

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO.

SPONSOR: COUNCILMEMBER

TITLE: A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 19 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

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2006

_____ Series of 2006

A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 19 TO CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE, WHICH ADOPTS BY REFERENCE THE INTERNATIONAL EXISTING BUILDING CODE WITH AMENDMENTS

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 19 of Chapter 10 of the Northglenn Municipal Code is hereby added to read as follows:

Section 10-19-1. Title. This ordinance shall be known and cited as the International Existing Building Code.

Section 10-19-2. 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 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 10-19-3. 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 10-19-4. 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 10-19-5. 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(6) 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.

Section 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. The Board of Adjustment shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business.

Section 112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.

Section 112.3 Qualifications. The Board of Adjustment shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.”

(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 10-19-6. 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 10-19-7. 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 10-19-8. 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 10-19-9. 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 10-19-10. 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:

City Attorney

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO.

SPONSOR: COUNCILMEMBER

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

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2006

_____ Series of 2006

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

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 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, 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 Building and 2003 International Residential Codes.”

(c) 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(6) of the Northglenn Municipal Code.”

(d) 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.”

(e) 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.”

(f) 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.”

(g) 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.”

(h) 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.”

(i) 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.”

(j) 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, 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 Northglenn Municipal Code.

Section 10-16-7. 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 10-16-8. 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 10-16-9. 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 10-16-10. 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:

City Attorney

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO.

SPONSOR: COUNCILMEMBER

TITLE: A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 15 TO CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE, WHICH ADOPTS BY REFERENCE THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS WITH AMENDMENTS

PURPOSE: THIS ORDINANCE WILL ALLOW THE CITY TO TAKE MEASURES TO FIX BUILDINGS OR STRUCTURES, WHICH POSE A DANGER TO THE GENERAL PUBLIC OR THE BUILDINGS' OCCUPANTS. THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ALLOWS THE CITY TO REQUIRE THE OWNERS TO REPAIR, VACATE OR DEMOLISH ANY DANGEROUS BUILDING WITHIN THE CITY. THE CODE ALSO ALLOWS THE CITY TO CARRY OUT ANY SUCH ACTIONS AND RECOVER THE COSTS FROM THE OWNERS OF THE BUILDING AT ISSUE.

ADDITIONAL EXPLANATORY REMARKS:

SPONSORED BY

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2006

_____ Series of 2006

A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 15 TO CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE, WHICH ADOPTS BY REFERENCE THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS WITH AMENDMENTS

WHEREAS, the City currently does not have an effective means of ensuring that buildings that pose a danger to the safety and welfare of the public are made safe; and

WHEREAS, the Uniform Code for the Abatement of Dangerous Buildings establishes procedures under which the City may require owners to repair, vacate or demolish any dangerous building within the City, or to allow the City to carry out any such actions and recover the costs from the owners of the building at issue.

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

Section 1. A new Article 15 of Chapter 10 of the Northglenn Municipal Code is hereby added to read as follows:

Section 10-15-1. Title. This ordinance shall be known and cited as the Uniform Code for the Abatement of Dangerous Buildings.

Section 10-15-2. Adoption of the Uniform Code for the Abatement of Dangerous Buildings. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, is adopted be reference as a primary code of the City of Northglenn, to have the same force and effect as though set forth in this chapter in every particular.

Section 10-15-3. Copies on File. At least one certified copy of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition as adopted, is on file in the office of the City Clerk and may be inspected during regular business hours.

Section 10-15-4. Purpose. The purpose of this chapter is to provide a just, equitable, and practical method, to be cumulative with and in addition to, any other remedy provided by the provisions of this code, or otherwise available at law, whereby buildings or structures which, from any cause, endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished.

Section 10-15-5. 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 10-15-6. Amendments to the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.

The Uniform Code for the Abatement of Dangerous Buildings adopted by Section 10-15-2 is amended as follows; section numbers refer to section numbers of the Uniform Code for the Abatement of Dangerous Buildings:

(a) Section 103, is hereby amended to read as follows:

“All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Section 34 of the 2003 International Building Code.”

(b) Section 301 is hereby amended by the enactment of

“BOARD OF APPEALS means the same as Board of Adjustment as used in this code and defined in Section 11-42 of the Northglenn Municipal Code, and the two phrases shall be used interchangeably.”

(c) Section 302, Items No. 15 and 16, is hereby amended to read as follows:

15. Whenever any building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, contamination, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Building Official to be a fire hazard.

(d) Section 401.1 is hereby amended to read as follows:

“401.1 Commencement of Proceedings. When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the Building Official shall commence proceedings to abate by the repair, rehabilitation, remediation, demolition and/or vacation of the building.”

(e) Subsections 401.2(3.1), (3.3), (4), and (5) are hereby amended to read as follows:

3.1 If the Building Official has determined that the building or structure must be repaired, rehabilitated or remediated, the order shall require that any required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.

3.3 If the Building Official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the Building Official shall determine is reasonable (not to exceed 30 days from the date of the order); that all required permits be secured therefor within 15 days from the date of the order; and that the demolition be completed within such time as the Building Official shall determine is reasonable.

4. Statements advising that if any required repair, rehabilitation, remediation, or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Board of Adjustment, provided the appeal is made in writing as provided in this Code and filed with the Building Official within 15 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(f) Section 401.4 is hereby amended to read as follows:

“401.4 Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the County or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing, for all persons entitled thereto, and the date the property is posted for all action against the property.”

(g) Subsection 403(1) is hereby amended to read as follows:

“The following standards shall be followed by the Building Official (and by the Board of Adjustment if an appeal is taken) in ordering the repair, rehabilitation, remediation, vacation or demolition of any dangerous building or structure:

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:

1.1 The building shall be repaired, rehabilitated or remediated in accordance with the current building code, health code, resolution or standards, or other current code applicable to the type of substandard conditions requiring repair; or

1.2 The building shall be demolished at the option of the building owner; or

1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.”

(h) Subsection 701.1 is hereby amended to read as follows:

“701.1 General. After any notice and order of the Building Official becomes effective or the Board of Adjustment made pursuant to this code shall have become final, it shall be unlawful for any such person to whom any such notice and order is directed to fail, neglect or refuse to obey any such notice and order.

1. Any such person who fails to comply with any such order is guilty of a municipal ordinance offense.

2. Each day that the property remains in violation of the notice and order and the person to whom such notice and order is directed fails to obey such notice and order shall constitute a separate and distinct violation.

3. Any person who pleads guilty or no contest to or who, after trial, is found guilty of violating this Section 701.1 shall be penalized as provided in Section 1-1-10(a)(2) of the Northglenn Municipal Code.”

(j) Subsection 701.2 is hereby amended to read as follows:

“701.2 Failure to Obey Order. If, after any order of the Building Official becomes effective or Board of Adjustment made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.”

(k) Subsection 701.3(3) is hereby amended to read as follows:

“3. The Building Official may, in addition to any other remedy herein provided, cause the building to be repaired, rehabilitated, and/or remediated to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair, rehabilitation, remediation, or demolition work shall be accomplished and the cost thereof, including all administrative costs of the City, paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.”

(l) Sections 801.1 and 801.2 are hereby amended, and a new Section 801.3 is hereby enacted to read as follows:

801.1 Procedure. When any work, construction, rehabilitation, remediation, repair or demolition is to be done pursuant to Section 701.3, Item 3, of this Code, the work shall be accomplished by private contract upon the direction of the Building Official. Plans and specifications therefor may be prepared by the contractor, or the Building Official may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private

contract, standard contractual procedures shall be followed to choose the contractor. If the work to be performed is related to remediation or rehabilitation of contaminated property, cleanup shall meet State of Colorado and Tri-County Health standards and regulations.”

801.2 Costs. The cost of such work and all administrative costs of the City may be paid by a special assessment against the property involved, but also shall be or may be made a personal obligation of the property owner. Such special assessment shall become and constitute a continuing and perpetual lien and charge upon the lots or parcels of ground upon which they are levied and such lien shall have a priority over all other liens except general taxes.

(m) 801.3 Special Assessments.

“801.3.1 Collection of Special Assessments. Collection of the special assessments, referred to in Subsection 801.2, may be collected following the procedures set forth in Subsection 801.3.2 herein. The procedures for collections of special assessments in this subsection, if followed, are in lieu of Sections 901 through 907 of Chapter 9.”

(n) 801.3.2 Collection of Special Assessment Procedure.

1. A notice of special assessment, including the right to a hearing, as set out in Subsections 801.3.2(5) and (6) of this section, shall be sent first class mail, from the City's Finance Director to the property owner/lessee at the address listed for the property owner in the county record and the property address. If any notice is returned, the property shall be posted with such notice.

2. The property owner/lessee has 30 days from the date the notice of special assessment is mailed or if notice is returned, from the date the property is posted to pay the assessment. Failure to pay within the time allotted will cause the special assessment to be recorded against the property. The special assessment will constitute a continuing lien against such property.

3. The amount of the assessment will include, in addition to all contractors' charges, inspection costs, attorneys' fees, court costs, and all other associated costs. The assessment may be paid any time prior to the assessment being turned over to the County Treasurer. Payments must be made directly to the City's Finance Director.

4. Unpaid assessments will be filed quarterly with the proper office of the County Clerk and Recorder's office and annually with the Treasury office.

5. An owner/lessee may object to such assessment within 30 days from the date the notice of assessment was mailed or if the notice is returned, from the date the property is posted. The objection must be in writing and mailed to and received by the Building Official within the 30-day period. The objection must include a phone number and address of the objecting party, and must state the basis for the objection and must be on forms made available for this purpose by the Building Inspection Division. Upon receipt of such objection and payment of the appropriate fee, the Building Official will notify the Chairperson of the Board of Adjustment who will then set a hearing date, which hearing shall be the next regularly scheduled meeting of the Board of Adjustment following receipt of the objection. Notice of this date will be mailed to the person making the objection. Failure to include an address in the objection will constitute a waiver of the right to file an objection.

6. The owner/lessee who requests the hearing will be charged an administrative fee pursuant to Section 11-45-2(a) of the Northglenn Municipal Code pertaining to hearings before the Board of Adjustment. Failure of such person to attend the hearing at the date and time scheduled shall constitute a waiver of such right to a hearing and a determination of all issues regarding the assessment.

7. The Board of Adjustment shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The Building Official shall carry the burden of establishing that a violation existed and that costs for abatement represented in the special assessment were reasonable under the facts and circumstances of the particular case. The standard of proof shall be by a preponderance of the evidence. A written decision will be prepared at the end of the hearing. This decision will be reached after both the landowner and the Building Official have presented their cases. The decision will be deemed effective three days from the date the decision is mailed to the owner/lessee and will be a final decision.

(o) Section 802.1 is hereby amended to read as follows:

“802.1 General. The legislative body of this jurisdiction may establish a special revolving fund to be designated as the repair, rehabilitation, remediation, and demolition fund. Payments shall be made out of said fund upon the demand of the Building Official to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.”

(p) Sections 908.1 and 909 are hereby amended to read as follows:

“908.1 Priority. Immediately upon a special assessment being turned over to the County Treasurer, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The liens shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.”

(q) Section 909 --REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL.

“Certified copies of the special assessment shall be given to the County Assessor and/or the tax collector for this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel.”

Section 10-15-7. Violations—Penalty.

(a) It shall be unlawful for any person to violate any of the provisions of the Uniform Code for the Abatement of Dangerous Buildings, 1997 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 Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as adopted, shall upon conviction, be punishable as provided in Section 1-1-10(a)(2) of the Northglenn Municipal Code.

Section 10-15-8. 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 10-15-9. 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 10-15-10. 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 10-15-11. 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:

City Attorney

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO.

SPONSOR: COUNCILMEMBER

TITLE: A BILL FOR AN ORDINANCE REGULATING THE LICENSING OF CONTRACTORS

PURPOSE: THE PURPOSE OF THIS BILL IS TO REGULATE THE QUALIFICATIONS OF BUILDING CONTRACTORS WITHIN THE CITY OF NORTHGLENN TO ENSURE THAT ALL WORK PERFORMED IS OF SATISFACTORY QUALITY.

ADDITIONAL EXPLANATORY REMARKS:

SPONSORED BY

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2006

_____ Series of 2006

A BILL FOR AN ORDINANCE REGULATING THE LICENSING OF CONTRACTORS

WHEREAS, the City Council desires to regulate the qualifications of building contractors within the City of Northglenn to ensure that all work performed is of sufficient quality to protect the health, safety and welfare of the public; and

WHEREAS, the licensing of building contractors shall be codified in Chapter 10 of the Northglenn Municipal Code (Building Regulations) and not Chapter 18 (Licensing), because the licensing of building contractors is inextricably related to the City's building regulations.

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

Section 1. Chapter 10 of the Northglenn Municipal Code is hereby amended by the addition of a new Article 18, Contractor Licenses, which shall read as follows:

Section 10-18-1. Contractor License General Requirements.

(a) Any contractor performing in a business involving the building, construction, alteration, remodeling, repairing, equipping, moving, or wrecking of buildings and other structures shall be licensed as a contractor, as required in this article.

(b) Any building permit(s) issued shall be suspended if there are no current Contractor Licenses.

(c) Investigation fee: work without a license or with an expired license. Whenever any work for which a license is required by this article is commenced without first obtaining said license, or when work is done and the license is expired, a special investigation shall be made before a license may be issued or renewed for such work and an investigation fee, in an amount equal to the license fee, shall be collected whether or not a license is then or subsequently issued. The investigation fee shall be in addition to the license fee required by this code, and shall be as set forth in Section 10-18-3.

(d) Workmanship. The licensee shall be held responsible for performing the activity authorized by the license in a proficient, workmanlike manner consistent with acceptable building practice; the failure to comply with this requirement shall be cause for the denial, suspension, revocation, or restriction of the license or future licenses.

(e) Incomplete work. In the event a structure is not pursued to completion and work is stopped for any period exceeding one hundred eighty (180) days, the licensee shall notify the Building Official in writing of such stoppage and shall take reasonable steps to protect and to prevent the structure from deteriorating to the condition of a dangerous or unsafe building.

Section 10-18-2. Contractor defined.

(a) Contractor, within the meaning of this article is any person, which also means and includes a firm, co-partnership, corporation, association, or other organization, or any combination thereof, who:

(1) Undertakes, with or for another within the city, to build, construct, alter, remodel, repair, move, or wreck any building or structure, or any portion thereof, for which a permit from the city is required, and which work is to be done for a fixed sum price, fee percentage, or any other compensation;

(2) Builds, constructs, alters, or adds to another building or structure either upon his or her own or another's property;

(3) Holds himself or herself out to perform housemoving or the moving of buildings or structures from one location to another;

(4) Holds himself or herself out to perform the service of wrecking a building or other structure.

(b) The following persons shall not fall within the definition of contractor:

(1) Employees working for and under the supervision of a contractor;

(2) An owner or occupant making alterations or repairs totaling less than \$1,000.00 in any one calendar year to the building he or she owns or occupies, which repairs do not involve the structure of the building, if the owner or occupant furnishes all the materials.

(3) A homeowner who constructs his or her own residence, or a building or structure accessory thereto, which is intended for his or her own personal use; however, this will be permitted at only one residence within a period of a year, or such homeowner will be deemed a contractor.

(4) Public utility companies shall not be required to obtain the licenses described in this article when engaged in the installation, operation, and maintenance of their equipment used for the production, generation, or distribution of the utility product or service through the facilities owned or operated by the utility

company to the point of consumer service.

Section 10-18-3. Classification; fees.

(a) No person shall perform any work as a contractor within the city without having first obtained a license as provided in this article. No permits shall be issued for work to be done by a contractor who does not have a valid license as required in this article. No work shall be done during the period a permittee's license is suspended or revoked.

(b) The following classes of Contractors' License are established and the indicated fees shall be required of contractors within the city:

(1) Class A. This class license shall entitle the holder to contract for the construction, alteration, or repair of any type of structure permitted by this article. The annual fee shall be \$150.00. A Class "A" license is required for all work requiring the supervision of an architect or structural engineer. Possession of a Class "A" license permits the activities authorized by Class "B" or "C" license.

(2) Class B. This license shall entitle the holder to contract for the construction, alteration, or repair of one-family and two-family residences of two stories or less. This contractor may not contract for public buildings or places of public assembly. The aforementioned limitations shall not apply to repairs on buildings not involving structural members. The annual fee shall be \$100.00. Possession of a Class "B" license permits the activities authorized by a Class "C" license.

(3) Class C. This license shall be issued to those engaged in contracting for labor or for labor and material involving specialized trades, such as brick, plastering, framing, drywalling, glazing, irrigation systems, burglar alarms, swimming pools, sheds, and fence contractors. Such license may include more than one such trade carried on by the licensee. The annual fee shall be \$75.00. This license shall be issued to wrecking contractors, moving contractors, and mobile home set-up contractors. No wrecking shall be done except by a licensed wrecking contractor, except that a licensed general contractor of the Class "A" or "B" category may wreck minor buildings or remove portions of a building where such wrecking is a portion of a program of alteration or remodeling.

(4) Mechanical Contractor License. This license shall be issued to those engaged in contracting to erect, install or construct all mechanical systems, including hot water heating systems, air conditioning systems, refrigeration systems, or install boilers,

evaporative coolers, and sheet metal work. This license shall entitle the holder to replace existing domestic water heaters and all connections thereto. Any connections to the potable water system must be performed by licensed plumbing contractor. Line voltage electrical work must be done by a licensed electrical contractor. The annual fee shall be \$50.00.

(5) Plumbing Contractor License. This license shall be issued to those engaged in contracting to install, alter, repair, renovate, or add to any plumbing fixtures, gas or drainage piping, water heating or treating equipment connected to a public or private potable water distribution system or any public or private sewer system, and who possess valid State of Colorado Master Plumber License. The annual fee shall be \$50.00.

(6) Electrical Contractor License. This license shall be issued to those engaged in contracting to install, alter, repair, renovate, or add to electrical wiring, appliances, or apparatus for the purpose of electrical light, heat, power, or signal systems or other similar purposes within or affixed to any building or structure, and who possess valid State of Colorado Master Electrician License. There shall be no annual fee for Electrical Contractor License.

Section 10-18-4. Insurance requirements.

(a) Proof Of Insurance Required: Every applicant for any license or shall submit proof of current workman's compensation insurance. Further, the applicant shall submit proof of liability insurance, which shall remain in effect during the period of the license in the minimum amount of five hundred thousand dollars (\$500,000.00) for a single occurrence for Class "A" and "B", and three hundred thousand dollars (\$300,000.00) for single occurrence for Class "C" licenses, Electrical Contractor, Plumbing Contractor and Mechanical Contractor licenses. Certificates of said insurance coverages shall be supplied to the Building Official at the time of application. Fulfillment of the insurance requirements herein described may be made by submitting proof of such insurance carried by the applicant's employer.

(1) The insurance policy submitted by the applicant in compliance with this Section must be approved by the Building Official prior to the issuance of the requested. Such insurance policy, along with written evidence of payment of required premiums, shall be filed and maintained with the Building Department during the term of the license or registration certificate.

(2) All insurance policies and insurance certificates maintained pursuant to this Section shall contain the following endorsement:

“It is hereby understood and agreed that this insurance policy may not be canceled nor the intention not to renew be stated except upon thirty (30) days' written notice to the City of Northglenn, Colorado, Building Department.”

(b) If you are a sole proprietor, you may waive your workman's compensation insurance requirements. You shall be required complete the Waiver for Workman's Compensation Insurance on such forms and shall contain such information as may be required by the Building Official.

Section 10-18-5. Requirements.

(a) The building official shall have the authority in accordance with the terms of this article, to approve, deny, suspend, or revoke any license provided for in this Article.

(b) Examining procedures. The Chief Building Official shall establish such reasonable examining procedures for the issuance of licenses as shall, from time to time, become necessary. These examining procedures shall be implemented so as to ensure the City that the applicant does indeed have the knowledge and capability to perform work in accordance with the regulations of the Building Code, and the City shall not deny a license to any person capable and willing to perform in such fashion.

(c) Application form and procedure. Applications for Contractor's license shall be on such forms and shall contain such information as may be required by the Building Official. Applicants may at any time, or from time to time, be required to furnish additional information with respect to their qualifications and financial status, or other matters relating to or affecting their license, as may be deemed necessary or desirable by the Building Official or the Board of Adjustment. Failure to furnish such information within a reasonable time, or to furnish supplemental information as may be required by the Building Official or the , shall be grounds for denial or revocation of license.

(1) Proof Of State License Required: Every applicant for a Plumbing Contractor License or Electrical Contractor License shall be required to present with the application his or her valid State of Colorado Master Electricians' or electrical license or a Master Plumbers' license issued by the State of Colorado.

(d) License without examination. The Building Official may license, without examination, upon the payment of the required fees, applicants who are duly licensed under the laws of the State and/or cities and/or counties having requirements for the licensing and regulating of the plumbing trade, mechanical trade, building trade, etc., deemed by the Building Official to be equivalent to the requirements of this Building Code and this State.

Section 10-18-6. Qualified supervisors.

(a) When required. The respective licensees, whether individuals, firms or corporations, shall not be required to possess those skills and qualifying experience records required for the work they are permitted to do under the terms and provisions of their respective licenses, provided that they retain in their business a supervisor whose skills and qualifying experience records are such that he would be qualified to supervise all work in his principal's license category. The respective licensees' rights to do business shall be dependent upon the continued retention of the designated supervisors in active, full-time capacity.

(b) Termination of supervisor. Whenever a designated supervisor terminates his association with a licensee or otherwise becomes inactive, the licensee shall immediately notify the building department. In such event, the license shall be deemed to be suspended and there shall be a thirty (30) day grace period from the date of termination of the supervisor in order to acquire a proper supervisor before complete termination of the license. Should the supervisor be replaced, such fact shall be made known to the building department. If the proposed replacement is found to meet the required qualifications, the license shall again be deemed in full force and effect without imposition of an additional license fee for the license period.

(c) Qualifications of supervisor. Each individual who is to act as a supervisor shall be reviewed in accordance with the provisions of the Building Official for the work proposed to be done. Each individual who is to act as a supervisor shall be designated as such in each application for a license.

Section 10-18-7. Classification upgrading.

(a) Licensees wishing to upgrade their license to a higher classification must submit a new application and the total fee for the new classification. No credit shall accrue toward the new classification fee for the unused term of the original license.

Section 10-18-8. Expiration and renewal.

(a) All licenses required under this article shall be valid for the current year of issuance, and all such licenses shall expire on December 31st of each year.

(b) The fee for the renewal of a license shall be the same as the fee for issuing such license as set forth in Section 10-18-3.

Section 10-18-9. Fees; no refund.

(a) License fees shall not be refunded. However, any fee paid by an applicant who is denied a license shall be refunded.

Section 10-18-10. Validity.

(a) A change of name, business designation, or address must be

reported to the building inspection office within ten (10) days after making such a change. Failure of the licensee to report such change within the time limit shall cause the license to expire by force of law and become invalid at the expiration of the ten (10) day period.

(b) Incorporation or change in incorporation creating a new legal entity shall require a new license for such entity, even though one or more stockholders or directors have a license.

(c) The organization of a partnership or the change in a partnership creating a new legal entity shall require a new license, even though one or more of the partners are licensed.

(d) The dissolution of a corporation or partnership which has been licensed terminates the license and no individual or firm may operate under such license.

(e) License are not transferable.

Section 10-18-11. Licensee responsibility.

(a) All licensees shall be responsible for work requiring a permit under the provisions of this article, without limitation, and for the items listed in this section:

(1) To report in writing to the building official any accident occurring in any construction or undertaking which has resulted in lost time, injury, or death to any person, or damage to any building or structure within seventy-two hours after such accident;

(2) To provide minimum safety measures and equipment to protect workmen and the public, as prescribed by this article;

(3) To observe any other City ordinances prescribing measures for the safety of workmen and of the public;

(4) To present his or her license card when requested by the building official or his or her authorized representative;

(5) To employ a qualified supervisor and to provide the name of such supervisor on the permit inspection card;

(6) To obtain a permit when the same is required;

(7) Provide honest and factual information on all applications for permits.

(8) To faithfully construct, without substantial departure from or disregard of drawings and specifications, when such drawings

and specifications have been filed and approved by the building official and a permit issued for same, unless such changes are approved by the building official;

(9) To complete all work authorized on the permit issued under the authority of this article, unless good cause is shown;

(10) To obtain inspection services when the same are required by this article;

(11) To faithfully conform to the requirements of the Special Inspection Program as prescribed by Article 17 of the International Building Code, when required;

(12) To pay any fee assessed under authority of this article;

(13) To obey any order issued under authority of this article;

(14) To provide toilet facilities prior to and during construction or demolition;

(15) To obtain a certificate of occupancy, when required, upon completion of the work authorized by the licensee's permit;

(16) To keep streets and sidewalks that are adjacent to construction-sites and open to the public traffic free of obstructions, construction materials, equipment, debris, mud, dirt or any other material that may be a hindrance or hazard to vehicular or pedestrian traffic;

(17) To observe and conform to all of the rules and regulations governing construction and land use in the City.

Section 10-18-12. Suspension, revocation, or denial.

(a) The Building Official may suspend, revoke, or deny a license when the licensee or applicant, including partners of a partnership, members of a joint venture, or officers, directors, or holders of ten percent or more of the stock of a corporate licensee or applicant, is responsible for one or more of the following acts or omissions:

(1) Failure to comply with any of the licensee responsibilities, as outlined in Section 10-18-10, if such failure is not corrected within ten (10) days of written notification of such failure by the Building Official;

(2) Knowingly combining or conspiring with any other person to permit or allow the licensee's license to be used by such other person;

(3) By acting as principal agent, partner, associate, or in any other capacity with persons, to evade any provisions of this article;

(4) Violation of any provision of this article, Chapter 5-3 of the Northglenn Municipal Code, or any violation of the laws of the United States, the State of Colorado, or the ordinances of the City having any bearing upon or relation to the work or services performed under the license, or ability to perform the work or services under the license, if such violation is not corrected within ten (10) days of being notified of such failure by the Building Official.

(5) Any conduct constituting fraud or misrepresentation in or connected with any activity or activities relating to building, or which are licensed or governed by this article.

(6) Failure to keep and maintain necessary insurance or necessary state license.

(b) With regard to the acts or omissions listed in Section 10-18-12:

(1) The first act or omission during a term of a license issued under this article shall cause the license to be suspended for a period of twenty (20) days.

(2) The second act or omission during a term of a license issued under this article shall cause the license to be suspended for a period of forty (40) days.

(3) The third act or omission during the term of a license issued under this article shall cause the license to be revoked.

(4) Three or more acts or omissions during the preceding year shall be cause for the denial of a license.

Section 10-18-13. Suspension, revocation, or denial procedures.

(a) When any of the acts or omissions as enumerated in Section 10-18-12 are committed by a licensee and the Building Official deems that such license would be suspended, revoked, or denied, the procedure shall be as follows:

(1) The licensee shall be notified, in writing, by certified mail, mailed to the licensee's address of record with the building official, at least ten (10) days prior to suspension, revocation, or denial.

(2) Upon receipt of the notice, the licensee may request a hearing. Such request shall be in writing to the Building Official within ten (10) days of mailing of the notice.

(3) If a hearing is requested by the licensee, in writing, within the time limit designated above, the Building Official shall set a time, date, and place for the hearing within five days of receipt of the request for a hearing, and so notify the licensee.

(4) When a hearing is conducted, the licensee and other interested parties may be in attendance. Upon completion of the hearing, the Building Official may take all the evidence admitted under advisement, and shall within ten (10) days, notify the licensee of his or her findings and ruling, in writing, by certified mail. No suspension or revocation shall be effective while the matter is under advisement, except for emergency suspensions under Section 10-18-15.

(5) If the decision rendered by the Building Official is adverse to the licensee, the licensee may appeal to the Board of Adjustment as an "aggrieved" person, and shall file an application for review by the Board of Adjustment within thirty (30) days after mailing of notice of the ruling of the Building Official.

Section 10-18-14. Board of Adjustment; hearing and review duties.

(a) Appeals to the Board of Adjustment shall be in accordance with the provisions of Section 11-42 of the Northglenn Municipal Code.

(b) The Board of Adjustment may, after a full hearing on the charges, suspend any license or registration for a period not to exceed sixty (60) days. The Board of Adjustment may also recommend to City Council that the license in question be suspended for more than sixty (60) days or that the license be revoked. The City Council, after a full hearing on the charges, may revoke or suspend any license or registration issued pursuant to this article.

Section 10-18-15. Emergency suspension.

(a) If the Building Official finds that emergency cause exists for suspension or revocation of a license, he or she may enter an order for immediate suspension of such license, pending further investigation and proceedings for suspension or revocation, as provided in this article. The licensee may, upon

notice of such suspension, request an immediate hearing before the Building Official. The procedure shall thereafter be as provided in this article.

Section 10-18-16. Denial or revocation; reapplication.

(a) If a license is denied or revoked by the Building Official, and in case of an appeal, if the denial or revocation has been affirmed by the Board of Adjustment, the applicant may reapply, but not sooner than ninety (90) days after the denial or revocation, or in the case of an appeal, ninety (90) days after the order of the Board of Adjustment affirming the denial or revocation.

Section 10-18-17. Transitional provisions.

(a) Except as otherwise expressly provided herein, the Building Code shall not be construed to require the duplication or reissuance of any license within the same calendar year, the duplication of any examination or the duplication of any payment of any license fee for a particular grade of license within the same calendar year. All persons in the building and construction industries licensed as of the effective date of the ordinance from which this section derives under former codes and ordinances shall be deemed to be appropriately licensed under this article. Any such licensee under a former code or ordinance who fails to reapply for a license at the conclusion of the calendar year shall surrender the license, and the license shall be deemed to be null and void.

Section 10-18-18. Violations.

(a) It shall be unlawful for any person to violate any of the provisions of this ordinance.

(b) Any violation of the provisions of this ordinance shall, upon conviction, be punishable as provided in Section 1-1-10(a)(2) of this Code.

Section 10-18-19. Severability Clause.

(a) 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 10-18-20. Safety Clause.

(a) The City Council hereby finds, determines, and declares that this ordinance is necessary for the preservation of the public health, safety and welfare.

Section 10-18-21. Conflicts.

(a) 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.

Section 10-18-22. Effective Date.

(a) This ordinance shall become effective January 1, 2007.

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:

City Attorney

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO.

SPONSOR: COUNCILMEMBER

TITLE: A BILL FOR AN ORDINANCE REQUIRING THAT CERTAIN NEW BUILDINGS OR STRUCTURES SUPPORT ADEQUATE RADIO COVERAGE FOR EMERGENCY SERVICE PROVIDERS.

PURPOSE: IT IS IMPORTANT FOR EMERGENCY SERVICE PROVIDERS TO BE ABLE TO TRANSMIT TO AND RECEIVE SIGNALS FROM ALL BUILDINGS OR STRUCTURES WITHIN THE CITY. THIS ORDINANCE ESTABLISHES TRANSMISSION STANDARDS AND RADIO SIGNAL TESTING PROCEDURES TO HELP ENSURE THAT EMERGENCY RADIO COMMUNICATIONS CAN OCCUR IN BUILDINGS OR STRUCTURES WITHIN THE CITY

ADDITIONAL EXPLANATORY REMARKS:

SPONSORED BY

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2006

_____ Series of 2006

A BILL FOR AN ORDINANCE REQUIRING THAT CERTAIN NEW BUILDINGS OR STRUCTURES SUPPORT ADEQUATE RADIO COVERAGE FOR EMERGENCY SERVICE PROVIDERS.

WHEREAS, it is necessary for emergency service providers to be able to transmit to and receive signals from all buildings or structures within the City; and

WHEREAS, to ensure that emergency radio communications can occur in buildings or structures within the City, transmission standards must be enacted and radio signal testing procedures must be established.

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

Section 1. Chapter 10 of the Northglenn Municipal Code is hereby amended by the addition of a new Article 14, which shall read as follows:

Section 10-14-1. Definitions. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section:

(a) **“Emergency communications center(s)”** shall mean any centralized dispatch service for emergency service providers.

(b) **“Emergency service provider(s)”** shall mean any police, fire or ambulance service operating within the City.

(c) **“Emergency services communications”** shall mean any communication between an emergency communications center and emergency service provider.

Section 10-14-2. Purpose. The purpose of this Article is to provide minimum standards to ensure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the City to and from emergency communication centers. It is necessary for the emergency service provider to receive the signal to and from all buildings or structures within the City.

Section 10-14-3. Scope. The provisions of this Article shall apply to:

(a) Buildings and structures of Type I or Type II construction greater

than 50,000 square feet or additions or modifications that cause the buildings to be greater than 50,000 square feet.

(b) All basements over 10,000 square feet where the design occupant load is greater than 50, regardless of the occupancy.

(c) For purposes of this Article, fire barriers or fire walls cannot be used to define separate buildings.

(d) Exceptions:

(1) Assembly occupancies with an occupant load of less than 300 without legitimate stage.

(2) Group R, Division 3 occupancies.

(3) Group U occupancies.

Section 10-14-4. Radio coverage. Except as otherwise provided in this Article, no person shall erect, construct, or modify any building or structure within the scope of this Article (as set forth in Section 10-14-3) or any part thereof, or cause the same to be done which fails to support adequate radio coverage for emergency service providers.

(a) Plans to comply with these provisions shall be submitted with the building permit application documents. The Police Department will, within 14 days, identify the frequency range or ranges that must be supported by reducing or eliminating interference.

(b) In the event that an emergency service provider modifies its communications equipment in any way that impairs its ability to communicate with an existing system installed in accordance with this Article, such emergency service provider shall be responsible for all costs associated with reestablishing communications within the affected building or structure.

(c) For purposes of this Article, a successful communications test shall constitute adequate radio coverage between the building and the emergency communications center for all appropriate emergency service providers for the building.

(d) The standards for inbound communications into a building are:

(1) A minimum average in-building field strength of 8V (-88 dBm) throughout 95 percent of the area of each floor of the building when transmitted from the emergency communications center to the emergency service provider providing police, fire and emergency medical services to the building (-88 dBm equates to 30 dBu at VHF, 40 dBu at UHF, and 45 dBu at 800 MHZ).

(2) If the field strength outside the building where the receiving antenna system for the in-building system is located is less than the -88 dBm, then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.

(3) As used in this part, 95 percent coverage or reliability means the radio will transmit 95 percent of the time at the field strength and levels as defined in this part.

(e) The standards for outbound communications from a building are:

A minimum average signal strength of 4V (-95 dBm) as received by the emergency communications center providing police, fire and emergency medical services to the building (-95 dBm equates to 24 dBu at VHF, 33 dBu at UHF, and 38 dBu at 800 MHZ).

(f) FCC authorization. If amplification is used in a system, all FCC authorizations must be obtained prior to the use of the system. A copy of these authorizations shall be provided to the City.

Section 10-14-5. Enhanced amplification systems.

(a) Where buildings and structures are required to provide amenities to achieve adequate signal strength, such buildings and structures shall be equipped with any of the following to achieve the required adequate radio coverage: radiating cable systems, internal multiple antenna systems with a frequency range as established by the emergency communications center, with amplification systems as needed, voting receiver system, or any other approved system.

(b) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery (UPS) and/or generator system for a period of at least four hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power input.

Section 10-14-6. Testing procedures. Method to conduct the tests:

(a) Tests shall be made using frequencies close to the frequencies used by the police and fire and ambulance services. If testing is done on the actual frequencies, then this testing must be coordinated with the Police and/or Fire Department and the emergency communications center. All testing must be done on frequencies that are authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the police, fire or emergency medical frequencies.

(b) Measurements shall be made using the following guidelines:

(1) With a service monitor using a unity gain antenna on a small ground plane.

(2) Measurements shall be made with the antenna held in a vertical position at three to four feet above the floor.

(3) A calibrated service monitor (with a factory calibration dated within 24 months) may be used to make the tests.

(4) The special inspector for the City may also make simultaneous measurements to verify that the equipment is making measurements accurately. A variance of ± 3 dB between the instruments will be allowed.

(5) If measurements in one location are varying, then average measurements may be used.

(c) Initial tests:

(1) All testing shall be done in the presence of the special inspector for the City.

(2) Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground including stairwells, basements, penthouse facilities, and parking areas of the structure. The structure shall be divided into 100-foot grids and the measurements shall be taken at the center of each grid. In critical areas (police substation and fire command post) the grids shall be reduced to 25 feet. The size of the grids may also be reduced upon recommendations of the special inspector, in areas where displays, equipment, stock, or any other obstruction may significantly affect communications in those areas.

(d) Annual tests:

(1) Annual tests will be conducted by the Fire Department or the Police Department or both. If the communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria.

(2) If the degradation to the system is due to building additions or remodeling, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria in order to obtain a final inspection for occupancy.

(3) Any system degradation or failure not related to the performance of the owner's on-site system will be the responsibility of the emergency communications center.

Section 10-14-7. 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 10-14-8. 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 10-14-9. 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 10-14-10. 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:

City Attorney

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO.

SPONSOR: COUNCILMEMBER

TITLE: A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 5 CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE WITH AMENDMENTS AS A PRIMARY CODE OF THE CITY OF NORTHGLENN, THE INTERNATIONAL FIRE CODE, 2003 EDITION, OF THE INTERNATIONAL CODE COUNCIL, 4051 WEST FLOSSMOOR ROAD, COUNTRY CLUB HILLS, IL 60478; AND ADOPTING APPENDICES B, C, E, F, AND G OF THE INTERNATIONAL FIRE CODE, AND ESTABLISHING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

PURPOSE: THE PURPOSE OF THIS BILL IS TO REPEAL THE 1997 EDITION OF THE UNIFORM FIRE CODE WHICH IS CURRENTLY IN EFFECT IN THE CITY OF NORTHGLENN AND ADOPT IN ITS PLACE THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE WITH AMENDMENTS.

ADDITIONAL EXPLANATORY REMARKS:

THIS AND SEVERAL OTHER INTERNATIONAL CODES ARE COMPANION DOCUMENTS TO THE INTERNATIONAL BUILDING CODE. THE 2003 EDITION OF THIS CODE IS RECOMMENDED FOR ADOPTION AT THIS TIME SO THAT COMPATIBILITY EXISTS AMONG ALL CODES ADOPTED. IN ADDITION, THE 1997 EDITION OF THE UNIFORM FIRE CODE CURRENTLY IN EFFECT, IS OUTDATED. ALTHOUGH THE CITY COUNCIL IS RESPONSIBLE FOR ADOPTING THE CODE, ADMINISTRATION AND ENFORCEMENT IS UNDERTAKEN BY THE NORTH METRO FIRE RESCUE DISTRICT. APPEALS OF ADMINISTRATIVE DECISIONS BY THE FIRE CHIEF MAY BE MADE TO THE NORTHGLENN BOARD OF ADJUSTMENT, PURSUANT TO SECTION 10-5-5 OF THE REVISED SECTION 10-5-5 OF THE NORTHGLENN MUNICIPAL CODE. THE NORTH METRO FIRE RESCUE DISTRICT HAS REVIEWED THE 2003 INTERNATIONAL FIRE CODE AND THEIR COMMENTS AND SUGGESTIONS HAVE BEEN INCORPORATED INTO THIS ORDINANCE.

SPONSORED BY

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2006

Series of 2006

A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 5 CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE WITH AMENDMENTS AS A PRIMARY CODE OF THE CITY OF NORTHGLENN, THE INTERNATIONAL FIRE CODE, 2003 EDITION, OF THE INTERNATIONAL CODE COUNCIL, 4051 WEST FLOSSMOOR ROAD, COUNTRY CLUB HILLS, IL 60478; AND ADOPTING APPENDICES B, C, E, F, AND G OF THE INTERNATIONAL FIRE CODE, AND ESTABLISHING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

WHEREAS, in 1998, pursuant to Ordinance No. 1209, Series of 1998, the City Council of Northglenn adopted the 1997 Uniform Fire Code, which was codified at Article 5, Chapter 10 of the Northglenn Municipal Code; and

WHEREAS, the City Council desires to repeal its adoption of the 1997 Uniform Fire Code, and adopt the 2003 International Fire Code with specific amendments and certain appendices, because this will bring the City's fire code up to date and will better serve the City's fire safety needs.

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

Section 1. Article 5 of Chapter 10 of the Northglenn Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

Section 10-5-1. Title. This ordinance shall be known and cited as the International Fire Code Ordinance.

Section 10-5-2. Adoption of the International Fire Code. The International Fire Code, 2003 Edition, of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, is adopted by reference as a primary code including the following appendices: Appendix B, Fire-Flow Requirements for Buildings; Appendix C, Fire Hydrant Locations and Distribution; Appendix E, Hazard Categories; Appendix F, Hazard Ranking; and Appendix G, Cryogenic Fluids—Weight and Volume Equivalents, to have the same force and effect as though set forth in this chapter in every particular, as amended in this below.

Section 10-5-3. Copies on File. At least one certified copy of the International Fire Code, 2003 Edition as adopted is on file in the office of the City Clerk and may be inspected during regular business hours. In addition, copies may be available for sale and distribution to the public at a price not to exceed the actual cost thereof to the City.

Section 10-5-4. Purpose. The purpose of this Chapter is to safeguard life and property from the hazards of fire, explosion and dangerous conditions.

Section 10-5-5. Amendments to the International Fire Code, 2003 Edition.

(a) Subsection 101.1 is amended to read as follows:

“These regulations shall be known as the Fire Code of the City of Northglenn hereinafter referred to as ‘this code.’”

(b) Subsection 102.3 is amended to read as follows:

“Change of use or occupancy. The provisions of the 2003 International Building Code shall apply to all buildings undergoing a change of occupancy.

EXCEPTION: The provisions of the 2003 ICC Performance Code for Buildings and Facilities shall apply to those portions of buildings, structures, facilities, and premises undergoing a change of occupancy where performance-based design was employed to provide an acceptable level of life safety and property protection from the hazards of fire, explosion, or dangerous conditions.”

(c) Subsection 102.4 is amended to read as follows:

“The design and construction of new structures shall comply with the 2003 International Building Code. Repairs, alterations, and additions to existing structures shall comply with the 2003 International Building Code.

EXCEPTION: The provisions of the 2003 ICC Performance Code for Buildings and Facilities shall apply to those portions of new and existing buildings, structures, facilities, and premises where performance-based design was employed to provide an acceptable level of life safety and property protection from the hazards of fire, explosion, or dangerous conditions.”

(d) Subsection 102.5 is amended to read as follows:

“The construction, alteration, repair, enlargement, restoration, relocation, or movement of existing buildings or structures that are designated as historic buildings when such buildings or structures do not contribute a distinct hazard to life or property shall be in accordance with the provisions of the 2003 International Building Code.”

(e) Subsection 102.6 is amended by adding the following sentence:

“Where this Code refers to the ICC Electrical Code, it shall mean the National Electrical Code.”

(f) Subsection 105.4.1 is amended to read as follows:

“Construction documents shall be submitted in one or more sets and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional when said documents are submitted in support of an application for a construction permit required by Sections 105.7.1, 105.7.3, 105.7.4 105.7.6, 105.7.11, or 105.7.13. When requested, qualification statements shall be submitted to the fire code official for the registered design professional to demonstrate compliance with the professional qualifications defined in Section 202.”

(g) Subsection 105.7.3 is amended to read as follows:

“Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment, including emergency alarm systems (Section 908) and smoke control systems (Section 909). Maintenance performed in accordance with this code is not considered a modification and does not require a permit.”

(h) Subsection 105.7 is amended by adding a new subsection 105.7.13 Explosion control to read as follows:

“Subsection 105.7.13 Explosion Control. A construction permit is required to install or modify explosion control provided as required in Section 911”.

(i) Section 106 is amended by adding a new subsection 106.4 Inspection requests to read as follows:

“Subsection 106.4. Inspection Requests. Whenever any installation subject to inspection prior to use is required, the fire code official is authorized to require that every such request for inspection be filed not less than two working days before such inspection is desired.”

(j) Section 108 is repealed in its entirety and re-enacted to read as follows:

“Section 108.1. Appeals—Administrative Decision. Any person, firm or corporation, including the City of Northglenn, aggrieved by any decision, interpretation, or order made by Fire Department personnel or other duly authorized persons made under any provision of this code or the standards adopted herein, may appeal such decision, interpretation or order to the Fire Chief of the North Metro Fire Rescue District by filing a written notice of such intent to the Office of the Fire Chief, within fifteen (15) calendar days for fire code enforcement and within thirty (30) calendar days for new construction requirements, of the transactions appealed from. The Fire Chief, or his designee, shall convene a hearing upon such appeal within fifteen (15) calendar days of

receipt thereof and may, when no immediate hazard exists, continue such hearing from time to time for cause. The Fire Chief shall establish reasonable rules for such hearing and make a record of proceedings. The decision of the Fire Chief or his designee shall be in written form and delivered to all interested parties within fifteen (15) calendar days after the hearing is closed and furthermore the said decision shall be deemed final as to the order or interpretation appealed from. Where there are practical difficulties in the implementation of the strict provisions of this code, the Fire Chief may modify such provisions of the code, provided that the intent of the code shall be complied with, public safety secured and substantial justice done. The particulars of such modification shall be granted or allowed and the decision of the Chief shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 108.2 Appeals – Northglenn Board of Adjustment. The final decision of the Fire Chief, or his designee, shall be considered an administrative decision for all purposes. Appeals of administrative decisions may be made to the Northglenn Board of Adjustment in accordance with Section 11-42-5 of the Northglenn Zoning Ordinance.”

(k) Subsection 109.3 is amended to read as follows:

“Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, of a permit or certificate used under provisions of this code, shall be punishable as prescribed in Section 1-1-10(a)(2) of the Northglenn Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

(l) Subsection 111.4 is amended to read as follows:

“Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for such penalties as prescribed in Section 1-1-10(a)(2), Northglenn Municipal Code.”

(m) A new Section 112 is added to read as follows:

“112.1 Fees. The imposition of fees for inspection-related services pursuant to provisions of this code shall be in accordance with Section 112. The fees set forth in this Section shall be paid to the North Metro Fire Rescue District.

EXCEPTION: The government of the United States of America, the State and its political subdivisions, the City and County, 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 governmental use.

112.2 Payment of Fees. A permit shall not be valid until the fees prescribed by law have been paid; nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

112.3 Operational Permit Fee. An inspection fee shall be charged for any operational permit required by Section 105.6. The inspection fee shall be based upon the time required to conduct inspections authorized by Section 105.2.2 and associated activities, to determine compliance with this code and other applicable laws and ordinances as required by Section 105.2.4, and to issue the permit as specified in Section 105.3.7.

The Operational Permit Fee shall be calculated at the rate of \$50.00 per hour, with a minimum Operational Permit Fee of \$25.00.

112.4 Construction Permit Fee. A fee shall be charged for any construction permit required by Section 105.7 of this code. The fee for a construction permit shall be established pursuant to Table 112.4. The construction permit fee is intended to cover the cost of inspections required or requested in connection with the work for which the permit is granted, and the associated costs of processing the application. An application for a permit shall include an estimate of the total value of the work, including materials and labor, for which the permit is being sought. If, in the opinion of the fire code official, the valuation is underestimated on the application, the permit shall be denied, unless written estimates are provided in a form acceptable to the fire code official, and that support the valuation set forth in the application. Final construction permit valuation shall be set by the fire code official.

Table 112.4 Construction Permit Fee

<i>Total Valuation</i>	<i>Fees</i>
\$1.00 to \$500.00	\$23.50
\$500.01 to \$2,000.00	\$23.50 for the first \$500.00, plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,000.01 to \$25,000.00	\$69.25 for the first \$2,000.00, plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,000.01 to \$50,000.00	\$391.75 for the first \$25,000.00, plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.

<i>Total Valuation</i>	<i>Fees</i>
\$50,000.01 to \$100,000.00	\$643.75 for the first \$50,000.00, plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,000.01 to \$500,000.00	\$993.75 for the first \$100,000.00, plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,000.01 and up	\$3,233.75 for the first \$500,000.00, plus \$4.75 for each additional \$1,000.00 or fraction thereof.

Fees for re-inspections, for inspections outside normal business hours, or for inspections for which no fee is otherwise established shall be \$50.00 per hour for each inspector. The minimum fee for miscellaneous inspections and for re-inspections shall be \$50.00. The minimum fee for requested inspections outside normal business hours shall be \$100.00.

112.5 Plan Review Fee. The Plan Review Fee is intended to cover the significant costs and expenses incurred by the Fire District in reviewing materials necessary to perform appropriate inspections of construction, uses, processes, and operations. The fee shall be assessed based on the reasonable, customary, and necessary time associated with reviewing or evaluating site plans; construction documents and calculations; changes, additions, or revisions to approved plans; construction documents resubmitted after the fire code official's issuing a written statement explaining the reasons that a previous submittal does not conform to the requirements of this code and the laws and ordinances applicable thereto; rational engineering analyses; requests to use alternate materials and methods; performance-based designs; technical opinions and reports; hazardous materials management plans and hazardous materials inventory statements required by the fire code official pursuant to Sections 407, 2701.5, or 3305.2.1; and all other types of plans necessary to implement, administer, and enforce the provisions of this code. When submittal documents are incomplete or changed so as to require additional plan review, an additional Plan Review Fee shall be charged.

The Plan Review Fee required by this Section 112.5 is separate from the Construction Permit Fee required by Section 112.4.

112.5.1 Initial Construction-Document Review. The Plan Review Fee for the initial submittal of construction documents in support of an application for a construction permit shall be equal to 65 percent of the Construction Permit Fee. The Plan Review Fee shall be paid at the time of submitting construction documents for plan review.

112.5.2 Other Plan Reviews. Other than review of the initial submittal of construction documents pursuant to Section 112.5.1, all other Plan Review Fees shall be calculated at the rate of \$50.00 an hour, with a minimum Plan Review Fee of \$25.00.

112.6 Emergency Alarm Inspection Fee. An Emergency Alarm Inspection Fee shall be charged for all Category II fire alarms, as defined in Section 112.6.1, transmitted after December 31, 2003.

EXCEPTION: When waived, for cause, by the fire code official.

112.6.1 Definitions. For the purpose of this Section 112.6, the following terms shall have the following meanings:

CATEGORY I ALARMS. An alarm requiring a fire department response where the system operated properly and a fire department inspection reveals the alarm was caused by a malicious or mischievous action; a guest; circumstances beyond the control of the owner, occupant, or lessee; or by an actual smoke or fire condition.

CATEGORY II ALARMS. An alarm requiring a fire department response where a fire department inspection reveals the alarm was caused by a system malfunction, by a user error, or by an undetermined cause.

SYSTEM MALFUNCTION. An alarm which a fire department inspection reveals was caused by: (1) poor or improper maintenance; (2) improper installation of alarm equipment, hardware, or wiring; or, (3) improper action of the alarm monitoring center or fire alarm installation/testing company.

UNDETERMINED CAUSE. Any alarm for which a fire department inspection does not reveal the apparent cause.

USER ERROR. The intentional or negligent act or omission of an agent, employee, contractor, or representative of the owner, occupant, or lessee.

112.6.2 Emergency Alarm Inspection Fee Schedule.

112.6.2.1 Category I Alarms. A fee shall not be assessed.

112.6.2.2 Category II Alarms. The owner, or a representative of the owner, of a fire alarm system transmitting a Category II alarm shall be assessed a fee in accordance with Table 112.6.2.2. There is no limit on the amount of Category II alarm fees that may be assessed in a calendar year or calendar quarter.

Where multiple buildings are protected by a single system, the number of Category II alarms caused by system malfunction shall be counted separately for each building, if the location of the malfunction can be ascertained.

EXCEPTION: Category II alarms transmitted in the first 30 calendar days after the fire department accepts a new system for service shall not be included in the number of alarms.

Table 112.6.2.2 Category II Emergency Alarm Inspection Fee

The fees set forth in Table 112.6.2.2 shall progressively increase by an additional \$100.00 for each Category II alarm after the first chargeable alarm, with no fee limit in any one calendar year or calendar quarter.

Number of Alarms	Fee For Each Alarm	
	Alarms within a calendar year for a system serving: 1. Any apartment building; or 2. Commercial buildings ¹ : (a) less than 180,000 sq. ft.; and, (b) with 5 or fewer tenants	Alarms within a calendar quarter for a system serving commercial buildings ¹ : 1. 180,000 sq. ft. or larger or 2. With more than 5 tenants
1	\$0.00	\$0.00
2	\$0.00	\$0.00
3	\$0.00	\$200.00
4	\$200.00	\$300.00
5	\$300.00	\$400.00
6	\$400.00	\$500.00
7 or more	Progressively increasing.	Progressively increasing.

¹ For the purpose of this table, commercial buildings include all buildings other than apartment houses and one- or two-family dwellings.

112.6.2.2.1 Rebate eligibility. The fire department may rebate one-half of an Emergency Alarm Inspection Fee if, within 30 calendar days of the alarm, the owner, occupant, or lessee submits to the fire department written documentation, acceptable to the fire department, establishing that necessary repairs or corrections have been made to the system by a qualified agent.

112.7 Unauthorized Work Inspection Fee. Any person or entity who commences any work before obtaining a construction permit required by Section 105.7 shall be subject to an inspection fee in an amount equal to the amount of the Construction Permit Fee or \$250.00, whichever is greater. The fee shall be

separate from and in addition to a Construction Permit Fee. Payment of the inspection fee shall not relieve any person from compliance with all other provisions of this code or from any penalty prescribed by law. The inspection fee shall be assessed regardless whether or not a construction permit is then or subsequently issued.

EXCEPTION: When approved in writing by the fire code official, work may commence prior to obtaining a construction permit.

112.8 Related Fees. The payment of the fee for construction, uses, processes, or operations authorized by an operational permit or construction permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or required by Section 112.

112.9 Fee Refunds. The fire code official is authorized to establish a fee refund policy.”

(n) Subsection 202, "General Definitions," is amended to read as follows:

“REGISTERED DESIGN PROFESSIONAL. An individual licensed by or registered with the State of Colorado to practice architecture or engineering, and who demonstrates that he or she possesses the minimum required knowledge and skill to perform design, analysis, and verification in accordance with the provisions of this code and applicable professional standards in the area of practice or discipline involved.”

(o) Subsection 903.2.7 is amended by the addition to read as follows:

“EXCEPTIONS:

(1) Buildings that fall within the scope of the International Residential Code for One- and Two-Family Dwellings and that do not contain a Group R-4 Occupancy.

(2) An automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be provided throughout all Group R-2 occupancies that meet the federal Fair Housing Act definition of senior housing or housing for older persons.”

(p) Subsection 905.2 is amended with the addition of the following:

“Fire hose is not required for any class of standpipe system. Standpipe hose outlets shall be 2.5-inch outlets with 2.5-inch to 1.5-inch reducing caps.”

(q) Subsection 907.20 is hereby amended by changing Chapter “7” to Chapter “10”.

(r) Subsection 907.20.2 is hereby amended to read as follows:

“Testing shall be performed in accordance with the schedules in Chapter 10 of NFPA 72 or more frequently where required by the fire code official.”

(s) Subsection 912.1 is hereby amended by the addition of the following:

“Where fire department connections are required, the number of 2.5-inch inlets provided shall not be less than one for each 250 gallons per minute of system demand or major fraction thereof, to a maximum of six 2.5-inch inlets. Each 2.5-inch inlet shall be equipped with a clapper valve to allow each hose to be connected and charged before the addition of more hoses.”

(t) The second paragraph of subsection 3204.3.1.1 is amended to read as follows:

“Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the City of Northglenn, except when approved by the fire code official.”

(u) Subsection 3301.1.3 Fireworks is hereby amended by deleting Exception Number 4.

(v) Subsection 3404.2.9.5.1 is hereby amended to read as follows:

“Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the City of Northglenn.

EXCEPTIONS:

(1) When approved by the fire code official. Notwithstanding other provisions of this chapter for above-ground tanks, Sections 3404.2.9.5.1.1 and 3404.2.9.5.1.2 shall not apply to Class I and II liquids unless the storage of such liquids is approved by the fire code official.

(2) Protected above-ground tanks in accordance with Section 3404.2.9.6. For such tanks provided with intrinsic secondary containment, the distances in Table 2.3.2.1.1(b) of NFPA 30 shall apply and be reduced by one-half, but not to less than 5 feet (1524 mm).”

(w) Subsection 3406.2.4.4 is hereby amended to read as follows:

“3406.2.4.4. Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the City of Northglenn.

EXCEPTION: When approved by the fire code official.”

(x) Subsection 3804.2 is hereby amended to read as follows:

“3804.2 Maximum capacity within established limits. Within the City of Northglenn, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallon (7570L).”

(y) Chapter 45 Referenced Standards. The NFPA standards are retained except as modified as follows:

NFPA

Standard Reference Number:

Change to:

11-98	11-02
13-99	13-02
13D-99	13D-02
13R-99	13R-02
15-96	15-01
17-98	17-02
17A-98	17A-02
24-95	24-02
25-98	25-02
40-97	40-01
52-98	52-02
57-99	57-02
61-99	61-02
69-97	69-02
72-99	72-02
99-99	99-02
110-99	110-02
407-96	407-01
430-95	430-00
490-98	490-02
498-96	498-01
505-99	505-02
655-93	655-01
664-98	664-02
1122-97	1122-02
1125-99	1125-01
1127-98	1127-02

Section 10-5-6. Violations—Penalty.

(a) It shall be unlawful for any person to violate any of the provisions of the International Fire 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 Fire Code, 2003 Edition, as adopted, shall upon conviction, be punishable as provided in Section 1-1-10(a)(2) of this Code.

Section 10-5-7. 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 10-5-8. 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 10-5-9. 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 10-5-10. 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:

City Attorney

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO.

SPONSOR: COUNCILMEMBER

TITLE: A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 3 TO CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2004 NATIONAL ELECTRICAL CODE WITH AMENDMENTS

PURPOSE: IN 2004, PURSUANT TO ORDINANCE NO. 1376, SERIES OF 2004, THE CITY COUNCIL OF NORTHGLENN ADOPTED THE 2002 NATIONAL ELECTRICAL CODE, WHICH WAS CODIFIED AT ARTICLE 3, CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE. THE NATIONAL ELECTRICAL CODE IS UPDATED EVERY THREE YEARS. THE MOST CURRENT EDITION IS THE 2005 EDITION, AND ADOPTING THIS VERSION WILL ALLOW THE CITY TO STAY UP TO DATE. MOREOVER, C.R.S. §12-23-104 REQUIRES THAT ANY ALTERATIONS MADE TO THE MOST RECENT NATIONAL ELECTRICAL CODE ADOPTED BY THE STATE ELECTRICAL BOARD NEED TO GO THROUGH A FORMAL APPROVAL PROCESS OF THE STATE ELECTRICAL BOARD BEFORE THEY CAN BE ENFORCED. ADOPTING THE 2005 NATIONAL ELECTRICAL CODE, WHICH IS THE MOST RECENT VERSION ADOPTED BY THE STATE ELECTRICAL BOARD, WILL ALLOW THE CITY TO ENFORCE THE ELECTRICAL CODE STANDARDS.

ADDITIONAL EXPLANATORY REMARKS:

SPONSORED BY

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2006

Series of 2006

A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 3 TO CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2004 NATIONAL ELECTRICAL CODE WITH AMENDMENTS

WHEREAS, in 2004, pursuant to Ordinance No. 1376, Series of 2004, the City Council of Northglenn adopted the 2002 National Electrical Code, which was codified at Article 3, Chapter 10 of the Northglenn Municipal Code;

WHEREAS, the City Council therefore desires to repeal its adoption of the 2002 National Electrical Code, and adopt the 2005 National Electrical Code, sponsored by the National Fire Protection Association, Quincy, Massachusetts, as adopted by the State of Colorado, 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. Article 3 of Chapter 10 of the Northglenn Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

Section 10-3-1. Title. This ordinance shall be known and cited as the National Electrical Code.

Section 10-3-2. Adoption of the 2005 National Electrical Code. The 2005 National Electrical Code, sponsored by the National Fire Protection Association, Quincy, Massachusetts, as adopted by the State of Colorado, 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.

Section 10-3-3. Copies on File. At least one certified copy of the 2005 National Electric Code, as adopted by the State of Colorado, is on file in the office of the City Clerk and may be inspected during regular business hours.

Section 10-3-4. 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 10-3-5. Fee schedule. The fee for each permit required under the National Electric Code shall be as set forth below:

Electrical Permit Fees.

Residential: This includes single family, multi-family, and condominiums, and extensive remodeling and additions. Fees are based on enclosed living area, and are as follows:

Not more than 1,000 sq.ft.	\$50.00
Over 1,000 sq.ft. and not more than 1,500 sq.ft.	\$55.00
Over 1,500 sq.ft. and not more than 2,000 sq.ft.	\$75.00
For each additional 100 sq. ft. or fraction thereof	\$ 4.00

All other fees shall be computed on the dollar value of the electrical installation as determined by the Building Official, including fixtures and installation costs thereof, and such fees shall be as follows:

Valuation of Work:

Not more than \$300	\$45.00
More than \$300 but not more than \$2,000	\$55.00
More than \$2,000 but not more than \$50,000	\$20.00 per each \$1,000 valuation or fraction thereof of total valuation
More than \$50,000 but not more than \$500,000	\$1,000 for the first \$50,000 plus \$19 per each \$1,000 valuation or fraction thereof of total valuation
More than \$500,000	\$9,550 for the first \$500,000 plus \$18 per \$1,000 valuation or fraction thereof of total valuation

Section 10-3-6. Application. The provisions of this article and the provisions of the National Electrical Code adopted by reference shall apply to every 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 10-3-7. Violations -- Penalty. It shall be unlawful for any person to violate any of the provisions of the National Electrical Code, as adopted, or the provisions of this ordinance.

Any violation of the provisions of this ordinance and any violation of any of the provisions of the National Electrical Code, as adopted, shall, upon conviction, be punishable as provided in Section 1-1-10(a)(2) of this Code.

Section 10-3-8. 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 10-3-9. 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 10-3-10. 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 10-3-11. 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:

City Attorney

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO.

SPONSOR: COUNCILMEMBER

TITLE: 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, 2003 EDITION

PURPOSE: IN 2003, THE CITY ADOPTED THE 2003 INTERNATIONAL BUILDING CODE (THE "IBC"). IN THE TIME PERIOD FOLLOWING THE ADOPTION OF THE 2003 IBC, A FEW AMENDMENTS ARE DESIRABLE TO BRING THE IBC UP TO DATE.

ADDITIONAL EXPLANATORY REMARKS:

IN ORDER TO KEEP THE AMENDMENTS EASY TO FOLLOW, IT IS RECOMMENDED THAT THE ORIGINAL ORDINANCE ADOPTING THE IBC (ORDINANCE NUMBER 1357, SERIES 2003) BE REPEALED AND THAT THIS NEW ORDINANCE BE ADOPTED IN ITS ENTIRETY.

SPONSORED BY

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2006

Series of 2006

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, 2003 EDITION

WHEREAS, by Ordinance Number 1357, Series 2003, the City adopted the 2003 International Building Code with amendments;

WHEREAS, the City Council desires to make further amendments to certain sections of the 2003 International Building Code to bring it more up to date, and therefore the City Council shall repeal and reenact the 2003 International Building Code with such new 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 Ordinance.

Section 10-2-2. Adoption of the International Building Code. The International Building Code, 2003 Edition, of the International Code Council, Inc., 4051 W. Flossmoor Rd., Country Club Hills, IL 60478, 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, 2003 Edition, as adopted, is on file in the office of the City Clerk and may be inspected during regular business hours. In addition, copies may be available for sale and distribution to the public at a price not to exceed the actual cost thereof to the City.

Section 10-2-4. Purpose. The purpose of this Chapter 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, 2003

Edition.

(a) Section 101.4.1 is hereby amended by changing the "ICC Electrical Code" to the National Electrical Code".

(b) 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.

(c) Section 108.4 is amended as follows:

Section 108.4 Double Fee. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees specified in Table 1-A 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 in the execution of the work, nor from any other penalties prescribed herein.

(d) Section 108.6 is amended in its entirety to read as follows:

Section 108.6 Refunds

Section 108.6.1. A written request for a refund of the permit fee or plan review fee must be submitted to the Building Official within 180 days of the date the fee was paid.

Section 108.6.2. 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 108.6.3. If the foregoing provisions have been met, the Building Official may refund permit fees or plan review fees based upon the following criteria:

Section 108.6.3 (a). If either or both fees were paid or collected in error, the applicable fees paid will be refunded.

Section 108.6.3 (b). If the project for which a permit fee has been paid is not to be 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% processing and file preparation charge, will be refunded.

Section 108.6.3 (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 plan review fees will be authorized.

Section 108.6.3 (d). If permit fees are paid and any construction has been commenced, no refund will be authorized.

(e) Section 112 is hereby amended in its entirety to read as follows:

Section 112 Board of Adjustment.

Section 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. The Board of Adjustment shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business.

Section 112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.

Section 112.3 Qualifications. The Board of Adjustment shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

(f) Table 1-A- Building Permit Fees

TABLE 1-A- BUILDING PERMIT FEES

(Fee Schedule is taken from the 1997 UBC)

TOTAL VALUATION		FEES
\$1.00 to \$500.00		\$23.50
\$501.00	to	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof.
\$2,000.00		
\$2,001.00	to	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1000.00 or fraction thereof.
\$25,000.00		
\$25,001.00	to	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof.
\$50,000.00		
\$50,001.00	to	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof.
\$100,000.00		
\$100,001.00	to	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof.
\$500,000.00		
\$500,001.00	to	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof.
\$1,000,000.00		

(b) Any violation of the provisions of this ordinance and any violation of any of the provisions of the International Building Code, 2003 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 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 10-2-12. 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:

City Attorney

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO.

SPONSOR: COUNCILMEMBER

TITLE: 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 RESIDENTIAL CODE, 2003 EDITION

PURPOSE: IN 2003, THE CITY ADOPTED THE 2003 INTERNATIONAL RESIDENTIAL CODE (THE "IRC"). IN THE TIME PERIOD FOLLOWING THE ADOPTION OF THE 2003 IBC, A FEW AMENDMENTS ARE DESIRABLE TO BRING THE IRC UP TO DATE.

ADDITIONAL EXPLANATORY REMARKS:

IN ORDER TO KEEP THE AMENDMENTS EASY TO FOLLOW, IT IS RECOMMENDED THAT THE ORIGINAL ORDINANCE ADOPTING THE IRC (ORDINANCE NUMBER 1362, SERIES 2003) BE REPEALED AND THAT THIS NEW ORDINANCE BE ADOPTED IN ITS ENTIRETY.

SPONSORED BY

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2006

_____ Series of 2006

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 RESIDENTIAL CODE, 2003 EDITION

WHEREAS, by Ordinance Number 1362, Series 2003, the City adopted the 2003 International Residential Code with amendments;

WHEREAS, the City Council desires to make further amendments to certain sections of the 2003 International Residential Code to bring it more up to date, and therefore the City Council shall repeal and reenact the 2003 International Residential Code with such new 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 10-8-1. Title. This ordinance shall be known and cited as the International Residential Code.

Section 10-8-2. Adoption of the International Residential Code. The International Residential Code, 2003 Edition, of the International Code Council, 4051 W. Flossmoor Rd., Country Club Hills, IL 60478, is adopted by reference as a primary code and amended as described below.

Section 10-8-3. Copies on File. At least one certified copy of the International Residential Code, 2003 Edition, as adopted, is on file in the office of the City Clerk and may be inspected during regular business hours. In addition, copies may be available for sale and distribution to the public at a price not to exceed the actual cost thereof to the City.

Section 10-8-4. Purpose. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating the design, construction and use of all 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 within the City of Northglenn.

Section 10-8-5. Amendments to the International Residential Code, 2003

Edition.

(a) Section R105.2 Work Exempt from Permit:

(1) Delete Section R105.2, Buildings, exception 1 in its entirety.

(2) Delete Section R105.2, Buildings, exception 2 in its entirety.

(b) Section R108.2 Schedule of Permit Fees:

Add "Reference Permit Fees in Table 1-A" of the International Building Code.

(c) Section R108.5 Refunds is amended as follows:

Section R108.5.1. A written request for a refund of the permit fee or plan review fee must be submitted to the Building Official within 180 days of the date the fee was paid.

Section R108.5.2. 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 R108.5.3. If the foregoing provisions have been met, the Building Official may refund permit fees or plan review fees based upon the following criteria:

Section R108.5.3 (a). If either or both fees were paid or collected in error, the applicable fees paid will be refunded.

Section R108.5.3 (b). If the project for which a permit fee has been paid is not to be 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% processing and file preparation charge, will be refunded.

Section R108.5.3 (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 plan review fees will be authorized.

Section R108.5.3 (d). If permit fees are paid and any construction has been commenced, no refund will be authorized.

(d) Section R112 is hereby amended in its entirety to read as follows:

Section R112 Board Of Adustment.

Section R112.1 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. The Board of Adjustment shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business.

Section R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.

R112.2.1 Determination of substantial improvement in areas prone to flooding. When the Building Official provides a finding required in Section R105.3.1.1, the Board of Adjustment shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the building official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:

- 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or

- 2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or

- 2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

R112.2.2 Criteria for issuance of a variance for areas prone to flooding. A variance shall only be issued upon:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site

render the elevation standards in Section R323 inappropriate.

2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

Section R112.3 Qualifications. The Board of Adjustment shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

R112.4 Administration. The Building Official shall take immediate action in accordance with the decision of the Board.

Section 10-8-6. International Residential Code Appendices. The following chapters of the Appendices are herein adopted in their entirety:

- (a) Appendix F - Radon Control Methods
- (b) Appendix G - Swimming Pools, Spas and Hot Tubs
- (c) Appendix H - Patio Covers
- (c) Appendix K - Sound Transmission

Section 10-8-7. Application. The provisions of this article and the provisions of the International Residential Code and Appendices adopted by reference shall apply to every 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, 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 Residential Code, 2003 Edition, as adopted, shall, upon conviction be punishable as provided in Section 1-1-10(a)(2) of this 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 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 10-8-12. 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:

City Attorney