

PLANNING AND DEVELOPMENT MEMORANDUM

#08-27

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 RS

SUBJECT: CB-1661, Adopt by reference the 2006 International Existing Building Code with amendments.

RECOMMENDATION:

Attached to this memorandum is a proposed Ordinance which, if approved, would adopt the 2006 International Existing Building 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. 1462, Series of 2007, the City Council of Northglenn adopted the 2003 International Existing Building Code (IEBC), which was codified at Article 17, Chapter 10 of the Northglenn Municipal Code. The International Existing Building 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 Existing Building 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

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1661

Series of 2008

Series of 2008

A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 17 CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE WITH AMENDMENTS AS A PRIMARY CODE OF THE CITY OF NORTHGLENN, THE INTERNATIONAL EXISTING BUILDING CODE, 2006 EDITION

WHEREAS, by Ordinance Number 1462, Series 2007, the City adopted the 2003 International Existing Building Code with amendments; and

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

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

SECTION 1. Article 17 of Chapter 10 of the Northglenn Municipal Code is hereby repealed and reenacted to read as follows:

SECTION 10-17-1. TITLE. THIS ORDINANCE SHALL BE KNOWN AND CITED AS THE INTERNATIONAL EXISTING BUILDING CODE.

SECTION 10-17-2. ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE. THE INTERNATIONAL EXISTING BUILDING CODE, 2006 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., 500 NEW JERSEY AVENUE, NW, 6TH FLOOR, WASHINGTON, DC 20001, IS ADOPTED BE REFERENCE AS A PRIMARY CODE TO HAVE THE SAME FORCE AND EFFECT AS THOUGH SET FORTH IN THIS CHAPTER IN EVERY PARTICULAR, AS AMENDED BELOW.

SECTION 10-17-3. COPIES ON FILE. AT LEAST ONE CERTIFIED COPY OF THE INTERNATIONAL EXISTING BUILDING CODE, 2006 EDITION, AS ADOPTED, IS ON FILE IN THE OFFICE OF THE CITY CLERK AND MAY BE INSPECTED DURING REGULAR BUSINESS HOURS.

SECTION 10-17-4. SCOPE. THE PURPOSE OF THE CODE IS NOT TO CREATE OR OTHERWISE ESTABLISH OR DESIGNATE ANY PARTICULAR CLASS OR GROUP OF PERSONS WHO WILL OR SHOULD BE ESPECIALLY PROTECTED OR BENEFITED BY THE TERMS OF THE CODE.

SECTION 10-17-5. AMENDMENTS TO THE INTERNATIONAL EXISTING BUILDING CODE, 2006 EDITION. THE FOLLOWING SECTIONS ARE HEREBY AMENDED:

(1) SECTION 101.1. IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

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

(2) SECTION 106.1.1 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

CONSTRUCTION DOCUMENTS SHALL BE DIMENSIONED AND DRAWN TO SCALE UPON SUITABLE MATERIAL. ELECTRONIC MEDIA DOCUMENTS ARE PERMITTED TO BE SUBMITTED WHEN APPROVED BY THE BUILDING OFFICIAL. CONSTRUCTION DOCUMENTS SHALL BE OF SUFFICIENT CLARITY TO INDICATE THE LOCATION, NATURE AND EXTENT OF THE WORK PROPOSED AND SHOW IN DETAIL THAT IT WILL CONFORM TO THE PROVISIONS OF THIS CODE AND RELEVANT LAWS, ORDINANCES, RULES AND REGULATIONS, AS DETERMINED BY THE CODE OFFICIAL. THE WORK AREAS SHALL BE SHOWN.

(3) SECTION 106.1.1.1 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

SHOP DRAWINGS FOR THE FIRE PROTECTION SYSTEM(S) SHALL BE SUBMITTED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT TO INDICATE CONFORMANCE WITH THIS CODE AND THE CONSTRUCTION DOCUMENTS AND SHALL BE APPROVED PRIOR TO THE START OF SYSTEM INSTALLATION BY THE FIRE CODE OFFICIAL. SHOP DRAWINGS SHALL CONTAIN ALL INFORMATION AS REQUIRED BY THE REFERENCED INSTALLATION STANDARDS IN CHAPTER 9 OF THE INTERNATIONAL BUILDING CODE.

(4) SECTION 107.3 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

THE BUILDING OFFICIAL IS AUTHORIZED TO GIVE PERMISSION TO TEMPORARILY SUPPLY AND USE

POWER IN PART OF AN ELECTRIC INSTALLATION BEFORE SUCH INSTALLATION HAS BEEN FULLY COMPLETED AND THE FINAL CERTIFICATE OF COMPLETION HAS BEEN ISSUED. THE PART COVERED BY THE TEMPORARY CERTIFICATE SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED FOR TEMPORARY LIGHTING, HEAT OR POWER IN THE NATIONAL ELECTRICAL CODE.

(5) SECTION 108.2. IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

ON BUILDINGS, ELECTRICAL, GAS, MECHANICAL, AND PLUMBING SYSTEMS OR ALTERATIONS REQUIRING A PERMIT, A FEE FOR EACH PERMIT SHALL BE PAID AS REQUIRED IN ACCORDANCE WITH THE SCHEDULE AS INDICATED IN THE BUILDING PERMIT FEE TABLE 1-A FROM SECTION 10-2-5 (F) OF THE NORTHGLENN MUNICIPAL CODE.

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.

(6) SECTION 108.6 IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 108.6 REFUNDS

SECTION 108.6.1. 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 108.6.2. 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 108.6.3. IF THE FOREGOING PROVISIONS HAVE BEEN MET, THE BUILDING OFFICIAL MAY REFUND PERMIT FEES OR PLAN REVIEW FEES BASED UPON THE FOLLOWING CRITERIA:

SECTION 108.6.3 (A). IF EITHER OR BOTH FEES WERE PAID OR COLLECTED IN ERROR, THE APPLICABLE FEES PAID WILL BE REFUNDED.

SECTION 108.6.3 (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 108.6.3 (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 108.6.3 (D). IF PERMIT FEES ARE PAID AND ANY CONSTRUCTION HAS BEEN COMMENCED, NO REFUND WILL BE AUTHORIZED.

(7) SECTION 113.4. 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 EXISTING BUILDING 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 EXISTING BUILDING 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

VIOLETION 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 112. IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 112 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.

(9) SECTION 114.2 IS DELETED IN ITS ENTIRETY AND 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 THE CITED WORK WILL BE PERMITTED TO RESUME.

(10) SECTION 1301.2. IS DELETED IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

STRUCTURES EXISTING PRIOR TO THE DATE OF ADOPTION, IN WHICH THERE IS WORK INVOLVING ADDITIONS, ALTERATIONS, OR CHANGES OF OCCUPANCY SHALL BE MADE TO CONFORM TO THE REQUIREMENTS OF THIS CHAPTER OR THE PROVISIONS OF CHAPTERS 4 THROUGH 12. THE PROVISIONS OF SECTIONS 1301.2.1 THROUGH 1301.2.5 SHALL APPLY TO EXISTING OCCUPANCIES THAT WILL CONTINUE TO BE, OR ARE PROPOSED TO BE, IN GROUPS A, B, E, F, M, R, AND S. THESE PROVISIONS SHALL NOT APPLY TO

BUILDINGS WITH OCCUPANCIES IN GROUP H OR GROUP I.

SECTION 10-17-6. APPLICATION. THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF THE INTERNATIONAL EXISTING BUILDING CODE, 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 10-17-7. VIOLATIONS -- PENALTY.

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


SECTION 10-17-8. CONFLICTS. IF THE PROVISIONS OF THIS CODE, AS ADOPTED IN THIS ARTICLE, CONFLICT WITH ANY OTHER PROVISIONS OF THE NORTHGLENN 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 10-17-9. 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 10-17-10. 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 10-17-11. EFFECTIVE DATE. THIS ORDINANCE SHALL BECOME EFFECTIVE FIVE (5) DAYS AFTER PUBLIC NOTICE FOLLOWING FINAL PASSAGE.

INTRODUCED, READ AND ORDERED POSTED this 14th day of August, 2008.


KATHLEEN M. NOVAK
Mayor

ATTEST:


JOHANNA SMALL, CMC
Acting City Clerk


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

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
Acting City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney