

PLANNING AND DEVELOPMENT MEMORANDUM
#08-30

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-1664, Adopt by reference the 2006 International Mechanical Code with amendments.

RECOMMENDATION:

Attached to this memorandum is a proposed Ordinance which, if approved, would adopt the 2006 International Mechanical 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 2003, pursuant to Ordinance No. 1359, Series of 2003, the City Council of Northglenn adopted the 2003 International Mechanical Code (IMC), which was codified at Article 6, Chapter 10 of the Northglenn Municipal Code. The International Mechanical 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 Mechanical 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-1664
Series of 2008

_____ Series of 2008

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A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 6 CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE WITH AMENDMENTS AS A PRIMARY CODE OF THE CITY OF NORTHGLENN, THE INTERNATIONAL MECHANICAL CODE, 2006 EDITION

WHEREAS, by Ordinance Number 1359, Series 2003, the City adopted the 2003 International Mechanical Code with amendments; and

WHEREAS, the City Council desires to further update the City's International Mechanical Code, and therefore the City Council adopts the 2006 International Mechanical Code with amendments.

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

Section 1. Article 6, Chapter 10 of the Northglenn Municipal Code is hereby repealed and reenacted to read as follows:

SECTION 10-6-1. TITLE. THIS ORDINANCE SHALL BE KNOWN AND CITED AS THE INTERNATIONAL MECHANICAL CODE ORDINANCE.

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

SECTION 10-6-3. COPIES ON FILE. AT LEAST ONE CERTIFIED COPY OF THE INTERNATIONAL MECHANICAL CODE, 2006 EDITION, AS ADOPTED IS ON FILE IN THE OFFICE OF THE CITY CLERK AND MAY BE INSPECTED DURING REGULAR BUSINESS HOURS.

SECTION 10-6-4. PURPOSE. THE PURPOSE OF THIS CODE IS TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, HEALTH, PROPERTY AND PUBLIC WELFARE BY REGULATING MECHANICAL INSTALLATIONS WITHIN THE CITY.

SECTION 10-6-5. AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE, 2006 EDITION.

- (1) SECTION 101.1 IS DELETED IN ITS ENTIRETY AND

HEREBY AMENDED TO READ AS FOLLOWS:

THESE REGULATIONS SHALL BE KNOWN AS THE INTERNATIONAL MECHANICAL CODE OF THE CITY OF NORTHGLENN, HEREINAFTER REFERRED TO AS "THIS CODE."

(2) SECTION 103.2 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

THE BUILDING OFFICIAL SHALL BE APPOINTED BY THE CHIEF APPOINTING AUTHORITY OF THE JURISDICTION.

(3) SECTION 106.1 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

ANY OWNER, AUTHORIZED AGENT OR CONTRACTOR WHO DESIRES TO CONSTRUCT, ENLARGE, ALTER, REPAIR, MOVE, DEMOLISH OR CHANGE THE OCCUPANCY OF A BUILDING OR STRUCTURE, OR TO ERECT, INSTALL, ENLARGE, ALTER, REPAIR, REMOVE, CONVERT OR REPLACE ANY MECHANICAL SYSTEM, THE INSTALLATION OF WHICH IS REGULATED BY THIS CODE, OR TO CAUSE ANY SUCH WORK TO BE DONE, SHALL FIRST MAKE APPLICATION TO THE CODE OFFICIAL AND OBTAIN THE REQUIRED PERMIT FOR THE WORK.

EXCEPTION 1: WHERE EQUIPMENT AND APPLIANCE REPLACEMENTS OR REPAIRS MUST BE PERFORMED IN AN EMERGENCY SITUATION, THE PERMIT APPLICATION SHALL BE SUBMITTED WITHIN THE NEXT WORKING BUSINESS DAY OF THE DEPARTMENT OF MECHANICAL INSPECTION.

EXCEPTION 2: SEPARATE MECHANICAL PERMITS SHALL NOT BE REQUIRED WHERE MECHANICAL WORK IS INCLUDED WITHIN A GENERAL PERMIT FOR A BUILDING OR STRUCTURE.

(4) SECTION 106.5.1 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

WHERE A LICENSED CONTRACTOR OR AN INDIVIDUAL WHO HAS PREVIOUS VIOLATIONS FOR PERFORMING WORK WITHOUT A PERMIT STARTS OR PROCEEDS WITH WORK FOR WHICH A PERMIT IS REQUIRED BY THIS CODE PRIOR TO OBTAINING SAID PERMIT, THE FEES SPECIFIED IN TABLE 1-A SHALL BE DOUBLED. SUCH FEE SHALL BE PAID WHETHER OR NOT SUCH PERMIT IS OBTAINED, BUT THE PAYMENT OF SUCH FEE SHALL

Deleted: WHERE WORK FOR WHICH A PERMIT IS REQUIRED BY THIS CODE IS STARTED OR PROCEEDED WITH PRIOR TO OBTAINING SAID PERMIT, THE FEES SPECIFIED IN TABLE 1-A SHALL BE DOUBLED.

NOT RELIEVE ANY PERSONS FROM FULLY COMPLYING WITH THE REQUIREMENTS OF THIS CODE IN THE EXECUTION OF THE WORK, NOR FROM ANY OTHER PENALTIES PRESCRIBED HEREIN.

(5) SECTION 106.5.2 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

THE FEES FOR ALL MECHANICAL WORK SHALL BE IN ACCORDANCE WITH THE FEE SCHEDULE NOTED IN THE INTERNATIONAL BUILDING CODE, 2006 EDITION, AS ADOPTED.

(6) SECTION 106.5.3 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

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 106.5.3.2. 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 106.5.3.3. IF THE FOREGOING PROVISIONS HAVE BEEN MET, THE BUILDING OFFICIAL MAY REFUND PERMIT FEES OR PLAN REVIEW FEES BASED UPON THE FOLLOWING CRITERIA:

SECTION 106.5.3.4 (A). IF EITHER OR BOTH FEES WERE PAID OR COLLECTED IN ERROR, THE APPLICABLE FEES PAID WILL BE REFUNDED.

SECTION 106.5.3.4 (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 106.5.3.4 (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 106.5.3.4 (D). IF PERMIT FEES ARE PAID AND

ANY CONSTRUCTION HAS BEEN COMMENCED, NO REFUND WILL BE AUTHORIZED.

(7) SECTION 108.4 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

1. IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THE INTERNATIONAL MECHANICAL CODE, 2006 EDITION, AS ADOPTED, OR THE PROVISIONS OF THIS ORDINANCE.

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

3. EACH AND EVERY DAY ON WHICH ANY VIOLATION OF THE ORDINANCES OF THE CITY, OR THE RULES AND REGULATIONS ADOPTED PURSUANT TO SUCH ORDINANCES, IS COMMITTED, EXISTS OR CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE.

(8) SECTION 108.5 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

UPON NOTICE FROM THE CODE OFFICIAL, WORK ON ANY MECHANICAL SYSTEM THAT IS BEING DONE CONTRARY TO THE PROVISIONS OF THIS CODE OR IN A DANGEROUS OR UNSAFE MANNER SHALL IMMEDIATELY CEASE. SUCH NOTICE SHALL BE IN WRITING AND SHALL BE GIVEN TO THE OWNER OF THE PROPERTY, 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. THE NOTICE SHALL CITE THE SPECIFIC CODE SECTION VIOLATED, AND SHALL STATE THE CONDITIONS UNDER WHICH WORK IS AUTHORIZED TO RESUME. WHERE AN EMERGENCY EXISTS, THE CODE OFFICIAL SHALL NOT BE REQUIRED TO GIVE A WRITTEN NOTICE PRIOR TO STOPPING THE WORK. ANY PERSON WHO SHALL CONTINUE ANY WORK IN OR ABOUT THE STRUCTURE AFTER HAVING BEEN SERVED WITH A STOP WORK ORDER, EXCEPT SUCH WORK AS THAT PERSON IS DIRECTED TO PERFORM TO REMOVE A VIOLATION OR UNSAFE CONDITION, SHALL BE BE PUNISHABLE AS PROVIDED IN SECTION 1-1-10(A)(2) OF

NORTHGLENN MUNICIPAL CODE.

(9) SECTION 109 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

ANY PERSON, FIRM OR CORPORATION AGGRIEVED BY ANY DECISION, INTERPRETATION OR ORDER MADE BY THE BUILDING OFFICIAL RELATIVE TO THE APPLICATION AND INTERPRETATION OF THIS CODE, MAY APPEAL SUCH DECISION, INTERPRETATION OR ORDER TO THE NORTHGLENN BOARD OF ADJUSTMENT. APPEALS OF ADMINISTRATIVE DECISIONS MAY BE MADE IN ACCORDANCE WITH SECTION 11-42-5 OF THE NORTHGLENN ZONING ORDINANCE.

SECTION 10-6-6. APPLICATION. THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF THE INTERNATIONAL MECHANICAL CODE AND APPENDICES, 2006 EDITION, 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 10-6-7. VIOLATIONS--PENALTY.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THE INTERNATIONAL MECHANICAL CODE, 2006 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 MECHANICAL CODE, 2006 EDITION, AS ADOPTED, SHALL, UPON CONVICTION BE PUNISHABLE AS PROVIDED IN SECTION 1-1-10(A)(2) OF THIS CODE.

SECTION 10-6-8. 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 10-6-9. 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 10-6-10. CONFLICTS. IF THE PROVISIONS OF THIS CODE, AS ADOPTED IN 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 10-6-11. 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