

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.

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1737
Series of 2011

Series of 2011

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, 2009 EDITION

WHEREAS, by Ordinance Number 1521, Series 2008, the City adopted the 2006 International Building Code with amendments; and

WHEREAS, the City Council desires to update the City's Building Code, and therefore the City Council shall repeal and reenact Article 2 of Chapter 10 of the Northglenn Municipal Code to adopt the 2009 International Building Code with 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.

SECTION 10-2-2. ADOPTION OF THE INTERNATIONAL BUILDING CODE. THE INTERNATIONAL BUILDING CODE, 2009 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., 500 NEW JERSEY AVENUE, NW, 6TH FLOOR, WASHINGTON, DC 20001, 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, 2009 EDITION, AS ADOPTED, IS ON FILE IN THE OFFICE OF THE CITY CLERK AND MAY BE INSPECTED DURING REGULAR BUSINESS HOURS.

SECTION 10-2-4. PURPOSE. THE PURPOSE OF THIS CODE 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, 2009 EDITION.

(A) SECTION 101.1 “TITLE” IS AMENDED BY THE ADDITION OF THE TERM “CITY OF NORTHGLENN” WHERE INDICATED.

(B) SECTION 101.4.3 “PLUMBING” IS AMENDED BY DELETION OF THE LAST SENTENCE.

(C) 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

(D) SECTION 108.3 “TEMPORARY POWER” IS HEREBY AMENDED TO READ AS FOLLOWS:

THE BUILDING OFFICIAL IS AUTHORIZED TO GIVE PERMISSION TO TEMPORARILY SUPPLY AND USE POWER IN PART OF AN ELECTRICAL INSTALLATION BEFORE SUCH INSTALLATION HAS BEEN FULLY COMPLETED AND THE FINAL CERTIFICATE OF COMPLETION HAS BEEN ISSUED. THE PART COVERED BY THE TEMPORARY CERTIFICATE OF COMPLETION SHALL COMPLY WITH THE REQUIREMENTS SPECIFIED FOR TEMPORARY LIGHTING, HEAT AND POWER IN THE 2008 NEC.

(E) SECTION 109.2 “SCHEDULE OF PERMIT FEES”

1997 UBC, Table 1-A
BUILDING PERMIT FEE SCHEDULE

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 TO \$500.00	\$23.50
\$501.00 TO \$2,000.00	\$23.50 FOR THE FIRST \$500 PLUS \$3.05 FOR EACH \$100, OR FRACTION THEREOF
\$2,001.00 TO \$25,000.00	\$69.25 FOR THE FIRST \$2,000 PLUS \$14.00 FOR EACH ADDITIONAL \$1,000, OR FRACTION THEREOF

\$25,001.00 TO \$50,000.00	\$391.25 FOR THE FIRST \$25,000 PLUS \$10.10 FOR EACH ADDITIONAL \$1,000, OR FRACTION THEREOF
\$50,001.00 TO \$100,000.00	\$643.75 FOR THE FIRST \$50,000 PLUS \$7.00 FOR EACH ADDITIONAL \$1,000, OR FRACTION THEREOF
\$100,001.00 TO \$500,000.00	\$993.75 FOR THE FIRST \$100,000 PLUS \$5.60 FOR EACH ADDITIONAL \$1,000, OR FRACTION THEREOF
\$500,001.00 TO \$1,000,000.00	\$3,233.75 FOR THE FIRST \$500,000 PLUS \$4.75 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF
\$1,000,001.00 AND UP	\$5,608.75 FOR THE FIRST \$1,000,000 PLUS \$3.65 FOR EACH ADDITIONAL \$1,000, OR FRACTION THEREOF

OTHER INSPECTION FEES:

1. INSPECTION OUTSIDE OF NORMAL BUSINESS HOURS	\$47.00 PER HOUR* (MINIMUM CHARGE TWO HOURS)
2. RE-INSPECTION FEES	\$47.00 PER HOUR*
3. INSPECTIONS FOR WHICH NO FEE IS SPECIFICALLY INDICATED	\$47.00 PER HOUR* (MINIMUM CHARGE OF 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 JURISTICATION, WHICHEVER IS GREATEST. THIS COST SHALL INCLUDE SUPERVISION, OVERHEAD, EQUIPMENT, HOURLY WAGES AND FRINGE BENIFETS 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 GOVERNMENT USE.

(F) SECTION 109.4 WORK COMMENCING BEFORE PERMIT ISSUANCE IS AMENDED BY DELETING THE SECTION IN ITS ENTIRETY AND HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 109.4 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.

(G) SECTION 109.6. "REFUNDS" IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 109.6 REFUNDS

SECTION 109.6.1. A WRITTEN REQUEST FOR A REFUND OF THE PERMIT FEE MUST BE SUBMITTED TO THE BUILDING OFFICIAL WITHIN 90 DAYS OF THE DATE THE FEE WAS PAID.

SECTION 109.6.2. 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 109.6.3. IF THE FOREGOING PROVISIONS HAVE BEEN MET, THE BUILDING OFFICIAL MAY REFUND PERMIT FEES BASED UPON THE FOLLOWING CRITERIA:

SECTION 109.6.3 (A). IF FEES WERE PAID OR COLLECTED IN ERROR, THE APPLICABLE FEES PAID WILL BE REFUNDED.

SECTION 109.6.3 (B). IF THE PROJECT FOR WHICH THE PERMIT FEE HAS BEEN PAID IS NOT 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% ADMINISTRATIVE FEE, WILL BE REFUNDED.

SECTION 109.6.3 (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 THE PLAN REVIEW FEES WILL BE AUTHORIZED.

SECTION 109.6.3 (D). IF PERMIT FEES ARE PAID AND ANY CONSTRUCTION HAS BEEN COMMENCED, NO REFUND WILL BE AUTHORIZED.

(H) SECTION 113 IBC “BOARD OF APPEALS” IS AMENDED BY DELETING THE SECTION IN ITS ENTIRETY AND REPLACING IT WITH THE FOLLOWING:

SECTION 113 “BOARD OF ADJUSTMENT”

113.1 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.

(I) IBC SECTION 115.2 (ISSUANCE) IS HEREBY AMENDED TO READ AS FOLLOWS:

ISSUANCE: 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. IF NO SUCH PERSON CAN BE CONTACTED AT THE PROPERTY, IT SHALL BE POSTED IN A CONSPICUOUS LOCATION ON THE PROPERTY INVOLVED. UPON ISSUANCE OF THE STOP WORK ORDER, THE CITED WORK SHALL IMMEDIATELY CEASE. THE STOP WORK ORDER SHALL CITE THE SPECIFIC CODE SECTION VIOLATED, STATE THE REASON FOR THE ORDER, AND STATE THE CONDITIONS UNDER WHICH THE CITED WORK WILL BE PERMITTED TO RESUME.

(J) SECTION 1013.1. (WHERE REQUIRED) IS AMENDED BY THE ADDITION OF A SECOND PARAGRAPH INSERTED BEFORE THE EXCEPTIONS AS FOLLOWS:

ALL AREA WELLS, STAIR WELLS, WINDOW WELLS AND LIGHT WELLS ATTACHED TO ANY BUILDING THAT ARE LOCATED LESS THAN 36 INCHES (914.4 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

(K) SECTION 1612.3 IS HEREBY AMENDED TO READ AS FOLLOWS:

TO ESTABLISH FLOOD HAZARD AREAS, THE GOVERNING BODY SHALL ADOPT A FLOOD HAZARD MAP AND SUPPORTING DATA. THE FLOOD HAZARD MAP SHALL INCLUDE, AT A MINIMUM, AREAS OF SPECIAL FLOOD HAZARD AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE ENGINEERING REPORT ENTITLED "THE FLOOD INSURANCE STUDY FOR ADAMS COUNTY, COLORADO AND INCORPORATED AREAS," DATED MARCH 5 2007, AS AMENDED OR REVISED WITH THE ACCOMPANYING FLOOD INSURANCE RATE MAP (FIRM) AND FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) AND RELATED SUPPORTING DATA ALONG WITH ANY REVISIONS THERETO.

(L) SECTION 3109.4 (RESIDENTIAL SWIMMING POOLS). EXCEPTION: IS DELETED IN ITS ENTIRETY.

(M) SECTION 3401.3 (COMPLIANCE WITH OTHER CODES) IS AMENDED BY DELETING INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE.

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

APPENDIX E ENTITLED "SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS"

APPENDIX F ENTITLED "RODENT PROOFING"

APPENDIX I ENTITLED "PATIO COVERS"

SECTION 10-2-7. APPLICATION. THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF THE INTERNATIONAL BUILDING CODE AND APPENDICES ADOPTED BY REFERENCE SHALL APPLY TO EVERY NON-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 10-2-8. VIOLATIONS--PENALTY.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE ANY OF THE PROVISIONS OF THE INTERNATIONAL BUILDING 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 BUILDING CODE, 2009 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 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 ____ day of _____, 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