

PLANNING AND DEVELOPMENT MEMORANDUM
#11-06

February 24, 2011

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: William Simmons, City Manager *WAS*
James Hayes, Director, Planning and Development Department *JH*
Eric Pendley, Chief Building Official *EP*

SUBJECT: CR-1737 through CR-1745: Adoption of 2009 International (Building) Codes

RECOMMENDATION:

Attached to this memorandum, are nine (9) ordinances, which if approved, will adopt the 2009 International Codes for the City of Northglenn. This memorandum has been prepared to provide the Council with some background information.

BACKGROUND:

Every three years, new International Building Codes are released and historically, the City has adopted the codes with some minor amendments. There are several reasons to adopt the most up-to-date codes including advances in building technologies and enhanced life safety improvements. The Building Division is currently operating under the 2006 International Codes and 2008 National Electric Code and is requesting to schedule the 2009 International Codes and an updated Electrical Permit Fee Schedule for adoption by the City Council.

Minor amendments, consistent with previous adoptions, have been made and reviewed by North Metro Fire Rescue Authority and City Attorney.

<i>Current Adopted Code</i>	<i>Proposed Code Adoption</i>
2006 International Residential Code (IRC)	2009 IRC
2006 International Property Maintenance Code (IPMC)	2009 IPMC
2006 International Plumbing Code (IPC)	2009 IPC
2006 International Mechanical Code (IMC)	2009 IMC
2006 International Fuel Gas Code (IFGC)	2009 IFGC
2006 International Fire Code (IFC)	2009 IFC
2006 International Energy Conservation Code (IECC)	2009 IECC
2006 International Existing Building Code (IEBC)	2009 IEBC
2006 International Building Code (IBC)	2009 IBC
2008 National Electric Code (NEC)	No change
(less than) 2008 Electrical Permit Fee Schedule	Sept. 1, 2010 schedule

Staff met with the City Council in a study session on December 2, 2010 to review the process for adopting new international codes and the updated electrical fee. On December 22, 2010, staff met with Council Members Wieneke and Snetzinger and on January 24, 2011 with Council Member Wieneke. A review of the proposed code amendments was completed and minor revisions to the amendments were completed by the Chief Building Official. A second study session was held on February 3, 2011 to review any final comments and to obtain direction to schedule the ordinances for first reading. We believe the latest revision of the codes is ready for

final discussion and approval by the City Council. A complete set of ordinances and summary of amendments is attached to this memorandum for reference purposes.

However, there is an issue with the IFC (fire code) and amendments proposed by the North Metro Fire Rescue District. NMFRD is requesting specific amendments related to false alarm fees and charges, which they prefer to have memorialized in the IFC. Staff is including their proposed language as a separate attachment for the City Council to consider. Staff from NMFRD attended the study session February 3, 2011 to reiterate their position and discuss the issue with City Council. There was no consensus amongst the City Council regarding this issue, and the proposed amendment has been included as a separate attachment for consideration. Staff is requesting final direction at the first reading, and will finalize the ordinance for the second reading, tentatively scheduled for March 24, 2011.

POTENTIAL OBJECTION:

Staff notified all licensed contractors via postcard of the proposal to adopt the new International Codes and Electrical Permit Fee Schedule. No objections were received. It is important to note there will be no impact on existing residential or commercial structures in the City. Expansion or enlargement of buildings will require compliance with the new codes, and the adoption of the IEBC (existing buildings) will assist contractors and designers in exempting existing buildings from compliance with the new code.

BUDGET/TIME IMPLICATIONS:

The 2009 International Codes have been available for approximately one year and it is important to adopt the latest version to keep pace with all of the latest life safety revisions. The 2009 IPC, IMC, IFGC became effective on April 1, 2010 and the balance of the codes (IRC, IPMC, IFC, IECC, IEBC, IBC) have an effective date of July 1, 2010. These codes apply to all State projects and adoption of these codes on a local level is critical to ensure consistency with State law.

STAFF REFERENCE:

If Council members have any questions they may contact James Hayes, Director of Planning and Development at 303-450-8937 or by e-mail at jhayes@northglenn.org.

CITY OF NORTHGLENN.

SECTION 10-8-5. AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION.

(A) SECTION R101.1. "TITLE" IS AMENDED BY THE ADDITION OF THE TERM "CITY OF NORTHGLENN" WHERE INDICATED.

(B) SECTION R105.2 "WORK EXEMPT FROM PERMIT"

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

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

(C) SECTION R108.2 "SCHEDULE OF PERMIT FEES"

SEE IBC SECTION 109.2. "SCHEDULE OF PERMIT FEES"

(D) SECTION R108.5 "FEE REFUNDS"

SEE IBC SECTION 109.6. "REFUNDS"

(E) SECTION 108.6 "WORK COMMENCING BEFORE PERMIT ISSUANCE" IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 108.6 DOUBLE FEE.

WHERE A LICENSED CONTRACTOR OR AN INDIVIDUAL WHO STARTS OR PROCEEDS WITH WORK FOR WHICH A PERMIT IS REQUIRED BY THIS CODE PRIOR TO OBTAINING SAID PERMIT, THE FEES SPECIFIED IN SECTION 109.2. "SCHEDULE OF PERMIT FEES" OF THE CITY OF NORTHGLENN BUILDING CODE 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.

(F) SECTION 112. GENERAL. "BOARD OF APPEALS" IS AMENDED BY DELETING THE SECTION IN ITS ENTIRETY AND REPLACING IT WITH THE FOLLOWING:

SECTION 112 ("BOARD OF ADJUSTMENT")

112.1 GENERAL

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 R114.1 "NOTICE TO OWNER" IS 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 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 STATE THE REASON FOR THE ORDER, AND THE CONDITIONS UNDER WHICH WORK WILL BE PERMITTED TO RESUME.

(H) SECTION R202. "DEFINITIONS" IS AMENDED BY ADDITION OF THE FOLLOWING:

"SLEEPING ROOM" (BEDROOM) ANY ENCLOSED HABITABLE SPACE WITHIN A DWELLING UNIT, WHICH COMPLIES WITH THE MINIMUM ROOM DIMENSION REQUIREMENTS OF IRC SECTIONS R304 AND R305 AND CONTAINS A CLOSET, AN AREA THAT IS USEABLE AS A CLOSET, OR AN AREA THAT IS READILY CONVERTIBLE FOR USE AS A CLOSET. LIVING ROOMS, FAMILY ROOMS AND OTHER SIMILAR HABITABLE AREAS THAT ARE SO SITUATED AND DESIGNED SO AS TO CLEARLY INDICATE THESE INTENDED USES, SHALL NOT BE INTERPRETED AS SLEEPING ROOMS.

(I) TABLE R301.2 (1). IRC TABLE R301.2 (1) IS FILLED TO PROVIDE THE FOLLOWING:

TABLE R301.2 (1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND SPEED (MPH)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE SHIELD UNDERLAYMENT REQUIRED	FLOOD HAZARD	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			WEATHERING	FROST LINE DEPTH	TERMITE					
30PSF	110 MPH 3 SEC GUST	B	SEVERE	36 IN.	SLIGHT	1	NO	1974/ 2007	721	50°F

(J) SECTION R310.2.1. "LADDER AND STEPS" IS AMENDED BY THE ADDITION OF THE FOLLOWING EXCEPTION TO READ AS FOLLOWS:

EXCEPTION: ONLY ONE WINDOW WELL LADDER SHALL BE REQUIRED IN AN UNFINISHED BASEMENT.

(K) SECTION R312.1. "GUARDS REQUIRED" IS AMENDED BY THE ADDITION OF A SECOND PARAGRAPH AS FOLLOWS:

ALL AREA WELLS, STAIR WELLS, WINDOW WELLS AND LIGHT WELLS ATTACHED TO ANY BUILDING THAT ARE LOCATED LESS THAN 36 INCHES (914 MM) FROM THE NEAREST INTENDED WALKING SURFACE AND DEEPER THAN 30 INCHES (762 MM) BELOW THE SURROUNDING GROUND LEVEL, CREATING AN OPENING GREATER THAN 24 INCHES (610 MM) MEASURED PERPENDICULAR FROM THE BUILDING, SHALL BE PROTECTED WITH GUARDRAILS CONFORMING TO THIS SECTION AROUND THE ENTIRE OPENING, OR SHALL BE PROVIDED WITH AN EQUIVALENT BARRIER.

EXCEPTIONS:

1. THE ACCESS SIDE OF STAIRWAYS NEED NOT BE PROTECTED.
2. AREA AND WINDOW WELLS PROVIDED FOR EMERGENCY ESCAPE AND RESCUE WINDOWS MAY BE PROTECTED WITH APPROVED GRATES OR COVERS THAT COMPLY WITH SECTION R310 OF THIS CODE.
3. COVERS AND GRATES MAY BE USED OVER STAIRWAYS AND OTHER OPENINGS USED EXCLUSIVELY FOR THE SERVICE ACCESS OR FOR ADMITTING LIGHT OR VENTILATION.

(L) SECTION R313.1. THIS SECTION IS DELETED IN ITS ENTIRETY

(M) SECTION R313.2. THIS SECTION IS DELETED IN ITS ENTIRETY

(N) SECTION R401.2. "REQUIREMENTS" IS AMENDED BY THE ADDITION OF THE FOLLOWING:

WHERE SOILS REPORTS SHOW THE NEED FOR IT, FOUNDATIONS SHALL BE DESIGNED AND THE CONSTRUCTION DRAWINGS STAMPED BY A COLORADO REGISTERED DESIGN PROFESSIONAL. THE FOUNDATION DESIGN MUST BE BASED ON AN ENGINEER'S SOILS REPORT. THE DRAWINGS MUST BE NOTED WITH THE ENGINEERING FIRM NAME, SPECIFIC LOCATION FOR DESIGN AND SOILS REPORT NUMBER. A SITE

CERTIFICATION PREPARED BY A STATE OF COLORADO REGISTERED DESIGN PROFESSIONAL IS REQUIRED FOR SETBACK VERIFICATION ON ALL NEW OCCUPANCIES.

(O) SECTION G2417.4.1. "TEST PRESSURE" IS AMENDED BY CHANGING "3 PSIG" TO "10 PSIG."

(P) SECTION P2603.6.1. "SEWER DEPTH" IS AMENDED BY FILLING IN BOTH AREAS WHERE INDICATED TO READ "12 INCHES (305 MM)."

SECTION 10-8-6. INTERNATIONAL RESIDENTIAL CODE APPENDICES. THE FOLLOWING APPENDICES HEREIN ARE ADOPTED IN THEIR ENTIRETY:

APPENDIX F – RADON CONTROL METHODS

APPENDIX G – SWIMMING POOLS, SPAS AND HOT TUBS

APPENDIX H – PATIO COVERS

APPENDIX K – SOUND TRANSMISSION

SECTION 10-8-7. APPLICATION. THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION, AND APPENDICES ADOPTED BY REFERENCE SHALL APPLY TO EVERY RESIDENTIAL 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, 2009 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, 2009 EDITION, AS ADOPTED, SHALL, UPON CONVICTION BE PUNISHABLE AS PROVIDED IN SECTION 1-1-10(a)(2) OF NORTHGLENN MUNICIPAL 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 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.

INTRODUCED, READ AND ORDERED POSTED this 24th day of February, 2011.


JOYCE DOWNING
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

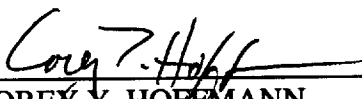
PASSED ON SECOND AND FINAL READING this ____ day of _____, 2011.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney