

**ORDINANCE NO. 25  
SERIES 2016**

**AN ORDINANCE AMENDING SECTIONS 10-1-2, 10-1-3 AND 14-10-15 OF THE VAIL  
TOWN CODE TO ENHANCE WILDLAND FIRE RESISTANT BUILDING PRACTICES**

**WHEREAS**, the Vail Town Council wishes to enhance wildland fire resistant building practices.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF VAIL, COLORADO, THAT:**

Section 1. Section 10-1-2 of the Vail Town Code is hereby amended as follows:

**Sec. 10-1-2: Amendments to Building Code.**

The following amendments are hereby made to the International Building Code, 2015 edition:

\* \* \*

Section 1505.1 - General: Delete the last sentence referring to minimum roof coverings in its entirety and shall be replaced with the following text: Roof coverings and roof assemblies shall be class A roof coverings or class A roof assemblies for all structures. Wood shingles and shake coverings or assemblies are prohibited except where exempted for replacement or repair as defined below. Where the roof profile allows space between the roof covering and the roof decking at the eave ends, the spaces shall be constructed to prevent intrusion of flames and embers, be fire-stopped with approved materials, or have one layer of 72 pound (32.4 kg) mineral-surfaced non-perforated cap sheet complying with ASTM D3909 installed over the combustible decking.

Replacement or repair: Each structure with a nonconforming roof covering or assembly will be allowed one (1) replacement or repair of twenty five percent (25%) or less of the roof area. Replacement or repair greater than twenty five percent (25%) or a second replacement or repair of the roof shall trigger replacement of the nonconforming roof covering or assembly with a conforming roof covering or assembly in its entirety. For the purposes of this Section, a two-family dwelling shall be considered two structures with each dwelling allowed one (1) replacement or repair of twenty five percent (25%) or less of the dwelling unit's roof area. Emergency repairs of less than 10 square feet shall not be considered toward the 25% threshold.

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~~Section 1505.1.2 – Class A Roofing: Section 1505.1.2 is deleted and replaced with the following:~~

~~"Class A roofing shall be installed on all roofs. Exception: 1. Metal and concrete roof systems."~~

Section 2. Section 10-1-3 of the Vail Town Code is hereby amended as follows:

**Sec. 10-1-3: Amendments to Residential Code.**

The following amendments are hereby made to the international residential code, 2015 edition:

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~~Section R902.1 – Class A Roofing: Section R902.1 is added, to read as follows:~~

~~"Class A roofing shall be installed on all roofs. Exception 1: Metal and concrete roof systems."~~

Section R902.1 shall be deleted in its entirety and replaced with the following statement: Roofs shall be covered with materials as set forth in Sections R904 and R905. Roof coverings and roof assemblies shall be class A roof coverings or class A roof assemblies for all structures. Class A roofing required by this section to be listed shall be tested in accordance with UL 790 and ASTM E 108. Wood shingles and shake coverings or assemblies are prohibited except where exempted for replacement or repair as defined below. Where the roof profile allows space between the roof covering and the roof decking at the eave ends, the spaces shall be constructed to prevent intrusion of flames and embers, be fire-stopped with approved materials, or have one layer of 72 pound (32.4 kg) mineral-surfaced non-perforated cap sheet complying with ASTM D3909 installed over the combustible decking.

Replacement or repair: Each structure with a nonconforming roof covering or assembly will be allowed one (1) replacement or repair of twenty five percent (25%) or less of the roof area. Replacement or repair greater than twenty five percent (25%) or a second replacement or repair of the roof shall trigger replacement of the nonconforming roof covering or assembly with a conforming roof covering or assembly in its entirety. For the purposes of this Section, a two-family dwelling shall be considered two

structures with each dwelling allowed one (1) replacement or repair of twenty five percent (25%) or less of the dwelling unit's roof area.

R902.2 - Fire Retardant Treated Wood Shingles And Shakes: This section is deleted in its entirety and shall be replaced with the following text: Wood shingles and shake coverings or assemblies are prohibited except where exempted for replacement or repair per section R902.2.

Section 3. Section 14-10-5 of the Vail Town Code is hereby amended as follows:

**Sec. 14-10-5: Building Materials and Design.**

A. The Town is situated within the wildland urban interface where community values intersect with the potential consequences of wildland fires. Wildland fires both big and small have the potential to destroy homes and neighborhoods within the Town. The architecture and chosen materials of a building greatly affect the survivability of that structure in the face of a wildfire. The use of Class A roof coverings and ignition resistant building materials decrease the hazards to the individual structure as well as the surrounding homes.

AB. The use of ~~noncombustible~~ ignition resistant building materials and designs intended to prevent the spread of fire are highly encouraged. Vail Fire and Emergency Services is available to provide more information on the use of ignition resistant materials and designs. Predominantly natural building materials shall be used within the Town of Vail. The exterior use of wood, wood siding, native stone, brick, concrete, stucco, and EIFS may be permitted. Concrete surfaces, when permitted, shall be treated with texture and color; however, exposed aggregate is more acceptable than raw concrete. The exterior use of the following siding materials shall be prohibited: stucco or EIFS with gross textures or surface features that appear to imitate other materials, simulated stone, simulated brick, plastic and vinyl. The exterior use of any building material, including those not specifically identified by this section, shall only be permitted, unless otherwise prohibited by this code, where the design review board finds:

1. That the proposed material is satisfactory in general appearance, quality over time, architectural style, design, color, and texture; and
2. That the use of the proposed material complies with the intent of the provisions of this code; and
3. That the use of the proposed material is compatible with the structure, site, surrounding structures, and overall character of the Town of Vail; and

4. That the material is noncombustible or aids in the prevention of fires.

BC. The same or similar building materials and colors shall be used on main structures and any accessory structures upon the site.

CD. Exterior wall colors should be compatible with the site and surrounding buildings. Natural colors (earth tones found within the Vail area) should be utilized. Primary colors or other bright colors should be used only as accents and then sparingly such as upon trim or railings. All exterior wall materials must be continued down to finished grade thereby eliminating unfinished foundation walls. All exposed metal flashing, trim, flues, and rooftop mechanical equipment shall be anodized, painted or capable of weathering so as to be nonreflective.

DE. The majority of roof forms within Vail are gable roofs with a pitch of at least four feet (4') in twelve feet (12'). However, other roof forms are allowed. Consideration of environmental and climatic determinants such as snow shedding, drainage, fire safety and solar exposure should be integral to the roof design.

EF. Rooflines should be designed so as not to deposit snow on parking areas, trash storage areas, stairways, decks and balconies, or entryways. Secondary roofs, snow clips, and snow guards should be utilized to protect these areas from roof snow shedding if necessary.

FG. All structures shall have class A roof assemblies or shall have class A roof covering materials, as defined by the adopted building code. The use of concrete tile, slate, metal, asphalt shingle, fiberglass shingle, and built up tar and gravel roofing may be permitted. Metal roofing, when permitted, shall not reflect direct sunlight onto an adjacent property and shall be surfaced with a low gloss finish or be capable of weathering to a dull finish. Metal roofing, when permitted, shall be of a heavy gauge and designed to provide visual relief to the roof surface (including, but not limited to, a standing seam). Asphalt and fiberglass shingles, when permitted, shall ~~weigh no less than three hundred (300) pounds per roofing square~~ be designed to provide visual relief through texture, dimension and depth of appearance. The use of wood shake, wood shingles and rolled roofing shall not be permitted. Two-family and multi-family dwellings shall be required to have uniform roof covering materials, except when the design review board determines that the materials are compatible, are integral to the architectural style of the structure and different materials do not share any ridges or planes, but may share a valley.

1. Nonconforming Structures: All structures that do not have a class A roof assembly or class A roof covering material, or structures with

wood shake or wood shingles shall ~~come into compliance~~ replace the roof covering as follows:

~~a. Repair And Maintenance: Repair and maintenance of twenty five percent (25%) or more of the roof area of a single-family dwelling, a side of a two-family dwelling, or of an entire multiple-family dwelling within a twelve (12) month period, or fifty percent (50%) or more of the total roof area in any time period shall require compliance of the entire roof of the single-family dwelling, the affected side of a two-family dwelling, or an entire multiple-family dwelling.~~

ba. Additions: All additions affecting roof area shall trigger compliance of the roof structure of a single-family dwelling, a side of a two-family dwelling, or the entire multiple-family dwelling, except for a onetime exemption of up to five hundred (500) square feet of GRFA, occurring after February 6, 2007, where any addition of roof area does not share a plane or ridge with the nonconforming roof, and may only share a valley. The additional roof area shall conform to roofing regulations, and shall be deemed compatible by the design review board.

eb. Two-Family Structures: Upon reroofing one side of a two-family dwelling, the other side ~~may~~ shall be required to be reroofed if the two (2) sides have roof systems that share ridges or planes. Different materials on each side of the two-family dwelling may be permitted by the design review board if the materials are deemed compatible, integral to the architectural style of the structure and share a valley or do not intersect.

ec. Developments With Multiple Structures: Upon reroofing a single structure that is part of a multi-structure project with conforming roof covering materials that do not match existing materials, the conforming materials shall be deemed compatible with the existing nonconforming materials by the design review board. Upon reroofing of additional structures in the development, the materials shall match the approved conforming materials. Should the matching material no longer be manufactured, a different material may be permitted, should the materials be deemed compatible by the Design Review Board.

GH. Rooftops: Rooftop heating and air conditioning equipment, large vent stacks, elevator penthouses and similar features should be avoided; however, if necessary, shall be designed to be compatible with the overall design of the structure or screened from view of all adjacent properties.

Rooftop antennas shall not be permitted unless as allowed under a conditional use review as specified within the zoning code.

H. Solar Energy Devices:

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I. Overhangs: Deep eaves, overhangs, canopies, and other building features that provide shelter from the elements are encouraged.

J. Fenestration: Fenestration should be suitable for the climate and for the orientation of the particular building elevation in which the fenestration occurs. The use of both passive and active solar energy systems is strongly encouraged.

K. Duplexes: In no instance shall a duplex structure be so constructed as to result in each half of the structure appearing substantially similar or mirror image in design.

L. Footings And Foundation: Building footings and foundations shall be designed in accordance with the minimum standards of the adopted building code. Footings and foundations shall also be designed to be responsive to the natural topography of the site, and shall be designed and constructed in such a manner as to minimize the necessary amount of excavation and site disturbance.

Section 4. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 6. The amendment of any provision of the Vail Town Code in this ordinance, shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or ordinance previously repealed or superseded unless expressly stated herein.

Section 7. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This

repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 6<sup>th</sup> day of September, 2016 and a public hearing for second reading of this Ordinance is set for the \_\_\_\_ day of \_\_\_\_\_, 2016, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

\_\_\_\_\_  
Dave Chapin, Mayor

ATTEST:

\_\_\_\_\_  
Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dave Chapin, Mayor

ATTEST:

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Patty McKenny, Town Clerk