

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-1745
Series of 2011

Series of 2011

A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 16 CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE WITH AMENDMENTS AS A PRIMARY CODE OF THE CITY OF NORTHGLENN, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION

WHEREAS, by Ordinance Number 1529, Series 2008, the City adopted the 2006 International Property Maintenance Code with amendments; and

WHEREAS, the City Council Desires to update the City's Property Maintenance Code, and therefore the City Council shall repeal and reenact Article 16 of Chapter 10 of the Northglenn Municipal Code to adopt the 2009 International Property Maintenance Code with amendments.

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

Section 1. Article 16, Chapter 10 of the Northglenn Municipal Code is hereby amended 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, 2009 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, 500 NEW JERSEY AVENUE, NW, 6TH FLOOR, WASHINGTON, DC 20001, IS ADOPTED BY 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, 2009 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, 2009 EDITION. THE FOLLOWING SECTIONS ARE HEREBY AMENDED:

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

(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 2009 INTERNATIONAL EXISTING BUILDING CODE.

(C) SECTION 103.5 "FEES"

SEE IBC SECTION 109.2. "SCHEDULE OF PERMIT FEES"

(D) SECTION 106.4. "VIOLATION PENALTIES" 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, 2009 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, 2009 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.

(E) SECTION 111. "MEANS OF APPEAL" IS AMENDED BY DELETING THE SECTION IN ITS ENTIRETY AND REPLACING IT WITH THE FOLLOWING:

SECTION 111 "BOARD OF ADJUSTMENT"

111.1 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.

(F) SECTION 302.4. "WEEDS" IS DELETED IN ITS ENTIRETY.

(G) SECTION 304.14. "INSECT SCREENS" 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.

(H) SECTION 602.3. "HEAT SUPPLY" 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, IS REQUIRED 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.

(I) SECTION 602.4. "OCCUPIABLE WORK SPACE" 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).

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.

(J) SECTION 604.2 "SERVICE" 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, AND 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, 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 PROPERTY MAINTENANCE CODE, 2009 EDITION, AS ADOPTED, SHALL, UPON CONVICTION BE PUNISHABLE AS PROVIDED IN SECTION 1-1-10(a)(2) OF THE NORTHGLENN MUNICIPAL 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 THIS CODE, 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.

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