

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1587

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

TITLE: A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 16 TO CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE, WHICH ADOPTS BY REFERENCE THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH AMENDMENTS

PURPOSE: THE CITY HAS ADOPTED THE INTERNATIONAL BUILDING CODE, WHICH ESTABLISHES REQUIREMENTS FOR THE CONSTRUCTION OF NEW BUILDINGS, BUT WHICH DOES NOT ADDRESS MAINTENANCE REQUIREMENTS FOR EXISTING BUILDINGS. ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE WILL HELP ENSURE THAT THE CITY'S BUILDINGS REMAIN IN GOOD CONDITION. THIS WILL HELP ENSURE THE SAFETY OF THE PUBLIC AND IMPROVE THE VALUE OF ALL PROPERTY WITHIN THE CITY.

ADDITIONAL EXPLANATORY REMARKS:

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

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ORDINANCE NO.

No. CB-1587
Series of 2006

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Whereas, the city has adopted the international building code, which establishes requirements for the construction of new buildings, but which does not address maintenance requirements for existing buildings; and

Whereas, the city council desires to adopt the international property maintenance code to help ensure that the buildings in the city remain in good and safe repair, which ensures the health, safety and welfare of the public, and which improves the value of all property within the city, and helps make the city a desirable place within which to reside and do business.

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

SECTION 1. A NEW ARTICLE 16 OF CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE IS HEREBY ADDED TO READ AS FOLLOWS:

SECTION 10-16-1. TITLE. THIS ORDINANCE SHALL BE KNOWN AND CITED AS THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

SECTION 10-16-2. ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE. THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, , 4051 WEST FLOSSMOOR ROAD, COUNTRY CLUB HILLS, IL 60478, 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 IN THIS BELOW.

SECTION 10-16-3. COPIES ON FILE. AT LEAST ONE CERTIFIED COPY OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION, AS ADOPTED, IS ON FILE IN THE OFFICE OF THE CITY CLERK AND MAY BE INSPECTED DURING REGULAR BUSINESS HOURS.

SECTION 10-16-4. 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 10-16-5. AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 EDITION. THE FOLLOWING SECTIONS ARE HEREBY AMENDED:

(a) SECTION 101.1. TITLE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS AMENDED AND ADOPTED TO READ AS FOLLOWS:

“THESE REGULATIONS SHALL BE KNOWN AS THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF THE CITY OF NORTHGLENN, HEREINAFTER REFERRED TO AS ‘THIS CODE.’”

(b) SECTION 101.3. INTENT OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS AMENDED AND ADOPTED TO READ AS FOLLOWS:

“THIS CODE SHALL BE CONSTRUED TO SECURE ITS EXPRESSED INTENT, WHICH IS TO ENSURE PUBLIC HEALTH, SAFETY AND WELFARE INSOFAR AS THEY ARE AFFECTED BY THE CONTINUED OCCUPANCY AND MAINTENANCE OF STRUCTURES AND PREMISES. EXISTING STRUCTURES AND PREMISES THAT DO NOT COMPLY WITH THESE PROVISIONS SHALL BE ALTERED OR REPAIRED TO PROVIDE A MINIMUM LEVEL OF HEALTH AND SAFETY AS REQUIRED HEREIN. REPAIRS, ALTERATIONS, ADDITIONS TO AND CHANGES IN OCCUPANCY IN EXISTING BUILDINGS SHALL COMPLY WITH THE 2003 INTERNATIONAL EXISTING BUILDING CODE.”

(c) SECTION 103.2. APPOINTMENT OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS AMENDED AND ADOPTED TO READ AS FOLLOWS:

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

(d) SECTION 103.5. FEES OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS AMENDED AND ADOPTED TO READ AS FOLLOWS:

“THE FEES FOR ACTIVITIES AND SERVICES PERFORMED BY THE DEPARTMENT IN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS CODE SHALL BE AS INDICATED IN THE BUILDING PERMIT FEE TABLE 1-A FROM SECTION 10-2-5 (F) OF THE NORTHGLENN MUNICIPAL CODE.”

(e) SECTION 106.4. VIOLATION PENALTIES OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS AMENDED AND ADOPTED TO READ AS FOLLOWS:

“1. IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003 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 PROPERTY MAINTENANCE CODE, 2003 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.”

(f) SECTION 111. MEANS OF APPEAL, OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS REPEALED IN ITS ENTIRETY AND AMENDED TO READ AS FOLLOWS:

“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.”

(g) SECTION 302.4. WEEDS, OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS AMENDED AND ADOPTED TO READ AS FOLLOWS:

“ALL PREMISES AND EXTERIOR PROPERTY SHALL BE MAINTAINED FREE FROM WEEDS OR PLANT GROWTH IN EXCESS OF 8 INCHES IN HEIGHT. ALL NOXIOUS WEEDS SHALL BE PROHIBITED. WEEDS SHALL BE DEFINED AS ALL GRASSES, ANNUAL PLANTS AND VEGETATION, OTHER THAN TREES OR SHRUBS PROVIDED; HOWEVER, THIS TERM SHALL NOT INCLUDE CULTIVATED FLOWERS AND GARDENS. UPON FAILURE OF THE OWNER OR AGENT HAVING CHARGE OF A PROPERTY TO CUT AND DESTROY WEEDS AFTER SERVICE OF A NOTICE VIOLATION, THEY SHALL BE SUBJECT TO PROSECUTION IN ACCORDANCE WITH SECTION 106.3 AND AS PRESCRIBED BY THE AUTHORITY HAVING JURISDICTION. UPON FAILURE TO COMPLY WITH THE NOTICE OF VIOLATION, ANY DULY

AUTHORIZED EMPLOYEE OF THE JURISDICTION OR CONTRACTOR HIRED BY THE JURISDICTION SHALL BE AUTHORIZED TO ENTER UPON THE PROPERTY IN VIOLATION AND CUT AND DESTROY THE WEEDS GROWING THEREON, AND THE COSTS OF SUCH REMOVAL SHALL BE PAID BY THE OWNER OR AGENT RESPONSIBLE FOR THE PROPERTY.”

(h) SECTION 304.14. INSECT SCREENS, OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS AMENDED AND ADOPTED TO READ AS FOLLOWS:

“EVERY DOOR, WINDOW AND OTHER OUTSIDE OPENING REQUIRED FOR VENTILATION OF HABITABLE ROOMS, FOOD PREPARATION AREAS, FOOD SERVICE AREAS OR ANY AREAS WHERE PRODUCTS TO BE INCLUDED OR UTILIZED IN FOOD FOR HUMAN CONSUMPTION ARE PROCESSED, MANUFACTURED, PACKAGED OR STORED, SHALL BE SUPPLIED WITH APPROVED TIGHTLY FITTING SCREENS OF NOT LESS THAN 16 MESH PER INCH (16 MESH PER 25 MM), AND EVERY SWINGING SCREENED DOOR SHALL HAVE A SELF-CLOSING DEVICE IN GOOD WORKING CONDITION.

EXCEPTION: SCREENS SHALL NOT BE REQUIRED WHERE OTHER APPROVED MEANS, SUCH AS AIR CURTAINS OR INSECT REPELLENT FANS, ARE EMPLOYED.”

(i) SECTION 602.3. HEAT SUPPLY, OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS AMENDED AND ADOPTED TO READ AS FOLLOWS:

“EVERY OWNER AND OPERATOR OF ANY BUILDING WHO RENTS, LEASES OR LETS ONE OR MORE DWELLING UNIT, ROOMING UNIT, DORMITORY OR GUESTROOM ON TERMS, EITHER EXPRESSED OR IMPLIED, TO FURNISH HEAT TO THE OCCUPANTS THEREOF SHALL SUPPLY HEAT TO MAINTAIN A TEMPERATURE OF NOT LESS THAN 68°F (20°C) IN ALL HABITABLE ROOMS, BATHROOMS AND TOILET ROOMS.

EXCEPTION: WHEN THE OUTDOOR TEMPERATURE IS BELOW THE WINTER OUTDOOR DESIGN TEMPERATURE FOR THE CITY, MAINTENANCE OF THE MINIMUM ROOM TEMPERATURE SHALL NOT BE REQUIRED, PROVIDED THAT THE HEATING SYSTEM IS OPERATING AT ITS FULL DESIGN CAPACITY. THE WINTER OUTDOOR DESIGN TEMPERATURE FOR THE LOCALITY SHALL BE AS INDICATED IN APPENDIX D OF THE INTERNATIONAL PLUMBING CODE.”

(j) SECTION 602.4. OCCUPIABLE WORK SPACE, OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS AMENDED AND ADOPTED TO READ AS FOLLOWS:

“INDOOR OCCUPIABLE WORK SPACES SHALL BE SUPPLIED WITH HEAT TO MAINTAIN A TEMPERATURE OF NOT LESS THAN 65°F (18°C) DURING THE PERIOD THE SPACES ARE OCCUPIED.

EXCEPTIONS:

1. PROCESSING, STORAGE AND OPERATION AREAS THAT REQUIRE COOLING OR SPECIAL TEMPERATURE CONDITIONS.

2. AREAS IN WHICH PERSONS ARE PRIMARILY ENGAGED IN VIGOROUS PHYSICAL ACTIVITIES.”

(k) SECTION 604.2 SERVICE, OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE IS AMENDED AND ADOPTED TO READ AS FOLLOWS:

“THE SIZE AND USAGE OF APPLIANCES AND EQUIPMENT SHALL SERVE AS A BASIS FOR DETERMINING THE NEED FOR ADDITIONAL FACILITIES IN ACCORDANCE WITH THE NATIONAL ELECTRIC CODE. DWELLING UNITS SHALL BE SERVED BY A THREE-WIRE, 120/240 VOLT, SINGLEPHASE ELECTRICAL SERVICE HAVING A RATING OF NOT LESS THAN 60 AMPERES.”

SECTION 10-16-6. VIOLATIONS--PENALTY.

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

SECTION 10-16-7. 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 10-16-8. 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 10-16-9. 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 10-16-10. 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