

PLANNING AND DEVELOPMENT MEMORANDUM
#08-26

August 7, 2008

TO: Honorable Mayor Kathleen M. Novak and City Council members

FROM: David Allen, Acting City Manager *DA*
James Hayes, Director of Planning and Development *JH*
Rick Davis, Chief Building Official *RD*

SUBJECT: CB-1660, Adopt by reference the 2006 International Residential Code with amendments.

RECOMMENDATION:

Attached to this memorandum is a proposed Ordinance which, if approved, would adopt the 2006 International Residential Code with amendments. Staff recommends approval of this proposed Ordinance.

BACKGROUND:

The periodic adoption of new Building Codes is standard practice for the City of Northglenn. Public Comment on these proposed Building Code Amendments and adoptions was accepted from June 20, 2008, until July 18, 2008. The codes proposed for adoption by reference were available for public review at the Office of the City Clerk. Codes were also available for review on the City of Northglenn website at www.northglenn.org. Results of the Public Comments are attached for City Council consideration.

In 2007, pursuant to Ordinance No. 1465, Series of 2007, the City Council of Northglenn adopted the 2003 International Residential Code (IRC), which was codified at Article 8, Chapter 10 of the Northglenn Municipal Code. The International Residential Code is updated every three years. The most current edition is the 2006 edition, and adopting this version will allow the City to stay up to date, and maintain a favorable Insurance Services Organization (ISO) rating. The proposed amendments are consistent with previously adopted version of the Code.

BUDGET/TIME IMPLICATIONS:

Adoption of the 2006 International Residential Code has no budgetary impacts.

STAFF REFERENCE:

If Council members have any comments or questions they may contact James Hayes, 303-450-8937, or jhayes@northglenn.org

SPONSORED BY: MAYOR NOVAK

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COUNCILMAN'S BILL

ORDINANCE NO.

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No. CB-1660
Series of 2008

Series of 2008

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A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 8 CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE WITH AMENDMENTS AS A PRIMARY CODE OF THE CITY OF NORTHGLENN, THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION

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WHEREAS, by Ordinance Number 1465, Series 2007, the City adopted the 2003 International Residential Code with amendments; and

WHEREAS, the City Council desires to update the City's Residential Code, and therefore the City Council shall repeal and reenact Article 8 of Chapter 10 of the Northglenn Municipal Code to adopt the 2006 International Residential Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

SECTION 1. Article 8, Chapter 10 of the Northglenn Municipal Code is hereby repealed and reenacted to read as follows:

SECTION 10-8-1. TITLE. THIS ORDINANCE SHALL BE KNOWN AND CITED AS THE INTERNATIONAL RESIDENTIAL CODE.

SECTION 10-8-2. ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE. THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, OF THE INTERNATIONAL CODE COUNCIL, INC., 500 NEW JERSEY AVENUE, NW, 6TH FLOOR, WASHINGTON, DC 20001, IS ADOPTED BY REFERENCE AS A PRIMARY CODE AND AMENDED AS DESCRIBED BELOW.

SECTION 10-8-3. COPIES ON FILE. AT LEAST ONE CERTIFIED COPY OF THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, AS ADOPTED, IS ON FILE IN THE OFFICE OF THE CITY CLERK AND MAY BE INSPECTED DURING REGULAR BUSINESS HOURS.

SECTION 10-8-4. PURPOSE. THE PURPOSE OF THIS CODE IS TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, HEALTH, PROPERTY AND PUBLIC WELFARE BY REGULATING THE DESIGN, CONSTRUCTION AND USE OF ALL DETACHED ONE AND TWO-FAMILY DWELLINGS AND SINGLE FAMILY TOWNHOUSES NOT MORE THAN 3 STORIES ABOVE GRADE, AND EXISTING BUILDINGS UNDERGOING REPAIR, ALTERATION OR ADDITIONS WITHIN THE CITY OF NORTHGLENN.

SECTION 10-8-5. AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION.

(A) SECTION R101.1 IS HEREBY IS AMENDED TO READ AS FOLLOWS:

THESE REGULATIONS SHALL BE KNOWN AS THE RESIDENTIAL BUILDING CODE OF THE CITY OF NORTHGLENN, HEREINAFTER, REFERED TO AS "THIS CODE."

(B) SECTION R105.2 WORK EXEMPT FROM PERMIT:

(1) DELETE SECTION R105.2, BUILDINGS, EXCEPTION 1 IN ITS ENTIRETY.

(2) DELETE SECTION R105.2, BUILDINGS, EXCEPTION 2 IN ITS ENTIRETY.

(C) SECTION R108.2 SCHEDULE OF PERMIT FEES:

(1) ADD "REFERENCE PERMIT FEES IN TABLE 1-A" OF THE INTERNATIONAL BUILDING CODE.

(2) ADD THE FOLLOWING EXEMPTION:

EXEMPTION

THE GOVERNMENT OF THE UNITED STATES OF AMERICA, THE STATE AND ITS POLITICAL SUBDIVISIONS, THE CITY, AND ALL AGENCIES AND DEPARTMENTS THEREOF SHALL BE EXEMPT FROM THE PAYMENT OF FEES FOR WORK PERFORMED ON BUILDINGS OR STRUCTURES OWNED WHOLLY BY SUCH AGENCIES OR DEPARTMENTS AND DEVOTED TO GOVERNMENTAL USE.

(D) SECTION R108.5 IS AMENDED TO READ AS FOLLOWS:

SECTION R108.5.1. A WRITTEN REQUEST FOR A REFUND OF THE PERMIT FEE OR PLAN REVIEW FEE MUST BE SUBMITTED TO THE BUILDING OFFICIAL WITHIN 180 DAYS OF THE DATE THE FEE WAS PAID.

SECTION R108.5.2. THE WRITTEN REQUEST MUST SET FORTH THE BASIS FOR THE REQUEST FOR A REFUND, IDENTIFY THE PROJECT FOR WHICH A REFUND IS REQUESTED AND THE REQUEST MUST BE FROM THE SAME PERSON OR ENTITY WHICH PAID THE FEE.

SECTION R108.5.3. IF THE FOREGOING PROVISIONS HAVE BEEN MET, THE BUILDING OFFICIAL MAY REFUND PERMIT FEES OR PLAN REVIEW FEES BASED UPON THE FOLLOWING CRITERIA:

SECTION R108.5.3 (A). IF EITHER OR BOTH FEES WERE PAID OR COLLECTED IN ERROR, THE APPLICABLE FEES PAID WILL BE REFUNDED.

SECTION R108.5.3 (B). IF THE PROJECT FOR WHICH A PERMIT FEE HAS BEEN PAID IS NOT TO BE CONSTRUCTED AND NO CONSTRUCTION HAS COMMENCED, OR THE REQUEST FOR PLAN REVIEW FOR SUCH PROJECT IS BEING WITHDRAWN BEFORE REVIEW OF THE PLANS HAS OCCURRED, THE APPLICABLE FEES PAID, MINUS A 20% PROCESSING AND FILE PREPARATION CHARGE, WILL BE REFUNDED.

SECTION R108.5.3 (C). IF THE PLANS FOR THE PROJECT HAVE BEEN REVIEWED TO ANY EXTENT AT THE TIME A REQUEST FOR REFUND IS SUBMITTED, NO REFUND OF PLAN REVIEW FEES WILL BE AUTHORIZED.

SECTION R108.5.3 (D). IF PERMIT FEES ARE PAID AND ANY CONSTRUCTION HAS BEEN COMMENCED, NO REFUND WILL BE AUTHORIZED.

(E) SECTION R112. BOARD OF APPEALS, OF THE INTERNATIONAL EXISTING BUILDING CODE IS AMENDED TO READ AS FOLLOWS:

SECTION R112 BOARD OF ADJUSTMENT.

APPEALS OF ORDERS, DECISIONS OR DETERMINATIONS MADE BY THE BUILDING OFFICIAL RELATIVE TO THE APPLICATION AND INTERPRETATION OF THIS CODE MAY BE MADE TO THE NORTHGLENN BOARD OF ADJUSTMENT. APPEALS SHALL BE IN ACCORDANCE WITH SECTION 11-42-5 OF THE NORTHGLENN ZONING ORDINANCE.

(F) SECTION R114.1 IS HEREBY AMENDED TO READ AS FOLLOWS:

THE STOP WORK ORDER SHALL BE IN WRITING AND SHALL BE GIVEN TO THE OWNER OF THE PROPERTY INVOLVED, OR TO THE OWNER'S AGENT, OR TO THE PERSON DOING THE WORK, OR IF NO SUCH PERSON CAN BE CONTACTED AT THE PROPERTY, POSTED IN A

CONSPICUOUS LOCATION ON THE PROPERTY INVOLVED. UPON ISSUANCE OF A STOP WORK ORDER, THE CITED WORK SHALL IMMEDIATELY CEASE. THE STOP WORK ORDER SHALL CITE THE SPECIFIC CODE SECTION VIOLATED, STATE THE REASON FOR THE ORDER, AND STATE THE CONDITIONS UNDER WHICH WORK WILL BE PERMITTED TO RESUME.

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(G) TABLE R301.2(1), CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA, OF THE 2006 INTERNATIONAL RESIDENTIAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

GROUND SNOW LOAD:	30
WIND SPEED (MPH):	90/110
SEISMIC DESIGN CATEGORY:	B
SUBJECT TO DAMAGE FROM:	
WEATHERING:	SEVERE
FROST LINE DEPTH:	36"
TERMITE:	N/S
WINTER DESIGN TEMP:	1°F
ICE SHIELD BARRIER UNDERLAYMENT REQUIRED:	NO
FLOOD HAZARDS:	1974/2007
AIR FREEZING INDEX:	721
ANNUAL MEAN TEMP:	50°F

(H) SECTION R313.1.1 IS HEREBY AMENDED TO READ AS FOLLOWS:

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WHEN REPAIRS OR ADDITIONS REQUIRING A PERMIT OCCUR, OR WHEN ALTERATIONS REQUIRING A PERMIT OCCUR AND THE VALUATION EXCEEDS \$2,500.00, OR WHEN ONE OR MORE SLEEPING ROOMS ARE ADDED OR CREATED IN EXISTING DWELLINGS, THE INDIVIDUAL DWELLING UNIT SHALL BE EQUIPPED WITH SMOKE ALARMS LOCATED AS REQUIRED FOR NEW DWELLINGS; THE SMOKE ALARMS SHALL BE INTERCONNECTED AND HARD WIRED.

EXCEPTIONS:

1. SMOKE ALARMS IN EXISTING AREAS SHALL NOT BE REQUIRED TO BE INTERCONNECTED AND HARD WIRED WHERE THE ALTERATIONS OR REPAIRS DO NOT RESULT IN THE REMOVAL OF INTERIOR WALL OR CEILING FINISHES EXPOSING THE STRUCTURE, UNLESS THERE IS AN ATTIC, CRAWL SPACE, OR BASEMENT AVAILABLE WHICH COULD PROVIDE ACCESS FOR HARD WIRING AND INTERCONNECTION WITHOUT THE REMOVAL OF INTERIOR FINISHES.

2. REPAIRS TO THE EXTERIOR SURFACES OF DWELLINGS ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

SECTION 10-8-6. INTERNATIONAL RESIDENTIAL CODE APPENDICES. THE FOLLOWING CHAPTERS OF THE APPENDICES ARE HEREIN ADOPTED IN THEIR ENTIRETY:

- (A) APPENDIX F - RADON CONTROL METHODS
- (B) APPENDIX G - SWIMMING POOLS, SPAS AND HOT TUBS
- (C) APPENDIX H - PATIO COVERS
- (D) APPENDIX K - SOUND TRANSMISSION

SECTION 10-8-7. APPLICATION. THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF THE INTERNATIONAL RESIDENTIAL CODE AND APPENDICES ADOPTED BY REFERENCE SHALL APPLY TO EVERY BUILDING OR STRUCTURE LOCATED EITHER WITHIN OR WITHOUT THE CORPORATE LIMITS OF THE CITY OF NORTHGLENN, THE USE OF WHICH THE CITY HAS JURISDICTION AND AUTHORITY TO REGULATE.

SECTION 10-8-8. VIOLATIONS--PENALTY.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THE INTERNATIONAL RESIDENTIAL CODE, 2003 EDITION, AS ADOPTED, OR THE PROVISIONS OF THIS ORDINANCE.

(B) ANY VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND ANY VIOLATION OF ANY OF THE PROVISIONS OF THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, AS ADOPTED, SHALL, UPON CONVICTION BE PUNISHABLE AS PROVIDED IN SECTION 1-1-10(A)(2) OF THIS CODE.

SECTION 10-8-9. SEVERABILITY CLAUSE. IF ANY ARTICLE, SECTION, PARAGRAPH, SENTENCE, CLAUSE OR PHRASE OF THIS ORDINANCE IS HELD TO BE UNCONSTITUTIONAL OR INVALID FOR ANY REASON, SUCH DECISION SHALL NOT AFFECT THE VALIDITY

OR CONSTITUTIONALITY OF THE REMAINING PORTIONS OF THIS ORDINANCE. THE CITY COUNCIL HEREBY DECLARES THAT IT WOULD HAVE PASSED THIS ORDINANCE AND EACH PART OR PARTS THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE PART OR PARTS BE DECLARED INVALID OR UNCONSTITUTIONAL.

SECTION 10-8-10. SAFETY CLAUSE. THE CITY COUNCIL HEREBY FINDS, DETERMINES, AND DECLARES THAT THIS ORDINANCE IS NECESSARY FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE.

SECTION 10-8-11. CONFLICTS. IF THE PROVISIONS OF THIS ARTICLE, CONFLICT WITH ANY OTHER PROVISIONS OF THE MUNICIPAL CODE THEN THE MORE RESTRICTIVE OF THE TWO SHALL GOVERN. WHERE THERE IS A CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL BE APPLICABLE.

SECTION 10-8-12. EFFECTIVE DATE. THIS ORDINANCE SHALL BECOME EFFECTIVE FIVE (5) DAYS AFTER PUBLIC NOTICE FOLLOWING FINAL PASSAGE.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL
Acting City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL
Acting City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney