

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1586

SPONSOR: MAYOR NOVAK, COUNCIL MEMBERS MARTIN, MONROE & PARSONS

TITLE: A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 2 CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE WITH AMENDMENTS AS A PRIMARY CODE OF THE CITY OF NORTHGLENN, THE INTERNATIONAL BUILDING CODE, 2003 EDITION

PURPOSE: IN 2003, THE CITY ADOPTED THE 2003 INTERNATIONAL BUILDING CODE (THE "IBC"). IN THE TIME PERIOD FOLLOWING THE ADOPTION OF THE 2003 IBC, A FEW AMENDMENTS ARE DESIRABLE TO BRING THE IBC UP TO DATE.

ADDITIONAL EXPLANATORY REMARKS:

IN ORDER TO KEEP THE AMENDMENTS EASY TO FOLLOW, IT IS RECOMMENDED THAT THE ORIGINAL ORDINANCE ADOPTING THE IBC (ORDINANCE NUMBER 1357, SERIES 2003) BE REPEALED AND THAT THIS NEW ORDINANCE BE ADOPTED IN ITS ENTIRETY.

SPONSORED BY: MAYOR NOVAK, COUNCL MEMBERS, MARTIN, MONROE & PARSONS

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ORDINANCE NO.

No. CB-1586
Series of 2006

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A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 2 CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE WITH AMENDMENTS AS A PRIMARY CODE OF THE CITY OF NORTHGLENN, THE INTERNATIONAL BUILDING CODE, 2003 EDITION

WHEREAS, by Ordinance Number 1357, Series 2003, the City adopted the 2003 International Building Code with amendments;

WHEREAS, the City Council desires to make further amendments to certain sections of the 2003 International Building Code to bring it more up to date, and therefore the City Council shall repeal and reenact the 2003 International Building Code with such new amendments.

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

Section 1. Article 2, Chapter 10 of the Northglenn Municipal Code is hereby repealed and reenacted to read as follows:

SECTION 10-2-1. TITLE. THIS ORDINANCE SHALL BE KNOWN AND CITED AS THE INTERNATIONAL BUILDING CODE ORDINANCE.

SECTION 10-2-2. ADOPTION OF THE INTERNATIONAL BUILDING CODE. THE INTERNATIONAL BUILDING CODE, 2003 EDITION, OF THE INTERNATIONAL CODE COUNCIL, INC., 4051 W. FLOSSMOOR RD., COUNTRY CLUB HILLS, IL 60478, IS ADOPTED BY REFERENCE AS A PRIMARY CODE AND AMENDED AS DESCRIBED BELOW.

SECTION 10-2-3. COPIES ON FILE. AT LEAST ONE CERTIFIED COPY OF THE INTERNATIONAL BUILDING CODE, 2003 EDITION, AS ADOPTED, IS ON FILE IN THE OFFICE OF THE CITY CLERK AND MAY BE INSPECTED DURING REGULAR BUSINESS HOURS. IN ADDITION, COPIES MAY BE AVAILABLE FOR SALE AND DISTRIBUTION TO THE PUBLIC AT A PRICE NOT TO EXCEED THE ACTUAL COST THEREOF TO THE CITY.

SECTION 10-2-4. PURPOSE. THE PURPOSE OF THIS CHAPTER IS TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, HEALTH, PROPERTY AND PUBLIC WELFARE IN THE DESIGN, CONSTRUCTION AND USE OF ALL BUILDINGS AND STRUCTURES WITHIN THE CITY OF NORTHGLENN, EXCLUDING 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 AND CHANGE OF OCCUPANCY, WHICH ARE COVERED IN THE OTHER INTERNATIONAL CODES.

SECTION 10-2-5. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, 2003 EDITION.

(A) SECTION 101.4.1 IS HEREBY AMENDED BY CHANGING THE "ICC ELECTRICAL CODE" TO THE NATIONAL ELECTRICAL CODE".

(B) SECTION 105.2 WORK EXEMPT FROM PERMIT IS AMENDED AS FOLLOWS:

(1) DELETE SECTION 105.2, BUILDINGS, EXCEPTION 1 IN ITS ENTIRETY.

(2) DELETE SECTION 105.2, BUILDINGS, EXCEPTION 2 IN ITS ENTIRETY.

(C) SECTION 108.4 IS AMENDED AS FOLLOWS:

SECTION 108.4 DOUBLE FEE. 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. SUCH FEE SHALL BE PAID WHETHER OR NOT SUCH PERMIT IS OBTAINED, BUT THE PAYMENT OF SUCH FEE SHALL 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.

(D) SECTION 108.6 IS AMENDED IN ITS ENTIRETY 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.

(E) SECTION 112. BOARD OF APPEALS, OF THE INTERNATIONAL EXISTING BUILDING CODE IS REPEALED IN ITS ENTIRETY AND 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.”

(F) TABLE 1-A- BUILDING PERMIT FEES

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(FEE SCHEDULE IS TAKEN FROM THE 1997 UBC)

TOTAL VALUATION		FEES
\$1.00 TO \$500.00		\$23.50
\$501.00	TO	\$23.50 FOR THE FIRST \$500.00 PLUS \$3.05 FOR EACH ADDITIONAL \$100.00 OR FRACTION THEREOF.
\$2,000.00		
\$2,001.00	TO	\$69.25 FOR THE FIRST \$2,000.00 PLUS \$14.00 FOR EACH ADDITIONAL \$1000.00 OR FRACTION THEREOF.
\$25,000.00		

\$25,001.00 \$50,000.00	TO	\$391.25 FOR THE FIRST \$25,000.00 PLUS \$10.10 FOR EACH ADDITIONAL \$1,000.00 OR FRACTION THEREOF.
\$50,001.00 \$100,000.00	TO	\$643.75 FOR THE FIRST \$50,000.00 PLUS \$7.00 FOR EACH ADDITIONAL \$1,000.00 OR FRACTION THEREOF.
\$100,001.00 \$500,000.00	TO	\$993.75 FOR THE FIRST \$100,000.00 PLUS \$5.60 FOR EACH ADDITIONAL \$1,000.00 OR FRACTION THEREOF.
\$500,001.00 \$1,000,000.00	TO	\$3,233.75 FOR THE FIRST \$500,000.00 PLUS \$4.75 FOR EACH ADDITIONAL \$1,000.00 OR FRACTION THEREOF.
\$1,000,001.00 AND UP		\$5,608.75 FOR THE FIRST \$1,000,000.00 PLUS \$3.15 FOR EACH ADDITIONAL \$1,000.00 OR FRACTION THEREOF.

OTHER INSPECTIONS FEES:

1. INSPECTIONS OUTSIDE OF NORMAL BUSINESS HOURS	\$47.00 PER HOUR* (MINIMUM CHARGE- TWO HOURS)
2. REINSPECTION FEES	\$47.00 PER HOUR*
3. INSPECTIONS FOR WHICH NO FEE IS SPECIFICALLY INDICATED	\$47.00 PER HOUR* (MINIMUM CHARGE- ONE-HALF HOUR)
4. ADDITIONAL PLAN REVIEW REQUIRED BY CHANGES, ADDITIONS OR REVISIONS TO PLANS	\$47.00 PER HOUR*

*OR THE TOTAL HOURLY COST TO THE JURISDICTION, WHICHEVER IS GREATEST. THIS COST SHALL INCLUDE SUPERVISION, OVERHEAD, EQUIPMENT, HOURLY WAGES AND FRINGE BENEFITS OF THE EMPLOYEES INVOLVED.

OTHER PERMIT FEES:

PLAN CHECK FEE=65% OF BUILDING PERMIT FEE

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.

SECTION 10-2-6. INTERNATIONAL BUILDING CODE APPENDIX. THE FOLLOWING CHAPTERS OF THE APPENDIX ARE HEREIN ADOPTED IN THEIR ENTIRETY:

APPENDIX E ENTITLED "SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS"

APPENDIX F ENTITLED "RODENT PROOFING"

APPENDIX I ENTITLED "PATIO COVERS"

APPENDIX J ENTITLED "GRADING"

SECTION 10-2-7. APPLICATION. THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF THE INTERNATIONAL BUILDING CODE AND APPENDIX 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 10-2-8. VIOLATIONS--PENALTY.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THE INTERNATIONAL BUILDING 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 BUILDING CODE, 2003 EDITION, AS ADOPTED, SHALL, UPON CONVICTION, BE PUNISHABLE AS PROVIDED IN SECTION 1-1-10(A)(2) OF THIS CODE.

SECTION 10-2-9. 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 10-2-10. 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 10-2-11. CONFLICTS. IF THE PROVISIONS OF THE CONSTRUCTION BUILDING CODES, 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 10-2-12. EFFECTIVE DATE. THIS ORDINANCE SHALL BECOME EFFECTIVE FIVE (5) DAYS AFTER PUBLIC NOTICE FOLLOWING FINAL PASSAGE.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2006.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2006.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney