

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1588

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

TITLE: 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, 2003 EDITION

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

ADDITIONAL EXPLANATORY REMARKS:

IN ORDER TO KEEP THE AMENDMENTS EASY TO FOLLOW, IT IS RECOMMENDED THAT THE ORIGINAL ORDINANCE ADOPTING THE IRC (ORDINANCE NUMBER 1362, SERIES 2003) BE REPEALED AND THAT THIS NEW ORDINANCE BE ADOPTED IN ITS ENTIRETY.

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, 2003 EDITION.

(A) 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.

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

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

(C) SECTION R108.5 REFUNDS IS AMENDED 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.

(D) SECTION R112. BOARD OF APPEALS, OF THE INTERNATIONAL EXISTING BUILDING CODE IS REPEALED IN ITS ENTIRETY AND 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.”

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, 2003 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 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 10-8-12. EFFECTIVE DATE. THIS ORDINANCE SHALL BECOME EFFECTIVE FIVE (5) DAYS AFTER PUBLIC NOTICE FOLLOWING FINAL PASSAGE.

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