer to the ordinance of intention provided herein. If initiated by such ordinance, the City Council shall make a preliminary order as required by Section 31-25-503(3) in the same manner as if the improvements had been requested by petition. Such preliminary order may be included in the ordinance of intention to construct the improvements. In accordance with Section 10.1(d) of the Charter, the City Council shall create no improvement district without the express written consent of owners of a majority of the property by area within any improvement district. As used in this section, the term “owners” means only those entities or persons in whom record fee title is vested, although such title may be subject to a lien or other encumbrance; and the term “property” means all land, whether platted or unplatted, regardless of improvements thereon and regardless of lot or land lines. Nothing herein shall be construed to require the city to create any improvement district, to construct, install, or otherwise acquire any particular improvement, use any particular materials in connection therewith, or to assess the costs thereof in any particular manner, regardless of any petition therefor.

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B. Petitions may be submitted in counterparts, shall be in such form or forms as may be prescribed by the City Manager, and shall contain: (i) a general description of the improvements petitioned for; (ii) the properties to be assessed; (iii) the requested method or methods of assessing the costs of the improvements; (iv) the names and addresses of the persons or entities signing such petition; (v) the name and address of at least one person who is empowered to represent the signatories thereto; and (vi) such other information as the City Manager may require. Unless otherwise determined by the City Manager, any petition presented to the City Council shall be accompanied by a cash deposit, bond, or other surety acceptable to the City Manager, sufficient to cover the costs (as estimated by the City Manager or designee) associated with the giving of notice, the holding of hearings, and all other matters associated with the creation of the district petitioned for therein. If at any time the amount of such surety proves insufficient to cover such costs, the City Manager may order the posting of additional surety, and the failure to post such security as determined by the City Manager will constitute grounds for terminating any proceedings in connection with the district petitioned for. In the discretion of the City Council, after the creation of a district pursuant to a petition, the costs of creating such district which were paid from such surety may be reimbursed to the appropriate persons or entities from the proceeds of any bonds or other obligations issued to construct, install, or acquire the improvements, or from any other moneys allocable to the district. Unless the City Council determines to reimburse such costs, the costs of creating such district which were paid from such surety shall be nonrefundable.

C. Upon either: (i) receipt of a petition meeting the requirements of this section; or (ii) adoption of an ordinance declaring the intention of the City Council to create a district, the notice provided in Section 31-25-503(4), C.R.S., shall be given; provided that pursuant to Section 31-25-503(4.5), C.R.S., such notice and hearing may be waived. A certificate signed by the City Clerk or the City Manager certifying that such notice was mailed or delivered in accordance with Section 31-25-503(4), C.R.S., shall be conclusive of the facts so stated.

D. The provisions of Section 31-25-516, C.R.S., shall not apply to improvement districts created by the city. The letting of contracts for the construction, installation, or other acquisition of improvements for improvement districts shall be in such manner as may be determined by the City Manager to be in the best interests of the city.

E. The provisions of Section 31-25-518, C.R.S., shall not apply to improvement districts created by the city. Contracts for the construction, installation, or other acquisition of improvements for improvement districts shall contain such provisions as may be determined by the City Manager to be in the best interests of the city.

F. The provisions of Section 31-25-534, C.R.S., shall not apply to improvement districts created or to be created by the city. The city may issue securities for the purposes of paying any costs in connection with a district or the improvements therefor, including the costs of refunding outstanding special assessment securities, which securities shall be payable from special assessments, and which payment may be additionally secured as provided herein. The securities may be issued in such form and amount, bearing such interest rate or rates, payable in such period, bearing such signatures or other evidences of authentication, payable in such manner and in such place or places, and having such other terms, as may be determined by the City Council and set forth in the ordinance or other documents pertaining to the issuance of the securities. In accordance with Section 10.4 of the Charter, whenever there has been paid and canceled three-fourths of the securities issued for a district and for any reason the remaining assessments are not paid in time to redeem the final securities for a district, the city may pay the securities when due and reimburse itself by collecting the unpaid assessments due the district.
G. The provisions of Section 31-25-527, C.R.S., shall not apply to improvement districts created or to be created by the city.

H. The provisions of Section 31-25-538, C.R.S., shall not apply to improvement districts created or to be created by the city. In accordance with Section 10.5 of the Charter, no action or proceeding, at law or in equity, to review any acts or proceedings, or to question the validity of, or enjoin the issuance or payment of any securities; or the levy or collection of any assessments authorized by Article X of the Charter or this chapter, or for any other relief against any acts or proceedings of the city done or had under Article X of the Charter or this chapter, shall be maintained against the city, unless commenced within twenty days after the performance of such act or the effective date of the ordinance or resolution complained of, or else be thereafter forever barred. (Ord. O-92-27 § 1 (part), 1992).

14.23.030 Notice requirement.

It is unlawful for any person to knowingly sell, convey, or otherwise transfer real property which is within a special improvement district created by the city, or any interests in such property, without disclosing to the purchaser or transferee, in writing, the existence of such special improvement district. (Ord. O-92-27 § 1 (part), 1992).

14.23.040 Administrative regulations.

The City Manager shall have the power to adopt rules and regulations not inconsistent with the provisions hereof, concerning the creation and administration of improvement districts, and other matters concerning such districts. (Ord. O-92-27 § 1 (part), 1992).
Chapter 14.24

INTERNATIONAL FIRE CODE

Sections:


The purpose of the International Fire Code is to govern the maintenance of buildings and premises; to safeguard life, health, property, and public welfare by regulating the storage, use and handling of dangerous and hazardous materials, substances and processes and by regulating the maintenance of adequate egress facilities.


Certain provisions of the International Fire Code, as indicated herein, are amended.

A. The provisions of Chapter 1 shall contain the following amendments:

1. Subsection 101.1 is deleted.
2. Section 103 is deleted.
3. A new subsection 105.49 is added to read as follows:

105.49 Assisted Living Facilities. An operational permit issued by the fire authority having jurisdiction is required for the operation and maintenance of assisted living facilities.

4. Section 108 is replaced with the following:

Board of Appeals. Persons aggrieved under this Chapter 14.24 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

5. Subsection 109.3 is deleted
6. Subsection 111.4 is deleted
7. Section 113 is replaced with the following:

Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.
B. The provisions of Chapter 5 shall include the following amendments:

1. Subsection 503.2.1 is replaced with the following:

   503.2.1 Dimensions: Public streets. Public streets that are used for fire apparatus access roads shall have an unobstructed width that meets the dimensions in the *Engineering Regulations, Construction Specifications and Design Standards* of the City of Lakewood; and an unobstructed vertical clearance of not less than 13 feet 6 inches.

   503.2.1.1 Dimensions: Private streets, roads, drives. Private streets, roads, drives or any other areas on private property designated as fire apparatus access roads shall have an unobstructed width of not less than 24 feet, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

2. Subsection 503.2.4 is replaced with the following:

   503.2.4 Turning radius. A public street used as a fire apparatus access road shall have intersection and centerline turning radii meeting the dimensions of the *Transportation Engineering Design Standards* of the City of Lakewood. The required turning radius of a fire apparatus access road on private property shall be an inside radius of 25 feet and an outside radius of 50 feet or as determined by the fire code official. Computer modeling may be required to establish that the fire apparatus of the fire authority having jurisdiction can adequately maneuver proposed access pathways.

3. Subsection 503.2.8 is replaced with the following:

   503.2.8 Angles of Approach and Departure. The angles of approach and departure for fire apparatus access roads shall be no greater than 10% or within the limits established by the fire code official based on the fire apparatus.

4. Subsection 507.5.1 is amended as follows:

   1. Exception 1 is deleted.
   2. Exception 2 is removed and replaced with the following: For buildings equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, a fire hydrant shall be located a minimum of 50 feet and a maximum of 100 feet from the fire department connection(s) in an approved location.

5. Subsection 507.5.1.1 is replaced with the following:

   507.5.1.1 Hydrants for standpipe systems. Hydrants for standpipe and/or automatic sprinkler systems. Buildings equipped with a standpipe system installed in accordance with Section 905, and/or an automatic sprinkler system installed in accordance with 903.3.1.1 or 903.3.1.2 shall have a fire hydrant a minimum of 50 feet and a maximum of 100 feet from the fire department connection(s) in an approved location.
6. Subsection 510.1.1 is replaced with the following:

510.1.1 Minimum signal strength into the building. A minimum signal strength of -85 dBm shall be receivable within the building.

7. Subsection 510.1.2 is replaced with the following:

510.1.2 Minimum signal strength out of the building. A minimum signal strength of -90 dBm shall be received by the agency’s radio system when transmitted from within the building.

8. A new subsection 510.4.1.3 is added to read as follows:

510.4.1.3 Field strength. If the field strength outside the building where the receive antenna for the in-building system is located is less than -85dBm, the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.

9. A new subsection 510.5.5 is added to read as follows:

510.5.5 Rating. All essential components shall be installed in a room accessible for repair and testing within the structure that is rated at 2-hours.

D. The provisions of Chapter 9 shall include the following amendments:

1. Subsection 901.6. is replaced with the following:

901.6 Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested and maintained or removed. The Fire Marshal shall approve the removal of any non-required fire protection systems or equipment.

2. Subsection 903.4.2 is replaced with the following:

903.4.2 Alarms. An approved audible/visual appliance, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm appliances shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

3. A new subsection 907.6.6.3 is added to read as follows:

907.6.6.3 Separate panels required. Fire alarm panels and security alarm panels shall be separate and not combined.

E. The provisions of Chapter 10 shall include the following amendment:

1. Subsection 1025.1 is replaced with the following:
1025.1 General. Approved luminous egress path markings delineating the exit path shall be provided in high-rise buildings of Groups A, B, E, I, M, R-1 and R-2 in accordance with Section 1025.1 through 1025.5.

F. The provisions of Chapter 53 shall include the following amendment:
   1. Subsection 5307.1 is replaced with the following:

      5307.1 Incompatible materials. Compressed gas containers, cylinders and tanks shall be separated from each other based on the hazard class for their contents and shall be separated from incompatible materials in accordance with 5303.9.8. The provisions of this section shall apply to both new and existing systems.

G. The provisions of Chapter 56 shall include the following amendment:
   1. A new subsection 5610 is added to read as follows:

      5610 Other requirements. This chapter shall be interpreted to be consistent with the provisions of §12-28-101, et seq., CRS and any applicable municipal ordinance which shall govern all fireworks, their sale, storage and use.

H. The provisions of Chapter 61 shall include the following amendment:
   1. Subsection 6109.13 is amended by deleting the exception.

I. The provisions of Appendix B shall include the following amendments:
   1. Table B105.1(1) is amended to require the minimum fire flow for all fire flow calculation areas to be no less than 1000 gallons per minute.
   2. Table B105.2 is amended change the reduction percentage allowed to 50% of the value in Table B105.1(2).


A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and non-compliance respectively, be subject to the penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 14.25

FLOOD PLAIN MANAGEMENT

Sections:
14.25.010 Title.
14.25.020 Purpose.
14.25.030 Legislative Intent.
14.25.040 Definitions.
14.25.050 Adoption of Flood Insurance Study, Flood Insurance Rate Map and Official Flood Studies.
14.25.060 Applicability.
14.25.070 Interpretation.
14.25.080 Disclaimer of Liability.
14.25.090 Flood Plain Administrator.
14.25.100 Rules for Determining the exact Boundaries of the Flood Plain and Floodway.
14.25.110 Establishment of Regulatory Flood Plain and Floodway.
14.25.120 Fees.
14.25.130 Flood Plain Regulations.
14.25.140 Floodway Regulations.
14.25.150 Floodway Use Permits.
14.25.180 Non-conforming Structures.
14.25.190 Variances.
14.25.200 Abrogation and Greater Restrictions.
14.25.210 Severability.
14.25.240 Penalties for Violations.

14.25.010 Title.
This Ordinance shall be known and may be cited as the "Flood Plain Management Ordinance of Lakewood, Colorado." (Ord. O-2013-1 § 2, 2013).

14.25.020 Purpose.
This Ordinance is enacted for the following purposes:
A. To establish regulations to help minimize the extent of floods and the losses incurred in flood hazard areas.
B. To promote the public health, safety and welfare. (Ord. O-2013-1 § 2, 2013).

14.25.030 Legislative Intent.
The intention of this Ordinance is:
A. To permit only that development within the flood plain which is appropriate in light of the probability of flood damage.
B. That the regulations in this Ordinance shall apply to all property located in the flood plain, as indicated in the Official Flood Studies for the City of Lakewood, as adopted by this Ordinance.

C. That any use not permitted in the primary zone district shall not be permitted in the flood plain and any use as permitted in the primary zone district shall be permitted in the flood plain only upon meeting conditions and any requirements as prescribed by this Ordinance. (Ord. O-2013-1 § 2, 2013).

14.25.040 Definitions.

A. As used within this Ordinance, except where otherwise specifically defined, or unless the context otherwise requires, the following terms, phrases, words and their derivatives shall have the following meanings:

1. 100-year Flood: The flood having a one percent chance of occurrence in any given year.

2. 100-year Flood Plain: The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

3. Addition: Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

4. Area of Shallow Flooding: Land designated as shallow, indeterminate flooding in the Official Flood Studies. No clearly defined channel exists and the path of flooding is unpredictable.

5. Base Flood: Is synonymous with the 100-year flood and is the flood having a one percent chance of occurrence in any given year.

6. Base Flood Elevation (BFE): The water surface elevation of the 100-year flood as indicated on the Flood Insurance Rate Maps.

7. Basement: Any area of a building having its floor below ground level on all sides.

8. Chief Executive Officer: The City Manager of Lakewood, Colorado.

9. Conditional Letter of Map Revision (CLOMR): FEMA’s comment on a proposed project, which does not revise an effective flood plain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory flood plain.

10. Critical Facility or Critical Facilities: A structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

11. Development: For the purpose of Chapter 14.25 only, shall mean any manmade change to improved or unimproved real estate including but not limited to buildings, fences, or other structures, mining, dredging, filling, grading, paving or excavation operations, or storage of equipment or materials.

12. Equal Degree of Encroachment: A standard applied in determining the location of encroachment limits so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

13. Existing Manufactured Home Park or Manufactured Home Subdivision: A manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are
completed before the effective date of Flood Plain Management Regulations adopted by Lakewood, Colorado, July 21, 1972.

14. Expansion to an Existing Manufactured Home Park or Manufactured Home Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).


16. Flood Hazard Area: The area which would be inundated during the occurrence of the base flood or 100-year flood.

17. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of water from channels and reservoir spillways, or the unusual and rapid accumulation or runoff of surface waters from any source.

18. Flood Insurance Rate Map (FIRM): An official map of a community on which FEMA has delineated both the flood hazard areas and the risk premium zones applicable to the community.

19. Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map and flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

20. Flood Plain or Flood Hazard Area: The area which would be inundated during the occurrence of the base flood or 100-year flood.

21. Flood Plain Administrator: The City official designated by the Chief Executive Officer to administer and enforce the Lakewood Flood Plain Management Ordinance.

22. Flood Plain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

23. Flood Plain Management Regulations: Subdivision regulations, zoning regulations, building codes, health regulations, special purpose ordinances (such as grading ordinance or erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

24. Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

25. Floodway: The channel of a gulch or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than six inches (6") at any point.

26. Floodway Encroachment Lines: The lines marking the limits of floodways as tabulated in the Official Flood Studies.

27. Grade: For the purpose of Chapter 14.25 only, shall mean the lowest ground level adjacent to a foundation.

28. Historic Place or Historic Structure: Structure or place listed on the National Register of Historic Places or structure designated as historic by the Colorado State Historic Preservation Office or listed on a local inventory of historic places if the City of Lakewood has a historic preservation program certified by the Secretary of the Interior or the Colorado State Historic Preservation Office.

29. Letter of Map Revision (LOMR): An official revision to the currently effective FEMA Flood Insurance Rate Map and may include changes to flood zones, delineations, and elevations.
30. Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification to the currently effective Flood Insurance Rate Map based on the placement of fill outside the existing regulatory floodway.

31. Levee: A manmade embankment, usually earthen, designed and constructed in accordance with sound engineering practices to control the flow of flood water. A levee is not channelization or the creation, enlargement or realignment of a stream channel.

32. Lowest Floor: The lowest floor of the lowest enclosed area (including basement) or any floor used for living purposes which includes working, storage, sleeping, cooking and eating, recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable elevation design requirements of this Ordinance.

33. Mean Sea Level: The average height of the sea for all stages of the tide. Mean sea level shall be used as the elevation datum in Lakewood, Colorado, for purposes of these regulations and shall include the North American Vertical Datum (NAVD) of 1988 for purposes of the National Flood Insurance Program, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

34. Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

35. Manufactured Home Park or Manufactured Home Subdivision: For the purpose of Chapter 14.25 only, shall mean a parcel or contiguous parcel(s) of land divided into two or more home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is commenced on or after the effective date of the Flood Plain Management Regulations adopted by Lakewood, Colorado, July 21, 1972.


37. New Construction: Structures for which the start of construction commenced on or after the effective date of the Flood Plain Management Regulations adopted by Lakewood, Colorado, July 21, 1972.

38. Official Flood Studies: Official studies adopted by the City of Lakewood to determine the location, size and elevation of the flood plain and floodway. The studies adopted are enumerated in Section 14.25.050.

39. Person: Any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

40. Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. In an urban area, an example of a reach would be the segment of a stream or gulch between two consecutive bridge crossings.

41. Recreational Vehicle: A vehicle, which is (a) built on a single chassis (b) 400 square feet or less when measured at the largest horizontal projections (c) designed to be self-propelled or permanently towable by a light duty truck and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
42. Regulatory Flood Plain: The 100-year flood plain as contained in the Official Flood Studies adopted in Section 14.25.050.

43. Special Flood Hazard Area: Is synonymous with the 100-year flood plain and is the term used on the Flood Insurance Rate Map to delineate the 100-year flood plain.

44. Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Start of construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units and not part of the main structure.

45. Structure: For the purpose of Chapter 14.25 only, shall mean a walled and roofed building, including a manufactured home and a gas or liquid storage tank that is principally above ground.

46. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure just prior to when the damage occurred.

47. Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (a) before the improvement or repair is started; or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; however, past improvements included in the cumulative cost shall only include repair, reconstruction or improvement that required a building permit under this Title 14, and for which a building permit was issued within the five (5) years preceding the date of the application for a new repair, reconstruction or improvement. Substantial improvement does not include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to assure safe living conditions; or (2) any repair, reconstruction, rehabilitation or restoration of a historic structure as defined in this Chapter 14.25, provided the alteration does not affect the external dimensions of the structure and does not preclude the structure’s continued designation as a historic structure.

48. Variance: A grant of relief by Lakewood, Colorado, from the terms of the Flood Plain Management Ordinance.

49. Violation: The failure of a structure or other development to be fully compliant with this Flood Plain Management Ordinance.

50. Water Surface Profile: A graphical representation showing the relationship between the vertical elevation of the top of the flood water and the streambed along the horizontal reach of the channel. (Ord. O-2019-32 § 2, 2019; Ord. O-2013-1 § 2, 2013)
Adoption of Flood Insurance Study, Flood Insurance Rate Map and Official Flood Studies.

A. There is hereby adopted the Flood Insurance Study for Jefferson County, Colorado and Incorporated Areas prepared by the Federal Emergency Management Agency, 2014 and amendments thereto, and the Flood Insurance Rate Map dated February 5, 2014 and amendments thereto, and the following studies and amendments thereto and all technical back-up information as the Official Flood Studies for Lakewood, Colorado. A copy of said map, studies and amendments are on file in the Department of Public Works and available for public inspection.

1. Flood Hazard Area Delineation
   Weir Gulch Tributaries
   1st Avenue - Dakota Avenue    July, 1977

2. Major Drainageway Planning
   Weir Gulch Tributaries
   1st Avenue and Dakota Avenue
   Depew Street Basin    July, 1978
   Portions of this study are superseded by (19) and (24) below.

3. Major Drainageway Planning, Volume 2
   Sanderson Gulch/Weir Gulch    August, 1972
   Portions of this study are superseded by (4), (16) and (26) below.

4. Weir Gulch
   Drainage Improvements Schedule III
   South Garrison Street to
   Main Reservoir    January, 1977

5. Flood Hazard Area Delineation
   Lakewood Gulch    February, 1979

6. Flood Hazard Area Delineation
   McIntyre Gulch    October, 1977

7. Flood Hazard Area Delineation
   Sloans Lake Basin    October, 1977

8. Flood Hazard Area Delineation
   Green Mountain Area    April, 1978
   Portions of this study are superseded by (22) and (25) below

9. Flood Hazard Area Delineation
   South Lakewood Gulch    July, 1977
10. Flood Hazard Area Delineation
   Bear Creek
   December, 1979

11. Master Drainage Plan, Volume 2
    Lena Gulch
    June, 1975
    Portions of this study are superseded by (17) and (18) below.

12. Flood Hazard Area Delineation
    Dry Gulch and Tributaries
    November, 1977

13. Flood Hazard Area Delineation
    Henry's Lake Drainageway
    July, 1983
    Portions of this study are superseded by (20) and (21) below.

14. Flood Hazard Area Delineation
    Weaver Creek
    May, 1981

15. Flood Hazard Area Delineation
    Dutch Creek, Lilley Gulch, Coon Creek and Three Lakes Tributary
    May, 1978

16. Major Drainageway Planning
    Upper Weir Gulch
    December, 1993

17. Flood Hazard Area Delineation
    Upper Lena Gulch
    January, 1993

18. Major Drainageway Planning
    Upper Lena Gulch
    March, 1994

19. Flood Plain Revisions
    Depew Street Basin
    December, 1998
    Portions of this study are superseded by (24) below.

20. Outfall System Planning
    Academy Park Tributary to Bear Creek
    July, 1999

21. Outfall System Planning
    Pinehurst Tributary to Bear Creek
    December, 1999

22. Flood Hazard Delineation Update
    Fox Run Gulch (f/k/a “Drainageway B”)
    January, 2008
23. Flood Hazard Area Delineation
   Marston Lake North Drainageway July, 2012

24. Floodway Study
   First Avenue Tributary July, 2013

25. Hydrologic Evaluation and Floodplain Update
   Drainageway G, G1, G2, G3 and the
   Indiana Street Overflow February, 2013

26. Flood Hazard Area Delineation
   Sanderson Gulch (includes North Sanderson Gulch) October, 2018

B. The official flood studies listed as 1 through 26 above and any amendments to the 2014 Flood Insurance Study are to be used in all cases for administration of this chapter.

C. No provision in this chapter will be enforced based upon modified data reflecting natural or man-made physical changes without prior approval of the change in the documents by the City of Lakewood, the Urban Drainage and Flood Control District and the Federal Emergency Management Agency.


14.25.060 Applicability.
   This Ordinance shall apply to all lands within Lakewood, Colorado. (Ord. O-2013-1 § 2, 2013).

14.25.070 Interpretation.
   In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by Colorado State Statutes. (Ord. O-2013-1 § 2, 2013).

14.25.080 Disclaimer of Liability.
   The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Lakewood or any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under. (Ord. O-2013-1 § 2, 2013).
14.25.090 **Flood Plain Administrator.**

This Ordinance shall be administered and enforced by the Flood Plain Administrator, who shall be the Chief Executive Officer or his/her appointed designee. When base flood elevation data has not been provided by FEMA in a Flood Insurance Study or in a Flood Insurance Rate Map, the Flood Plain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development meet the requirements of this Ordinance. (Ord. O-2013-1 § 2, 2013).

14.25.100 **Rules for Determining the exact Boundaries of the Flood Plain and Floodway.**

The boundaries of the flood plain and the floodway shall be determined from information presented in the Official Flood Studies. In the absence of other information, boundaries shall be determined by scaling distances on the map. Where interpretation is needed as to the exact location of the boundaries, the Flood Plain Administrator shall make the necessary interpretation. In all cases, the base flood elevation of the 100-year flood shall be the governing factor in locating the flood plain boundary on any property. (Ord. O-2013-1 § 2, 2013).

14.25.110 **Establishment of Regulatory Flood Plain and Floodway.**

There is hereby established regulatory flood plains and floodways whose boundaries are those of the designated 100-year flood plain and the designated floodway respectively, as shown or tabulated in the Official Flood Studies adopted in Section 14.25.050. The flood plain includes the floodway. (Ord. O-2013-1 § 2, 2013).

14.25.120 **Fees.**

A. The City Manager shall establish fees as necessary for any permit, process, appeal procedure or other action relating to this Ordinance.

B. Upon written application to the City Manager, the City Manager may waive or reduce said fees if such action will further the economic goals of the City as set forth in the Lakewood Municipal Code. (Ord. O-2013-1 § 2, 2013).

14.25.130 **Flood Plain Regulations.**

A. Unless modified by other parts of this Ordinance, the following general Flood Plain Regulations shall be in force:

1. In areas of shallow indeterminate flooding:
   
a. All new construction and substantial improvements of nonresidential and residential structures shall have the lowest floor, including basement, and electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities including ductwork, elevated above the highest adjacent grade at least one foot (1') above the depth number specified in feet on the FIRM, or at least three feet (3') if no depth number is specified, or one foot (1') above the crown of the nearest street, whichever is higher.
   
b. As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely flood-proofed to the level mentioned above. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.
   
c. Adequate drainage paths around structures proposed on slopes are required to guide flood waters around and away from the structures.
2. In flood plain areas in which the 100-year base flood elevations are known:
   a. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, and electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities including ductwork, elevated one foot (1') above the 100-year base flood elevation as indicated in the Official Flood Studies.
   b. As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely flood-proofed one foot (1') above the 100-year base flood elevation as indicated in the Official Flood Studies. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.

3. When flood-proofing is used for nonresidential structures, a registered professional engineer or licensed architect shall certify that the flood-proofing methods are adequate to withstand the flood pressures, velocities, impact and uplift forces, and other factors caused by the 100-year flood. A record of this certification shall be maintained on file with the building permit by the Building Official. The elevation to which the structure is flood-proofed (based on sea level) shall be attached to the certification.

4. In areas previously designated as flood hazard areas and removed from the regulatory flood plain by a Letter of Map Revision based on Fill (LOMR-F), all new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, and electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities including ductwork, elevated one foot (1') above the 100-year base flood elevation as it existed prior to the placement of fill. As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely flood-proofed to one foot (1') above the 100-year base flood elevation as it existed prior to the placement of fill.

5. The use of levees for property protection, flood control and flood hazard mitigation shall not be considered unless other mitigation alternatives are not viable. A levee may provide some level of flood protection for existing development, but the regulatory flood plain will not be modified based on the levee. Levees shall under no circumstances be constructed for the primary purpose of removing undeveloped lands from mapped flood plain areas for the purpose of developing those lands.

6. All new individual manufactured homes, new manufactured home parks, expansions of existing manufactured home parks, and manufactured home parks where the repair, reconstruction or improvements of the streets, utilities and pads equal or exceed fifty (50) percent of their value before the repair, reconstruction or improvement was commenced, are to be placed or substantially improved and be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities including ductwork, are one foot (1') above the 100-year base flood elevations as indicated in the Official Flood Studies, provide adequate surface drainage, be securely anchored to an adequately anchored foundation system in accordance with this Ordinance, and access for a hauler be provided. When manufactured homes are put on pilings, the lot must be large enough to have steps up to the manufactured home. The pilings must be reinforced if they are more than six feet (6') high and they must be placed in stable soil on ten-foot (10') centers or less.

7. Individual building permits shall be required for the placement of any manufactured homes anywhere in the flood plain.

8. All manufactured homes placed or substantially improved after the effective date of these regulations in the 100-year flood plain shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes
must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. There shall be top ties at each corner with one (1) mid-point tie on each side of manufactured homes shorter than fifty feet (50'). Longer manufactured homes shall have two (2) ties at intermediate points on each side. All parts of the anchoring system shall have a strength of 4,800 pounds. Additions to manufactured homes shall be anchored in the same way.

9. Recreational Vehicles shall either (a) be on the site for fewer than 180 consecutive days, (b) be fully licensed and ready for highway use, or (c) meet the permit requirements and elevation and anchoring requirements for manufactured homes.

10. All land development proposals shall follow the guidelines for drainage studies outlined in the Engineering Regulations, Construction Specifications, and Design Standards adopted by the City Council of Lakewood, Colorado.

B. The City of Lakewood will review all proposed development in the flood plain to verify appropriate permits have been obtained and to ensure compliance with Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

C. The City of Lakewood will:
1. Require flood plain development permits for all new development and other activities such as filling, paving and dredging in the flood plain. The Flood Plain Administrator may require any information necessary to ensure the provisions of this Ordinance are met before the issuance of a flood plain development permit.
2. Require building permits for structures in the flood plain according to the adopted building code and this Ordinance.
3. Review all building permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood hazard area, all new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall be:
   a. designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
   b. constructed with materials and utility equipment resistant to flood damage,
   c. constructed by methods and practices that minimize flood damage, and
   d. constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Require every builder or developer to submit an elevation certificate from a registered land surveyor listing the lowest floor (including basement) of new and substantially improved structures within the 100-year flood plain.
5. Require that for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall:
   a. have the interior grade elevation that is below base flood elevation no lower than two feet (2') below the lowest adjacent exterior grade,
   b. have the height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four feet (4') at any point,
   c. have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood,
   d. be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads,
   e. be constructed with materials and utility equipment resistant to flood damage,
f. be constructed using methods and practices that minimize flood damage,
g. be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or licensed architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
(2) The bottom of all openings shall be no higher than one foot (1’) above the exterior grade.
(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

6. Review subdivision proposals and other proposed new development (including proposals for manufactured home parks and subdivisions) to determine whether such proposals will be reasonably safe from flooding. The proposals shall include base flood elevation data submitted with subdivision proposals and other proposed developments greater than fifty (50) lots or five (5) acres, whichever is less. If a subdivision proposal or other proposed new development is in a flood hazard area, any such proposals shall be reviewed to assure that:

a. all such proposals are consistent with the need to minimize flood damage within the flood hazard area, and
b. no new lots are created in residential zone districts that are bisected by the main channel of a drainageway such that the lot contains property on both sides of the channel, and
c. all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and
d. adequate drainage is provided to reduce exposure to flood hazards.

7. Require within flood hazard areas:

a. new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems, and
b. new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and
c. on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding, and
d. the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than six inches (6”) at any point. (Ord. O-2013-1 § 2, 2013).

14.25.140 Floodway Regulations.

A. There shall never be encroachment of fill, new construction, substantial improvements or any other development within or above the floodway unless allowed as a Permitted Use in the Floodway or a Floodway Use Permit has been issued under the conditions of Section 14.25.150. Prior to any encroachment of fill, new construction, substantial improvements or other development, it must be demonstrated through hydrologic and hydraulic analysis performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the base flood elevation during the 100-year flood. Encroachments may be allowed that would...
increase the base flood elevation if a CLOMR has been issued by FEMA prior to the encroachment.

1. Permitted Uses in the Floodway: The following uses shall be permitted within the floodway to the extent that they are otherwise permitted by the Zoning Ordinance.
   a. General farming, pasture, outdoor plant nurseries not involving structures, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife and related uses.
   b. Loading areas, parking areas and other similar uses provided they are no closer than ten feet (10') to the stream bank. Signs 18" x 24" shall be posted listing the depth of water in a base flood. Where interpretation is needed as to the exact location of the stream bank, the Flood Plain Administrator shall make the interpretation.
   c. Lawns, gardens, play areas not involving structures, and other similar uses.
   d. Portions of golf courses, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space, and other similar private and public recreational uses not involving structures.
   e. Streets, railroads, overhead utility lines, creek and storm drainage facilities, sewage or waste treatment plant outlets, water supply intake structures and other similar public, community or utility uses.
   f. Boat docks, ramps, piers for publicly owned structures or similar structures.
   g. Dams, provided they are constructed in accordance with regulations of the Department of Public Works, and other federal and state agencies.
   h. Pedestrian facilities, including bike paths, pedestrian paths, railings and bridges, that (1) are owned and maintained by a public entity and open to general public use, (2) are within a public drainage and pedestrian easement, and (3) do not increase the 100-year base flood elevation. Bridge abutments shall be outside the horizontal limits of the 100-year flood plain and the lowest member of the bridge span shall be a minimum of one foot (1') above the 100-year base flood elevation.

2. Uses prohibited in or above the floodway.
   a. All fill, encroachments, new construction, any artificial obstruction, substantial improvements of existing structures or other development unless a Floodway Use Permit is obtained.
   b. Any portion of a new manufactured home park, any expansion to an existing manufactured home park, or any new manufactured home not in an existing manufactured home park.  (Ord. O-2013-1 § 2, 2013).

14.25.150 Floodway Use Permits.
A. The following uses may be permitted within a floodway upon approval of a Floodway Use Permit to the extent that they are otherwise allowed by the Zoning Ordinance:
   1. Any use or accessory use employing a structure; however, no structure which is designed for human habitation shall ever be allowed under any conditions in or above the floodway.
   2. Parking, loading areas and other similar uses when located less than ten feet (10') from the stream bank. If a Floodway Use Permit is granted, 18" x 24" signs shall be posted listing depth of water in a base flood. Where interpretation is needed as to the exact location of the stream bank, the Flood Plain Administrator shall make the interpretation.
   3. Privately-owned pedestrian or vehicular bridges not meeting the criteria for a permitted use outlined in Section 14.25.140.
   4. Other uses similar in nature to those listed in items (1) through (3) above.
   B. Uses listed in this Ordinance as requiring a Floodway Use Permit may be established only after approval of a Floodway Use Permit by the Flood Plain Administrator.
C. Standards relating to Floodway Use Permits in the floodway.

1. The base flood elevation (or flood protection elevation) is the water level for the 100-year flood assuming only that encroachment on the flood plain that existed when each Official Flood Study was adopted. Additional and complete encroachment to the floodway encroachment lines will cause the water level to surcharge six inches (6") described above, assuming future complete encroachment to the floodway lines will occur. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. If the floodway is delineated in any of the Official Flood Studies, no further encroachment will be allowed unless the encroachment meets the provisions of this Ordinance.

2. Maintaining an unobstructed floodway capable of carrying the 100-year flood without surcharging water levels more than six inches (6") at any point is an integral purpose of this Ordinance. As such, special conditions apply to Floodway Use Permits as follows:
   a. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount placed shall not be greater than necessary to achieve the purpose demonstrated on a plan submitted by the applicant. Any fill or other materials shall be protected against erosion.
   b. Structures. Under no conditions shall structures in or above the floodway ever be designed for human habitation. Structures shall have a low flood damage potential and shall be constructed and located on the building site in a manner which minimizes obstruction of the flow of floodwaters. Whenever possible, structures shall be placed with the longitudinal axis of the structure parallel to the direction of the flood flow and structures shall be placed approximately on the same flood flow line as other adjacent structures. All structures shall have the lowest floor, including basement, elevated one foot (1') above the 100-year base flood elevation as indicated in the Official Flood Studies or together with attendant utility and sanitary facilities, shall be flood-proofed one foot (1') above the 100-year base flood elevation as indicated in the Official Flood Studies. A registered professional engineer or licensed architect shall certify that the flood-proofing methods are adequate to withstand the flood pressures, velocities, impact and uplift forces and other factors caused by the 100-year flood.
   c. Any structure allowed by a Floodway Use Permit shall be firmly anchored to prevent flotation, collapse or a lateral movement of the structure which may result in damage to other structures, restrictions of bridge openings or restrictions of narrow sections of the stream or river.
   d. The storage or processing of materials that are buoyant, flammable, explosive or could be injurious to human, animal, or plant life during times of flooding is prohibited under all conditions; however, storage of other materials or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

D. Application for Floodway Use Permit.

1. Applications for Floodway Use Permits shall be considered by the Flood Plain Administrator.

2. The applicant shall submit application forms together with four sets of plans drawn to scale, showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the channel, floodway and 100-year base flood elevation as indicated in the Official Flood Studies. The applicant shall furnish the following additional information for the evaluation of the effects of the proposed use upon flood flows.
a. Hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice, including profiles showing the slope of the bottom and top bank of the existing channel, existing 100-year water surface profile, slope of the bottom and top bank of the proposed channel and the proposed 100-year water surface elevation.

b. Typical cross-sections showing the channel of the drainageway, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

c. Plan view showing elevations or contours of the ground; pertinent structures, fill, or storage elevations; size, location and special arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream, soil types, flood plain and floodway boundaries, and other pertinent information.

d. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvements, storage of materials, water supply, and sanitary facilities.

e. Additional information as may be required.

3. In making a determination on an application for a Floodway Use Permit, the Flood Plain Administrator shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard. The application shall be submitted to the Urban Drainage and Flood Control District for review and a recommendation to the Flood Plain Administrator. In addition, the Flood Plain Administrator shall consider the following factors, although not limited to such factors.

   (a) The probability that materials may be swept onto other lands or downstream to the injury of others.
   (b) The danger to life and property due to flooding or erosion damage.
   (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage to the individual owner.
   (d) The importance of the services provided by the proposed facility to the community.
   (e) The availability of alternative locations not subject to flooding for the proposed use.
   (f) The compatibility of the proposed use with the existing and anticipated development.
   (g) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.
   (h) The safety of access to the property in times of flood for ordinary and emergency vehicles.
   (i) The expected heights, velocity, duration, rate of rise and sediment and debris transport of the floodwaters expected at the site.
   (j) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.
   (k) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

E. Appeal of the Flood Plain Administrator’s Decision.

1. The applicant may appeal the Flood Plain Administrator’s decision on a Floodway Use Permit to the Planning Commission.

2. A written appeal, outlining the reasons for the appeal, shall be submitted to the Secretary to the Planning Commission within 30 days of the Flood Plain Administrator’s decision. The appeal application shall include all items listed in Section 14.25.150 and any other additional information as may be required.
3. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete application, or within a timeframe agreed upon by the applicant and Flood Plain Administrator. Notification shall be consistent with the Planning Commission public hearing notification requirements of the Zoning Ordinance.

4. The Planning Commission shall determine whether the decision of the Flood Plain Administrator is consistent with this Ordinance. The Planning Commission shall affirm, modify, or reverse the decision of the Flood Plain Administrator. Any decision of the Planning Commission shall include reasons for affirming, modifying, or reversing the Flood Plain Administrator’s decision.

5. Any decision of the Planning Commission on review of an appeal of the Flood Plain Administrator’s decision may be appealed to Jefferson County District Court. (Ord. O-2013-1 § 2, 2013).


A. Classification. Critical Facilities are classified under the following categories: (1) Facilities Providing Essential Services; (2) Hazardous Materials Facilities (3) Facilities Serving At-risk Populations; and (4) Facilities Vital to Restoring Normal Services.

1. Facilities Providing Essential Services include:
   a. Public safety facilities (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
   b. Emergency medical facilities (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical facilities but excluding clinics, doctor offices and non-urgent care centers that do not provide these functions);
   c. Designated emergency shelters;
   d. Communication facilities (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);
   e. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
   f. Air transportation lifelines (municipal and larger airports, helicopter pads and structures serving emergency function, and associated infrastructure such as control towers, air traffic control centers, and emergency equipment aircraft hangers).
   g. Specific exemptions to this category include wastewater treatment plants, non-potable water treatment and distribution system, and hydroelectric power generating plants and related appurtenances.
   h. Public utility plant facilities may be exempted if it is demonstrated to the satisfaction of the Flood Plain Administrator that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are located outside of the 100-year flood plain, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided on an as-need basis upon request.

2. Hazardous Materials Facilities include:
   a. Chemical plants and pharmaceutical manufacturing plants,
b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials  
c. Refineries;  
d. Hazardous waste storage and disposal sites; and  
e. Above-ground gasoline or propane storage or sales centers.  
f. Hazardous materials facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of the facility is required by the Occupational Safety and Health Administration to keep a Material Safety Data Sheet on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then the facility shall be considered to be a critical facility. The TPQ for these chemicals is either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R., § 302 (2010), also known as Extremely Hazardous Substances; or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment.  
g. Specific exemptions to this category include:  
1. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use;  
2. Structures containing hazardous materials for which it can be demonstrated to the satisfaction of the Lakewood Hazardous Materials Coordinator and certification by a qualified professional that a release of the subject hazardous material does not pose a major threat to the public.  
3. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.  
4. These exemptions shall not apply to structures that also function as critical facilities under another category outlined in this Ordinance.  
3. Facilities Serving At-risk Populations include:  
a. Elder care (nursing homes);  
b. Congregate care serving 12 or more individuals (day care and assisted living);  
c. Public and private schools (pre-schools, K-12 schools, before-school and after-school care serving 12 or more children).  
4. Facilities Vital to Restoring Normal Services include:  
a. Essential government operations (public records, courts, jails, permitting and inspection services, community administration and management, maintenance and equipment centers);  
b. Essential services for public colleges and universities (dormitories, offices, and classrooms only).  
c. These facilities maybe exempted if it is demonstrated to the satisfaction of the Flood Plain Administrator that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year flood plain, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided on an as-needed basis upon request.  
B. Identification of Critical Facilities. All structures that clearly meet the intent of the classification criteria shall be deemed critical facilities. For those structures for which it is unclear or otherwise ambiguous if the criteria are met, the Flood Plain Administrator shall
C. have the sole discretion to determine if the structure is a critical facility. Critical facilities that are also designated as historic structures as defined by this Chapter 14.25 are exempt from the requirements imposed for critical facilities.

D. Protection of Critical Facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall have the lowest floor, including basement, together with the attendant utility and sanitary facilities, elevated two feet above the 100-year flood level as indicated in the Official Flood Studies.

E. Ingress and Egress to New Critical Facilities. New critical facilities shall, when practicable as determined by the Flood Plain Administrator, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event. (Ord. O-2013-1 § 2, 2013).


A. The 100-year base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. Before completion or occupancy of a development or within six months of the date that such information becomes available, whichever is sooner, notification shall be made to FEMA by submitting technical or scientific data indicating that the Official Flood Studies and the Flood Insurance Rate Map do not accurately reflect flood risks as they currently exist. When required by current FEMA regulations, a Conditional Letter of Map Revision (CLOMR) must be received before approval of construction plans that outline such changes. A Letter of Map Revision (LOMR) must be issued by FEMA, and delineation of new flood plain boundaries and floodways shall be found acceptable by the Urban Drainage and Flood Control District and the City of Lakewood before completion or occupancy of a development.

B. The City of Lakewood shall notify adjacent communities, the Urban Drainage and Flood Control District, and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse. Evidence of such notification shall be sent to FEMA. This notice will certify that the flood carrying capacity within the altered or relocated portion of the watercourse has been maintained. (Ord. O-2013-1 § 2, 2013).

14.25.180 Non-conforming Structures.

A. A structure which was lawful before becoming subject to this Ordinance, but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

1. Such structure shall not be expanded, changed, enlarged or altered in a way which increases its non-conformity.

2. If any non-conforming structure is substantially damaged by any means, including floods, to the extent that the cost of restoration would equal or exceed fifty (50) percent of the market value of the structure before the structure was damaged, the following regulations shall apply:

   a. If the non-conforming structure is in the floodway, the structure may be rebuilt; however, it shall not be expanded, changed, enlarged or altered in any way which would create an obstruction to water flow greater than that which existed before damage to the structure occurred. Upon reconstruction, nonresidential and residential structures shall be elevated one foot (1') above the 100-year base flood elevation, or two feet (2') for critical facilities, as indicated in the Official Flood Studies. As an alternative, nonresidential facilities can be completely flood-proofed one foot (1') above the 100-year base flood elevation, or two feet (2') for critical facilities, as indicated in the Official Flood Studies. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral...
and uplift water pressure. If the structure is located in the flood plain outside the floodway, it may be reconstructed provided nonresidential and residential structures are elevated one foot (1') above the 100-year base flood elevation, or two feet (2') for critical facilities as indicated in the Official Flood Studies. As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely flood-proofed one foot (1') above the 100-year base flood elevation, or two feet (2') for critical facilities, as indicated in the Official Flood Studies. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.

b. If any manufactured home located in the flood plain area is substantially damaged by any means such that the cost of restoration would exceed fifty (50) percent of the market value of the structure prior to damage; then such manufactured home shall not be rebuilt if it is located in the floodway and if it is located in the flood plain outside of the floodway, it shall be rebuilt in conformance with this Ordinance. (Ord. O-2013-1 § 2, 2013).

14.25.190 Variances.

A. For purposes of this Chapter 14.25, the following provisions shall govern the granting of variances.

1. The Lakewood Board of Adjustment shall interpret this Ordinance and shall judge where variances from the provisions of this Ordinance may be granted.

2. Administrative Review. Except for appeals of the Flood Plain Administrator’s decision regarding Floodway Use Permits, the Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Flood Plain Administrator in the enforcement or administration of this Ordinance. Those aggrieved by the decision of the Board of Adjustment may appeal such decision to a court of competent jurisdiction.

3. General Requirements for Granting of a Variance. In all circumstances variances may only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the variance issuance will not result in increased flood height, additional threats to public safety, extraordinary public expense, will not create nuisances, cause fraud on or victimization of the public or conflict with any other local laws or ordinances.

4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

a. The probability that materials may be swept onto other lands or downstream to the injury of others.

b. The danger to life and property due to flooding or erosion damage.

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage to the individual owner.

d. The importance of the services provided by the proposed facility to the community.

e. The availability of alternative locations not subject to flooding for the proposed use.

f. The compatibility of the proposed use with the existing and anticipated development.

g. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.

h. The safety of access to the property in times of flood for ordinary and emergency vehicles.

i. The expected heights, velocity, duration, rate of rise and sediment and debris transport of the floodwaters expected at the site.
j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

k. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

5. No variance shall have the effect of allowing in any zone district uses prohibited in that district by either this Ordinance or the Zoning Ordinance.

6. Variances shall not, under any condition, be issued within or above any floodway if any increase in flood level during the 100-year flood would result.

B. Notice of Granting of Variance: In an annual report, Lakewood shall notify the Federal Emergency Management Agency of the issuance of variances from the Flood Plain Management Ordinance and justification for issuing such. Lakewood shall maintain a record of all variance actions including justification for their issuance.

C. Special Exceptions for Historic Structures: The Board of Adjustment may permit special exceptions from this Ordinance for the repair, reconstruction, rehabilitation or restoration of historic structures as defined in this Chapter 14.25 upon determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

D. Notice to Applicant: Lakewood shall notify the variance applicant in writing that the issuance of a variance to construct a structure below the 100-year base flood elevation will result in increased premium rates for flood insurance commensurate with the increased risk from the reduced lowest floor elevation and that such construction below the 100-year base flood elevation increases risks to life and property. This notification shall be maintained in the Board of Adjustment files relating to this variance. (Ord. O-2013-1 § 2, 2013).

14.25.200 Abrogation and Greater Restrictions.

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued, in conformity with law, relating to the use of buildings or premises. However, where this Ordinance imposes a greater restriction upon the use of buildings or premises or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations, or permits or by such easements, covenants, or agreements, the provisions of this Ordinance shall control. (Ord. O-2013-1 § 2, 2013).

14.25.210 Severability.

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. (Ord. O-2013-1 § 2, 2013).


A. The City of Lakewood shall maintain for public inspection:

1. Official Flood Studies, a Flood Insurance Rate Map, and any amendments.

2. Certificates of flood-proofing and a statement whether a structure has been flood-proofed and to what elevation with building permits as applicable.

3. For structures in the flood plain:
14.25.220

a. Information on the elevation of the lowest floor, including basement, for all new or substantially improved structures


14.25.230  Annexation Notification.

The City of Lakewood will annually notify the Federal Emergency Management Agency whenever the boundaries of Lakewood have been added to by annexation or decreased by de-annexation. With the notification, Lakewood will include a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits. (Ord. O-2013-1 § 2, 2013).

14.25.240  Penalties for Violations.

A. Any person who violates any of the provisions of this chapter or fails to comply therewith shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020 of the Lakewood Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 14.26

REPAIR OF CONSTRUCTION DEFECTS

Sections:
  14.26.050 Claimant's Notice to Builder of Construction Defects; Builder's Acknowledgement; Inspection.

A. The purposes of this Ordinance are to:
   1. encourage the construction of owner-occupied multi-family developments in Lakewood;
   2. facilitate the implementation of Lakewood’s Comprehensive Plan and Zoning Ordinance, both of which contemplate owner-occupied multi-family developments in transit-oriented areas and throughout the City of Lakewood;
   3. reassure homeowners that most, if not all, construction defects will be promptly investigated and repaired by builders;
   4. motivate all parties to resolve disputes involving construction defects quickly and without the need for expensive and time-consuming litigation; and
   5. provide homeowners in communities with homeowners associations with an enhanced opportunity to participate in the governance of their community by empowering individual owners to give or withhold their informed consent with respect to actions the board of the homeowners association may desire to pursue regarding construction defects.
B. Applicability.
This ordinance shall apply only to new construction commenced after the effective date of the ordinance. (Ord. O-2019-24 § 4, 2019; Ord. O-2014-21 § 2, 2014).

Builder means any entity or individual, including but not limited to a builder, developer, general contractor, contractor, subcontractor, architect, engineer or original seller who performs or furnishes the design, supervision, inspection, construction or observation of any improvement to real property that is intended to be occupied as a dwelling or to provide access or amenities to such an improvement.
Construction Defect means any instance in which a structure or portion thereof does not conform in all material respects to the applicable section(s) of the Building Code, or does not conform to the manufacturer’s specifications if those specifications are more strict than the applicable provisions of the Building Code.
Homeowner means any person who owns a unit in a condominium or planned community, but shall not include any declarant or any person having an interest in a unit solely as security for an obligation. As used in this Chapter, Declarant shall have the meaning set forth in C.R.S. § 38-33.3-103(12). (Ord. O-2014-21 § 2, 2014).

Original buyers or subsequent buyers of an attached single-family dwelling or a unit in a multi-family building, or the governing homeowners association may send the notice of Construction Defect, provided the notice is sent within the applicable time period. (Ord. O-2014-21 § 2, 2014).

Any person or entity within the definition of a “Builder” as defined in Section 14.26.020 of this Ordinance is subject to the requirements of this Ordinance. (Ord. O-2014-21 § 2, 2014).

14.26.050 Claimant’s Notice to Builder of Construction Defects; Builder’s Acknowledgement; Inspection.
A. Claimant’s Notice. Upon the discovery of any alleged Construction Defect, a claimant must provide written notice via certified mail or personal delivery to the party alleged to have caused or contributed to the defect, in the manner prescribed in this Section, of the claimant’s claim that one or more Construction Defects exists in his/her residence or, with respect to any homeowners association, that one or more Construction Defects exists in any residence or in any common areas or facilities.
The notice must:
1. Provide the claimant’s name, address and preferred method of contact;
2. State that the claimant alleges a Construction Defect pursuant to this Chapter against the Builder; and
3. Describe the claim in reasonable detail sufficient to determine the nature and location of the alleged Construction Defects.
B. Builder’s Responsibilities. After receiving notice of a potential Construction Defects claim, a Builder must do each of the following:
1. Acknowledge Claim in Writing.
   a. A Builder who receives a notice under this Chapter shall acknowledge receipt of the notice, in writing, within 14 days after receipt. The notice shall be sent to the claimant and to any attorney the Builder knows to be representing the claimant in connection with the notice. If the Builder has retained legal counsel, said counsel shall thereafter communicate with the claimant’s legal representative, if any.
   b. If the Builder fails to acknowledge receipt of a notice within the time specified, this Chapter shall not apply and the claimant shall be released from the requirements of this Chapter and may proceed with the filing of an action against the Builder.
2. Maintain an agent for notice with the Secretary of State; and
3. If specifically asked to do so by the claimant and within 14 days of such a request, provide the claimant or his/her legal representative with:
   a. copies of all relevant plans, specifications, grading plans, soils reports and available engineering calculations pertaining to the claimant’s residence;
   b. all maintenance and preventative maintenance recommendations pertaining to the claimant’s residence; and limited contractual warranty information.
4. A Builder responding to a Claimant’s request for documents may charge reasonable copying costs and may require the copies of the documents to be made onsite.

5. Builder’s Election to Inspect Property. In addition to the requirements set forth in this Section, if the Builder elects to inspect the claimed Construction Defect, the Builder shall complete the initial inspection and testing, if any, within 14 days after the Builder acknowledged receipt of the notice, and at a mutually agreeable date and time. The Builder shall bear all costs of inspection and testing, including any damage caused by the inspection and testing. Before entering onto the premises for the inspection, the Builder shall supply the claimant with proof of liability insurance coverage. The Builder shall, upon request, allow the inspection to be observed and recorded or photographed. Nothing that occurs during a Builder’s inspection may be used or introduced as evidence to support a defense of spoliation of evidence by any potential party in subsequent litigation.

6. A Builder who fails to comply with any of the foregoing requirements within the time specified is not entitled to the protection of this Chapter, and the homeowner is released from the requirements of this Chapter and may proceed with the filing of an action.

7. If a notice is sent to the builder in accordance with 14-26-050 within the time prescribed for the filing of an action under any applicable statute of limitations or repose, then the statute of limitations or repose is tolled until sixty days after the completion of the notice process described in section 14-26-050. If the builder elects to repair pursuant to 14-26-060, then the statute of limitations or repose is tolled until sixty days after the completion of repairs. (Ord. O-2014-21 § 2, 2014).


A. Within thirty (30) days of the initial inspection or testing, the Builder may elect to repair the Construction Defect. If the Builder elects to repair the Construction defects, it has the right to do so and the Claimant may not, directly or indirectly, impair, impede or prohibit the Builder from making repairs. Any notice to repair shall offer to compensate the claimant for all applicable damages within the timeframe set for repair. Any notice of repair shall be accompanied by a detailed, step-by-step explanation of the particular defect being repaired and setting forth a reasonable completion date for the repair work. The notice shall also include the contact information for any contractors the Builder intends to employ for the repairs.

B. Claimant shall promptly cooperate with Builder to schedule repair work by Builder.

C. Within ten (10) days after receipt of the builder’s notice to repair, a claimant may deliver to the builder a written objection to the proposed repair if the claimant believes in good faith that the proposed repairs will not remedy the alleged defect. The builder may elect to modify the proposal in accordance with the claimant’s objection, or may proceed with the scope of work set forth in the original proposal.

D. Builder’s Failure to Comply. If the Builder fails to send a notice to repair or otherwise strictly comply with this Chapter within the specified time frames, or if the Builder does not complete the repairs within the time set forth in the notice to repair, the claimant shall be released from the requirements of this Chapter and may proceed with the filing of an action against the Builder. Notwithstanding the foregoing, if the Builder notifies the claimant in writing at least 5 days before the stated completion date that the repair work will not be completed by the completion date, the Builder shall be entitled to one reasonable extension of the completion date, not to exceed ten days.

E. Completion of repairs. The Builder shall notify the claimant when repairs have been completed. The claimant shall have ten days following the completion date to have the
premises inspected to verify that the repairs are complete and satisfactorily resolved the alleged defects. A claimant who believes in good faith that the repairs made do not resolve the defects may proceed with the notice required by 14.26.100. (Ord. O-2014-21 § 2, 2014).


The repair work performed by the Builder shall be warranted against material defects in design or construction for a period of 2 years, which warranty shall be in addition to any express warranties on the original work. (Ord. O-2014-21 § 2, 2014).


Any alleged Construction Defect discovered after repairs have been completed shall be subject to the same requirements of this Chapter if the Builder did not have notice or an opportunity to repair the particular defect. (Ord. O-2014-21 § 2, 2014).


If a provision found in the declaration, bylaws or rules and regulations of a common interest community requires that Construction Defect claims be submitted to mediation or arbitration, that requirement constitutes a commitment on the part of the unit owners and the association upon which a developer, contractor, architect, builder or other person involved in the construction of the community is entitled to rely. Consequently, a subsequent amendment to the declaration, bylaws or rules and regulations that removes or amends the mediation or arbitration requirement shall not be effective with regard to any Construction Defect claim that is based on an alleged act or omission that predates that amendment. (Ord. O-2014-21 § 2, 2014).


Homeowners are entitled to be kept informed by boards of homeowners associations of the board’s consideration of actions regarding Construction Defects and to have meaningful input and a right to make a considered judgment and give (or withhold) informed consent. Accordingly, if a board of an association considers or intends to institute an action asserting one or more Construction Defects, the board must do each of the following:

A. At least sixty (60) days before filing any action under Section 13-20-803.5, C.R.S., the claimant must mail or deliver written notice to each Homeowner at the Homeowner’s last known address.

B. The notice must be signed by a person other than, and not employed or otherwise affiliated with, the attorney or law firm that represents or will represent the association in the construction defects claim.

C. The notice required by this section must contain the following information:

i. The nature of the action and the relief sought;

ii. The amount of expenses and fees the board anticipates will be incurred, directly or indirectly, in prosecuting the action. Attorney’s fees, consultant fees, expert witness fees and court costs, whether incurred by the association directly or for which it may be liable if it is not the prevailing party or if it does not proceed with the action;

iii. The estimated cost of repairing the defect, or if the defect is not repaired, the estimated reduction in value of the unit;

iv. The estimated impact on the marketability of units that are not the subject of the action, including any impact on the ability of the owners to refinance their property during and after the action;
v. The manner in which the association proposes to fund the cost of the action, including any proposed special assessments or the use of any revenues; and
vi. The anticipated duration of the action and the likelihood of success.
vii. Whether the Builder has offered to make any repairs and, if so, whether the Builder has made repairs.
viii. The steps taken by the builder in accordance with this Chapter to address the alleged defect, including any acknowledgement, inspection, election to repair or repairs.

D. The association may not commence the action unless the Board obtains the written consent of Homeowners holding at least a majority of the total voting rights in the association after giving the notice required by this Section. Homeowners may vote either directly or through a proxy directed in writing by the Homeowner and confirmed in writing by the proxy. Such consent must be obtained within 60 days after such notice is provided, otherwise the owners shall be deemed to have declined to provide their informed consent to such action. (Ord. O-2014-21 § 2, 2014).
Chapter 14.27

RESIDENTIAL GROWTH LIMITATIONS

Sections:
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14.27.010 Purpose/Intent.
A. Establish a building permit management system that limits residential growth in the City of Lakewood to no greater than one (1) percent per annum, which will assure the preservation of its unique environment and exceptional quality of life;
B. Encourage redevelopment of blighted and distressed areas;
C. Encourage preservation of larger open space parcels;
D. Assure that such growth proceeds in an orderly and timely manner and does not exceed the availability of public facilities and urban services;
E. Avoid degradation in air and water quality;
F. Avoid increases in crime and urban decay associated with unmanaged growth;
G. To allow mitigation of the effects of past and future growth on infrastructure and schools. (Citizen Initiative-Special Election 07-02-2019).

14.27.020 Implementation/Exceptions.
The provisions of this chapter shall apply to the issuance of building permits for all new dwelling units within the City of Lakewood except:
A. Structures located, or to be located, upon land that is designated “blighted.”
B. Structures located, or to be located, upon land located on a campus owned by a college or university, including, but not limited to, Colorado Christian University and Rocky Mountain College of Art and Design, and which are used to house only college or university students, staff, or faculty.
C. A dwelling unit may be replaced with another dwelling unit without obtaining an allocation, provided that the replacement unit is located on the same parcel, tract, or lot.
D. Mobile homes in operating mobile home parks may be removed and replaced with another mobile home without obtaining an allocation.
E. Industrial or commercial construction, unless such industrial or commercial construction includes structures which, in whole or in part, are to be occupied as a dwelling. (Citizen Initiative-Special Election 07-02-2019).

14.27.030 Administration of this Chapter.
A. Planning Commission may recommend and City Council may adopt rules as necessary to administer this chapter.
B. Calculations performed in the administration of this chapter shall be rounded downward for all partial numbers. (Citizen Initiative-Special Election 07-02-2019).

14.27.040 General Provisions.
A system of managing the issuance of residential building permits in the city is established with the following general provisions:
A. Allocation Required for a Building Permit. Except as otherwise provided in this chapter, an allocation is required as a condition precedent to the issuance of a building permit which will result in the creation of a new dwelling unit. For structures containing more than one dwelling unit, one allocation for each dwelling unit in the structure is required as a condition precedent to issuance of a building permit for such structure.
B. Maximum Allocations. The city shall not grant more than forty (40) allocations to a development in a calendar year except upon a finding after hearings held upon reasonable notice to the public - pursuant to the provisions of Lakewood municipal code 17.2.2.3 applicable to initial zoning and rezoning - that such accumulation of allocations will not prejudice the allocation process; and:
1. That there is an unmet community need for such development; or
2. That insufficient applications have been submitted to exhaust the allocations available and such allocations are available for distribution in the current calendar year.
C. Residential development projects may be specifically exempted from this chapter according to either of the following procedures:
1. Residential developments may be exempted by the adoption by the electors of the City of Lakewood at a regular or special election of an initiated or referred ordinance enacting such an exemption. Such election shall be held according to the applicable provisions of the Lakewood City Charter, with any expenses covered by the applicant requesting the exemption.
2. City Council may upon a finding of compliance with the below-listed criteria grant an exemption from the specific provisions of this chapter for a residential development within the city. City Council’s action shall be by ordinance, shall include two public hearings, and shall occur following public hearing and recommendation by Planning Commission. Planning Commission’s hearing and recommendation, and City Council’s hearing and decision on the requested exemption shall follow the hearing and notice procedures in section 17.2.2.3 of Lakewood municipal code. City Council may grant an exemption from the provisions of this chapter upon a finding that all of the following criteria, as may be applicable, are met:
   a. That the residential project requesting an exemption is a multifamily “senior housing project” which is and will remain housing for individuals over the age of 55; and
   b. That the project requesting an exemption demonstrates compliance with Lakewood Comprehensive Plan and any applicable neighborhood plan(s); and
c. A senior housing project developed based upon an exemption granted shall not be converted to another residential use without first having secured an allocation for each dwelling to be so converted, according to the provisions of this chapter.

D. Period of Validity. Allocations are only valid and can be used only from the date of issue through the last day of the allocation period for which they are issued, at which time they expire, unless a part of an approved banking plan.

E. Use of Allocations. An allocation is used by applying for and being issued a building permit or setting up a mobile home, as applicable. Unused allocations are those for which a building permit has not been issued, or a mobile home not set up, during the period for which the allocation is valid.

F. Surrender of Allocations. Allocations which a recipient does not expect to use during the period for which they are valid may be voluntarily surrendered without penalty at any time up until 30 days prior to the end of that allocation period. Allocations which are surrendered at least 30 days prior to the expiration of the allocation period shall be added to the number of available allocations for the next allocation period in the same calendar year for the same allocation pool, or to the year-end pool, as appropriate. Allocations in the year end pool may not be surrendered.

G. Transferability. Allocations are site specific and not transferable to other developments. Allocations are issued to a specific building lot, and may only be transferred within a development to other lots which are under the same ownership as the holder of the allocation. Allocations may be transferred with the conveyance of a lot. (Citizen Initiative-Special Election 07-02-2019).

14.27.050 Available Allocations.

A. In January of each year City Council shall determine by resolution the number of allocations which will be available for issuance and use during that year. The annual resolution shall assign a sufficient number of allocations directly for satisfaction of a previously exempted project(s) whose banking plan(s) included a Planning Commission recommendation for commitment of future allocations, if City Council approves such commitment. The resolution shall then assign those remaining available allocations to the “open pool,” “hardship pool,” “affordable/low income pool,” and “surplus pool,” and determine the number of allocations within each such pool as will be available for the respective allocation periods.

B. The total number of allocations available for issuance and use during each calendar year shall be equal to one percent of the number of dwelling units which are estimated to exist in the city on December 31 of the prior calendar year. The number of allocations available for issuance for 2018 will be based on figures from the City of Lakewood and the US Census statistics (152,590 residents divided by 2.27 = 67,220) and thus 672 allocations for new dwelling units will be available in 2018.

C. The number of dwelling units which exist in the city on December 31 of the prior year shall be estimated as follows:
   1. Begin with the number of dwelling units in the city which existed at the beginning of the previous calendar year.
   2. Add the number of new dwelling units for which building permits were issued during the previous calendar year which required an allocation for issuance.
   3. Add the number of allocations secured by, or assigned to, previously exempted projects or dwellings during the previous calendar year.
4. Add the number of dwelling units added to the city by reason of annexations during the previous calendar year. (Citizen Initiative-Special Election 07-02-2019).

5. Subtract the number of dwelling units which were destroyed (and not replaced within 12 months), abandoned or otherwise ceased to be used as such during the prior calendar year.

6. Subtract the number of dwelling units for which building permits had previously been issued, but which expired in the previous year without issuance of a certificate of occupancy. (Citizen Initiative-Special Election 07-02-2019).

14.27.060 Establishment of Allocation Pools.

For the purpose of administration of this chapter City Council hereby creates the following described allocation pools:

A. Open Pool. The open pool is created for all developments within the city that do not otherwise qualify to request allocations.

B. Hardship Pool. The hardship pool is created for distribution of allocations by City Council upon a finding that a hardship or unusual circumstance exists which merits relief. All developments otherwise eligible to apply for allocation in general may participate in the hardship pool. Allocations are awarded as requests are granted by City Council, and not as of a specified allocation date.

C. Affordable/Low Income Housing Pool. The affordable/low income housing pool is created for distribution of allocations for residential projects creating dwelling units for households earning up to 120 percent of area median income.

D. Surplus Pool. The year-end pool is created for the purpose of distributing unused and excess allocations which are available as of November 1 of each calendar year. All developments otherwise eligible to apply for allocation in general may participate in the surplus pool. (Citizen Initiative-Special Election 07-02-2019).

14.27.070 Schedule of Allocation Periods.

A. For all calendar years, the open pool will have two allocation periods which occur from January 1 through May 31, and from June 1 through October 31.

B. For all calendar years, the hardship pool will have an allocation period from January 1 to October 31.

C. For all calendar years, the affordable/low income housing pool will have one allocation period from January 1 through May 31. Excess allocations in the pool at the conclusion of the allocation period will be transferred to the open pool for the allocation period beginning on June 1.

D. The surplus pool allocation period will occur from November 1 through December 31. (Citizen Initiative-Special Election 07-02-2019).

14.27.080 Applications.

A. Applications for allocations shall be on a form provided by the city. A separate application submitted by the property owner is required for each allocation period. Except as provided otherwise, complete applications must be submitted to the city at least seven calendar days prior to the beginning of the allocation period for which the application is made. Applications may not be submitted more than 210 days before the beginning of the applicable allocation period. Applications for excess allocations may be made at any time that excess allocations are available, but prior to the last 30 calendar days of any allocation period.

B. Eligibility. To apply for allocations, a development must have completed all steps otherwise necessary to apply for and receive a building permit including the requisite zoning
and subdivision approval, but not including the preparation of building construction plans. Site development review, if necessary, need not be complete prior to applying for allocations, although a pre-submittal conference and review of the site plan by staff must be completed, with an indication that approval of the concept may be achieved.

C. Allocation requests within a development under common ownership shall be combined and treated as a single application. Lots in such developments which are held in separate ownership shall be treated as separate applications.

D. No applicant shall request allocations in excess of the lesser of: The available number of allocations in the appropriate pool in that allocation period, or the available number of lots or units in the subject development. (Citizen Initiative-Special Election 07-02-2019).

14.27.090 Issuance of Allocations.

A. Open Pool. For each respective allocation period in the open pool, one allocation will automatically be issued to each applicant if sufficient allocations are available. The remainder of requests is then tallied, and available allocations are distributed on a pro-rata basis to applicants based upon their requested number.

B. Hardship Pool. Hardship pool allocations are distributed by the City Council at their discretion upon request from an applicant, and subject to a finding that all of the following conditions exist:

1. That the issuance of an allocation is necessary to prevent undue hardship on the applicant; and

2. That the issuance of an allocation(s) will not adversely affect the public interest or the purposes of this chapter; and

3. Allocations are available in the hardship pool; and

4. That the requested allocation and the resulting building permit would be proper and in accordance with all of the ordinances and regulations of the City of Lakewood, excepting the provisions of this chapter.

C. Affordable/Low Income Housing Pool. Allocations assigned to the “affordable/low income” housing pool shall only be available for use by qualifying projects in the initial allocation period of each year. Any excess allocations in the affordable/low income housing pool at the end of the initial allocation period of the year will be transferred to the open pool for distribution pursuant to subsection (A) above.

1. In addition to the application requirements, allocations from the affordable/low income housing pool will contain documentation in a form acceptable to the city attorney of the provisions that will be put in place to assure that rental units created by affordable/low income housing pool allocations will remain available to households making up to 120 percent of area median income for a period of at least 15 years after completion of construction, or assurances that the initial sale of the dwelling units created by the affordable/low income housing pool allocations will be by a bona fide, “arms-length sale” to individual households making no more than 120 percent of area median income, and at an initial sales price that is reasonably calculated to allow an otherwise qualified buyer to obtain a loan for the purchase of the dwelling unit with a down payment of no more than 20 percent of the sale price.

2. If the number of affordable/low income housing pool allocations requested does not exceed the number assigned by City Council, the applications will be distributed in the same manner as the open pool. However, if the number of allocations requested exceeds the number of allocations available in the affordable/low income housing pool, the applications will be presented to Planning Commission for review. The Planning Commission will award the affordable/low income housing pool allocations to those proposed dwelling units serving the households with the lowest area median income. In such circumstances, no building permit
shall be issued based upon any preference pool allocations until 16 days after the Planning Commission has issued a decision. Any aggrieved party may appeal the Planning Commission decision to City Council. Applicants for allocations from the affordable/low income housing pool may amend the application submitted to change from the affordable/low housing pool to the open pool, at any time prior to the beginning of the allocation period.

D. Surplus Pool. All unused open pool and hardship pool allocations which remain on November 1 of each year will be available in the surplus allocation pool. One allocation will automatically be issued to each applicant if sufficient allocations are available. The remainder of requests is then tallied, and available allocations are distributed on a pro rata basis to applicants based upon their requested number. Allocations which are unclaimed during the surplus pool or which are due to expire will be assigned by the City Council. Acquisition of the final remaining allocation by a banking plan for a specific project during the surplus pool shall trigger the expiration of the banking plan at the end of the first allocation period in the following year.

E. Insufficient Allocations. Except as noted above, if there are insufficient allocations available to issue at least one allocation to each applicant for a particular allocation period due to demand, a lottery shall be held to determine the recipients of the allocations. Those applicants who are unable to obtain an allocation during that particular allocation period will be given first preference to receive an allocation in the following allocation period in the same pool if a timely application is filed.

F. Following the issuance of allocations, staff shall present a report to Planning Commission and City Council summarizing the results of the allocation period. (Citizen Initiative-Special Election 07-02-2019).

14.27.100 Banking of Allocations.

Notwithstanding any other provisions of this chapter, the period of validity of an allocation may be extended through, and the allocation may be used in subsequent allocation periods upon approval by the city as provided in this section. The process of extending the period of validity of allocations in this section is as follows:

A. Banking of allocations will be permitted in the following circumstances only:

1. The Director of Planning shall approve an application for banking of allocations for residential projects of forty (40) units or fewer if the number of units to be banked corresponds to that found in an entire building or buildings in the project, and if the allocations are proposed to be used within the same calendar year as the initial award of allocation.

2. The Planning Commission may approve a banking plan for multifamily projects of forty (40) units or fewer for the purpose of banking beyond the end of a calendar year, upon a finding that building configuration, site constraints, or infrastructure phasing reasonably require that a larger increment of the development be built at one time.

3. The Planning Commission may approve a banking plan for residential projects of forty (40) units or fewer upon a finding that building configuration, site constraints, or infrastructure phasing reasonably require that a larger increment of the development be built at one time.

B. Application for banking of allocations for projects over forty (40) units shall be made at the time of the allocation application. The application shall set forth a banking plan which includes the total number of dwelling units in the project, the number of allocations sought to be banked, the time period during which the validity of allocations is proposed for extension, and the reason therefore.
C. For applications submitted under subsection (A)(2) or (A)(3) of this section, the Planning Commission shall determine at a hearing upon reasonable notice to the public has been posted, whether the requested banking is appropriate as provided in this section.

D. A nonrefundable fee shall be assessed in conjunction with each approved multiyear banking plan to cover the city’s cost of the administrating banking plans. The fee shall be set by City Council by resolution and shall be based upon the number of dwelling units in the approved banking plan. The fee shall be payable on a pro rata (per unit) basis at the time of distribution of allocations to the banking plan. Failure to pay any installment of the fee within 30 days of distribution of allocations to the banking plan shall cause a forfeiture of such allocations.

E. A decision of the Planning Commission or the Director of Planning with respect to an application to bank allocations may be appealed to the City Council.

F. Requests for banking of allocations beyond the end of the calendar year of the application shall be subject to the following conditions:
   1. The maximum number of years in which allocations may be acquired pursuant to any banking plan of allocations shall be five. All allocations acquired within the banking period must be used during this time period.
   2. The maximum number of allocations that may be in the bank at any one time during the banking program shall not exceed the total number of allocations available in the city in the first year of approval of said banking.
   3. Banking plans will be approved only for a number of units which correspond to that found in an entire building or buildings in the project.
   4. Subject to City Council’s annual distribution of allocations, Planning Commission may recommend a commitment of future allocations to an approved banking plan project. Such commitment shall not bind City Council’s action, but shall serve to be an indication of support for a specific project.

G. Surrendered or forfeited allocations distributed to an approved banking plan from calendar years prior to the year during which they are surrendered or forfeited shall be deemed to have expired and shall not be available for distribution. Surrendered or forfeited allocations distributed to an approved banking plan in the same calendar year in which they are surrendered or forfeited shall be made available for redistribution in accordance with the applicable provisions of this chapter.

H. The Planning Commission, may, upon a show of good cause, approve an extension of up to one year to an existing banking plan, to allow use of the banked allocations. The holder of the allocations may not acquire further allocations during the period of such extension.

I. For the purpose of defining the total number of available allocations, the total number of dwelling units in the city shall not include banked allocations which have not received building permits.

J. An applicant banking allocations within the same calendar year, shall notify the Director of Planning in writing within ten days after the allocations are granted of the number of allocations being banked and the reasons therefore.

K. The annual reports to Planning Commission and City Council pertaining to the administration of this chapter shall include information regarding the number of banked allocations approved in the current year, used in the current year, and the total number of banked allocations by individual project.

L. Approval of a “banking plan” shall not constitute a “vested right” to develop the project. (Citizen Initiative-Special Election 07-02-2019)
14.27.110 Excess and Unused Allocations.
A. Excess allocations in the open pools will be used to supplement other approved banking plans.
B. Excess allocations which have not been issued at the end of the allocation period and unused allocations will be added to the available number of allocations for the next allocation period in the same calendar year for the same pool, or to the surplus pool, as appropriate. (Citizen Initiative-Special Election 07-02-2019).

14.27.120 Failure to Use Allocations; Penalties.
A. Failure to use an allocation which is not part of an approved banking plan during the period for which it is issued, without surrendering it at least 30 days prior to the expiration of the allocation period for which it has been issued, shall cause the holder of such allocation to be ineligible to receive allocations for a period of one year from the last day that the unused allocation is valid. This penalty may be waived by the Planning Commission for good cause.
B. Failure to use an allocation which is part of an approved banking plan during the period of the banking plan, without surrendering it at least 60 days prior to the expiration of the period of the banking plan, shall cause the holder of such allocation to be ineligible to receive allocations for a period of two years from the last day that the unused allocation is valid. This penalty may be waived by the Planning Commission for good cause.
C. Use of an dwelling unit constructed by reason of an allocation from the affordable/low income housing pool in a manner inconsistent with the affordability criteria listed in this chapter, or contrary to the assurances provided pursuant to such section, including, without limitation the initial sale of a dwelling unit at a price that exceeds the maximum price contemplated in such section, shall cause the holder of such allocation to be ineligible to receive further allocations for a period of three years from the date of the violation. This penalty may be waived by the Planning Commission for good cause. (Citizen Initiative-Special Election 07-02-2019).

14.27.130 Building Permit Approvals.
All building permit applications will be reviewed within fifteen working days after submission of a complete application. At the end of the building permit review period, either a building permit will be made available for issuance or reasons will be given to the grantee why the permit cannot be issued, in which case the grantee has twenty work days in which to submit all required corrections. If the corrections are not completed in the time and manner required, the building permit application and related allocation are void unless reinstated by the city manager upon a finding that a longer increment of time would be reasonable. (Citizen Initiative-Special Election 07-02-2019).

14.27.140 Mandatory Review.
City Council shall review this chapter once every five years or as needed. City Council may temporarily reduce the 1% limit at will. Should City Council determine an increase in allocations is needed, Council must send such requested increase to the voters of Lakewood. (Citizen Initiative-Special Election 07-02-2019).

14.27.150 Severability Clause.
If any part, section, sentence or clause of this chapter shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this chapter. Any such part, section, sentence
or clause shall not be taken to affect or prejudice in any way the remaining part or parts of this chapter. (Citizen Initiative-Special Election 07-02-2019).

14.27.160 Authority to Continue.

Any building permit that has gone through the processes necessary to secure a building permit, including, but not limited to, rezoning and subdivision, and was legally and formally applied for prior to adoption of this chapter, may be continued without obtaining an allocation. (Citizen Initiative-Special Election 07-02-2019).

14.27.170 Definitions.

The following terms are defined for purposes of this chapter:

A. **Allocation.** “Allocation” means a right, granted by the city pursuant to this chapter, to make application for a building permit to build one dwelling unit. An allocation is not a guarantee of receiving approval for a building permit. Approval of the building permit itself will occur through the established building permit review process.

B. **Allocation Pools.** “Allocation pools” mean separate categories of developments as described in this chapter which are created for the purpose of distributing available allocations.

C. **Area Median Income.** “Area median income” (AMI) means the median annual household income for Jefferson County, as adjusted by household size, and published annually by the United States Department of Housing and Urban Development.

D. **Building Permit.** “Building permit” means a permit issued pursuant to the provisions of the Lakewood Municipal Code.

- Building permits shall be allocated in accordance with the provisions of this chapter such that those issued shall result in no more than a one-percent annual increase in the number of dwelling units.

E. **Development.** “Development” means the entire plan to construct or place one or more dwelling units on a particular parcel or contiguous parcels of land within the city including, but not limited to, a subdivision approval, a planned unit development, and a mobile home park.

F. **Dwelling Unit.** One or more habitable rooms constituting a unit for permanent occupancy, with facilities for eating, sleeping, bathing, that occupies a structure or a portion of a structure.

G. **Excess Allocations.** “Excess allocations” means allocations which are available for issuance from a particular allocation pool and period, but which have not been issued by reason of lack of demand.

H. **Good Cause.** “Good cause,” when used as a basis for relief from timely compliance with specifically referenced provisions of this chapter, means the existence of unanticipated circumstances which are beyond the control of the property owner and which prevented timely compliance with the referenced provisions of this chapter. “Good cause” shall not include delays which are reasonably expected in the development process, including, but not limited to, preparation of plans or a securing of financing. The existence of “good cause”, and availability of relief by reason thereof, shall be determined after a public hearing conducted by the Planning Commission. A party aggrieved by the decision of the Planning Commission on such issue may, within 15 days of the date of the decision thereon by the Planning Commission, apply to the City Council for a review of said decision by filing a request for such issue may, within 15 days of the date of the decision thereon by the Planning Commission, apply to the City Council for a review of said decision by filing a request for review with the city clerk. The City Council shall, within 30 days of receipt of the review request, and based upon the record alone as certified to Council by the Planning Commission, decide to uphold, deny, or modify the decision of the Planning Commission.
I. **Lottery.** “Lottery” shall mean a drawing held by the city to select applicants which will receive an allocation through a process based upon random chance. Each applicant in a lottery shall be treated equally regardless of the number of allocation requests.

J. **Pro-rata.** “Pro-rata” means the issuing of allocations to applicants in the same proportion that the total number of available allocations bears to the total number of requested allocations, as modified and elaborated in this chapter. For example, if applications for twice the number of allocations were received than the number available, each applicant would be granted approximately one-half the number requested.

K. **Set-up.** “Set-up”, when used in connection with mobile homes, means the process of setting up a mobile home for the purpose of occupancy as a residence including by way of example, connection to utilities and installation tie-downs.

L. **Unused Allocation.** “Unused allocation” means an allocation which has been issued but for which a building permit has not been issued or a mobile home set-up, as applicable, during the period for which the allocation is valid. (Citizen Initiative-Special Election 07-02-2019).