

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1585

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

TITLE: A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 17 TO CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE, WHICH ADOPTS BY REFERENCE THE INTERNATIONAL EXISTING BUILDING CODE WITH AMENDMENTS

PURPOSE: THE CITY HAS ADOPTED THE INTERNATIONAL BUILDING CODE, WHICH ESTABLISHES REQUIREMENTS FOR THE CONSTRUCTION OF NEW BUILDINGS. HOWEVER, IT DOES NOT ADEQUATELY ADDRESS REQUIREMENTS FOR EXISTING BUILDINGS. THE INTERNATIONAL EXISTING BUILDING CODE IS BETTER-SUITED TO EXISTING BUILDINGS AND HELPS ENSURE THAT THE BUILDINGS IN THE CITY REMAIN IN GOOD AND SAFE REPAIR.

ADDITIONAL EXPLANATORY REMARKS:

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

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ORDINANCE NO.

No. CB-1585
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 requirements for existing buildings; and

WHEREAS, the City Council desires to adopt the International Existing Building Code to help 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 17 of Chapter 10 of the Northglenn Municipal Code is hereby added 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, 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 10-17-3. COPIES ON FILE. AT LEAST ONE CERTIFIED COPY OF THE INTERNATIONAL EXISTING BUILDING CODE, 2003 EDITION, AS ADOPTED, IS ON FILE IN THE OFFICE OF THE CITY CLERK AND MAY BE INSPECTED DURING REGULAR BUSINESS HOURS.

SECTION 10-17-4. 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, 2003 EDITION. THE FOLLOWING SECTIONS ARE HEREBY AMENDED:

(a) SECTION 101.1. TITLE, OF THE INTERNATIONAL EXISTING BUILDING CODE IS AMENDED AND ADOPTED 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’.”

(b) SECTION 108.2. SCHEDULE OF FEES, OF THE INTERNATIONAL EXISTING BUILDING CODE IS AMENDED AND ADOPTED 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.”

(c) SECTION 113.4. VIOLATION PENALTIES OF THE INTERNATIONAL EXISTING BUILDING 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 EXISTING BUILDING 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 EXISTING BUILDING 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.”

(d) 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.

(e) SECTION 1201.2. APPLICABILITY, OF THE INTERNATIONAL EXISTING BUILDING CODE IS AMENDED AND ADOPTED 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 10. THE PROVISIONS OF SECTIONS 1201.2.1 THROUGH 1201.2.5 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. 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, 2003 EDITION, AS ADOPTED, SHALL, UPON CONVICTION, BE PUNISHABLE AS PROVIDED IN SECTION 1-1-10(A)(2) OF NORTHGLENN MUNICIPAL CODE.

SECTION 10-17-7. 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 10-17-8. 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 10-17-9. 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 10-17-10. 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 _____ 2006.

KATHLEEN M. NOVAK
Mayor

ATTEST:

APPROVED AS TO FORM:

DIANA L. LENTZ, CMC
City Clerk

COREY Y. HOFFMANN
City Attorney