

Councilman Kennedy

Councilman Sweeney

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS REPEALING IN THEIR ENTIRETY ARTICLES I, V, VI, VII, VIII, X AND XI OF CHAPTER VIII OF THE FEDERAL HEIGHTS MUNICIPAL CODE AND ENACTING A NEW ARTICLE I OF CHAPTER VIII OF THE FEDERAL HEIGHTS MUNICIPAL CODE PERTAINING TO THE ADOPTION OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, NATIONAL ELECTRIC CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE AND INTERNATIONAL FIRE CODE.

Section 1. Article VIII of Chapter VIII of the Federal Heights Municipal Code is repealed in its entirety effective April 1, 2005.

Section 2. Articles I, V, VI, VII, X, AND XI of Chapter VIII of the Federal Heights Municipal Code are repealed in their entirety, effective January 18, 2005, and Article I of Chapter VIII of the Federal Heights Municipal Code is reenacted to provide:

8-1-1 Adoption of Federal Heights Building Code

A. The following codes are hereby adopted by reference to serve collectively as the Federal Heights Building Code as if fully set out in this codification, with however, the amendments indicated in the following sections of this Article:

7. 1. **International Building Code.** The "International Building Code, 2003 Edition," referenced in this Article as "IBC," published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, including Appendix Chapters H, I, and J is hereby adopted as the Building Code of and for the City of Federal Heights.

2. **International Residential Code.** The "International Residential Code, 2003 Edition," referenced in this Article as "IRC," published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, including Appendix Chapters A, B, C, G, H, J, and K, is hereby adopted as the Residential Building Code of and for the City of Federal Heights.

3. **International Plumbing Code.** The "International Plumbing Code, 2003 Edition," referenced in this Article as "IPC," published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401,

including Appendix Chapters B, D, E, F, and G, is hereby adopted as the Plumbing Code of and for the City of Federal Heights.

4. **International Mechanical Code.** The "International Mechanical Code, 2003 Edition," referenced in this Article as "IMC," published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, including Appendix Chapter A, is hereby adopted as the Mechanical Code of and for the City of Federal Heights.

5. **International Fuel Gas Code.** The "International Fuel Gas Code, 2003 Edition," referenced in this Article as "IFGC," published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, including Appendix Chapters A, B, and C, is hereby adopted as the Fuel Gas Code of and for the City of Federal Heights.

6. **National Electric Code.** The "National Electric Code, 2002 Edition," referenced in this Article as "NEC," published by the National Fire Protection Association Inc., One Batterymarch Park, Quincy, Massachusetts 02269; and the International Code Council Electrical Code, referenced in this Article as "ICCEC," published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, are hereby adopted as the Electrical Code of and for the City of Federal Heights.

7. **International Energy Conservation Code.** The "International Energy Conservation Code, 2003 Edition," referenced in this Article as "IECC," published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, is adopted, effective April 1, 2005, as the Energy Conservation Code of and for the City of Federal Heights.

8. **International Property Maintenance Code.** The "International Property Maintenance Code, 2003 Edition," referenced in this Article as "IPMC," published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, is hereby adopted as the Property Maintenance Code of and for the City of Federal Heights.

9. **International Fire Code.** The "International Fire Code, 2003 Edition," referenced in this Article as "IFC," published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, including Appendix Chapters B, C, D, E, F, and G; and Chapter Five of "NFPA 101, Life Safety Code, 2003 Edition," published by the National Fire Protection Association Inc., One Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted as the Fire Code of and for the City of Federal Heights.

8-1-2 General Administrative Provisions

A. **Board of Appeals.** IBC Section 112, IRC Section 112, IPC Section 109, IMC Section 109, IFGC Section 109, ICCEC Chapter 11, IPMC Section 111, and IFC Section 108 are repealed in their entirety and reenacted to provide:

Board of Appeals. The Board of Adjustment of the City of Federal Heights as set forth in Chapter X, Article XXII of the Federal Heights Municipal Code, shall hear and decide appeals of any order, requirement, decision, or determination made by the Building Official or the Fire Chief in the enforcement of the Federal Heights Building Code.

B. **Permits.** IBC Section 105.1.3, IRC Section 105.1.1, IPC Section 106.1.1, IMC Section 106.1.1, IFGG Section 106.1.1, ICCEC Section 401.1.1, and IFC Section 105.1.1.1 are enacted to provide as follows:

Permits Required. This Code, including all fees imposed herein, shall apply to every governmental subdivision or agency, except as provided in Section 22-32-124 (2)(a), C.R.S., as amended, relating to school districts and Section 23-71-122 (1)(v), C.R.S., as amended, relating to junior colleges. The City shall not be subject to the payment of any fees imposed by this Code.

Only persons, duly registered in accordance with Chapter XII, Article III (Contractor's Registration) of the Federal Heights Municipal Code may apply for a permit and such persons shall only be issued permits to perform work as authorized by their respective registration. Any application filed with fraudulent intent or any permit issued on the basis of such fraudulent application shall be null and void.

Exceptions. Any contrary provision notwithstanding, nothing in this article is intended to nor shall it be construed as a waiver of the requirements pertaining to licensed electricians contained in C.R.S. Sections 12-23-101, *et seq.*, as amended. Otherwise:

(a) The owner of a single family dwelling or mobile home, provided the owner is also the occupant of said single family dwelling or mobile home, may, without registering as a contractor, engage in construction, repair or alteration of said mobile home, or said dwelling, and accessory buildings and improvement; provided, however, such owner shall acquire all necessary permits to perform such construction, repair or alteration in conformance with all applicable laws, rules and regulations of the City.

(b) Owners and tenants of commercial facilities, provided that such persons are not engaged in the business of construction, repair or alteration of buildings or structures may, without registering as a contractor, engage in construction, repair or alteration of such facility and its accessory buildings and improvements; provided, however, such person shall acquire all necessary permits and perform such construction, repair or alteration in conformance with all applicable laws, rules and regulations of the City. Applications under this exception shall be processed as are all other applications, and permits shall be issued only in accordance with those portions of this Code which relate to structures and technical building requirements.

(c) A contractor's registration shall not be required of a duly franchised public utility for the maintenance and repair of its equipment and facilities required in the production, distribution and maintenance and repair of customer facilities utilizing such product or service when necessary for sustaining such service or protecting life or property. Where emergency maintenance and repair of customer facilities is authorized, permits shall still be required as set forth herein.

C. **Expiration.** IBC Section 105.5, IRC Section 105.5, IPC Section 106.5.3 and 106.5.4, IMC Section 106.4.3 and 106.4.4, IFGC Sections 106.4.3 and 106.4.4, and ICCEC Sections 403.2 and 403.3 are repealed in their entirety and reenacted to provide:

Every permit issued by the Building Official under the provisions of this Code shall expire and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of ninety (90) days, or if the building or work authorized by such permit is not completed within the following time limits:

New Construction - One (1) year after the permit is issued;

Alterations, additions, accessory structures - Residential: Six (6) months after the permit is issued;

Alterations, additions, accessory structures - All Other: One (1) year after the permit is issued.

Before recommencing work authorized by a permit which has expired, a new permit shall be first obtained and the fee therefor shall be one-half the amount otherwise required for a new permit for such work, provided no changes have been made or will be made in the work's original plans and specifications, and provided that such suspension or abandonment has not exceeded six (6) months.

Any permittee holding an unexpired permit may apply for an extension of time to commence or complete work under the permit when such permittee is unable to commence or complete the work within the time required by this section for good and satisfactory reasons as determined by the Building Official. The Building Official may extend the time for action by the permittee for a period not exceeding ninety (90) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

D. **Schedule of Permit Fees.** IBC Section 108.2, IRC Section R108.2, IPC Section 106.6.2, IMC Section 106.5.2, IFGC Section 106.5.2, and ICCEC Section 404.2 are repealed in their entirety and reenacted to provide; and IFC 105.1.1.1.1 is enacted to provide:

Permit fees shall be as prescribed by resolution in accordance with Section 1-1-10 of the Federal Heights Municipal Code.

E. **Valuations.** IBC Section 108.2, IRC Section R108.2, IPC Section 106.6.2, IMC Section 106.5.2, IFGC Section 106.5.2, ICCEC Section 404.2, and IFC Section 105.1.1.1 are amended by addition of the following:

In order to establish a fair, consistent, and equitable method to assess permit fees, the following procedure shall be followed:

Valuations for building permits shall be based on the greater of the amount noted on the permit application, or the most recent Building Valuation Data table as published by the ICC in the Building Safety Journal.

Valuations for permits other than building permits subject to the Building Valuation Data table shall be the greater of the valuation noted on the permit application or two times the current market value of the material.

F. **Work Commencing Before Permit Issuance.** IBC Section 108.4, IRC Section 114, IPC Section 106.6.1, IMC Section 106.5.1, IFGC Section 106.5.1, and ICCEC Section 404.3 are repealed in their entirety and reenacted to provide:

Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to an investigation fee equal to 100 percent of the usual permit fee in addition to the required permit fees.

G. **Refunds.** IBC Section 108.6, IRC Section R108.5, IPC Section 106.6.3, IMC Section 106.5.3, IFGC Section 106.5.3, and ICCEC Section 404.5 are repealed in their entirety and reenacted to provide; and IPMC Section 103.6 and IFC Section 105.2.5 are enacted to provide:

Fee Refunds. The Code Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plans are reviewed.

4. The Code Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after payment of such fee.

H. **Violations.** IPC Section 108.4, IMC Section 108.4, IFGC Section 108.4, and IFC Section 109.3 are repealed in their entirety.

I. **Issuance of Stop Work Orders.** IBC Section 114.1, and 114.2, IRC Section R114.1, IPC Section 108.5, IMC Section 108.5, IFGC Section 108.5, ICCEC Section 1004.1, and IFC Sections 111.1 and 111.2 are repealed in their entirety and reenacted to provide:

Notice and Issuance. Whenever work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, as determined by the Code Official, a stop work order may be issued by the Code Official. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted in a conspicuous location on the property involved. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

J. **Appointment.** IPC Section 103.2, IMC Section 103.2, IFGC Section 103.2, IPMC Section 103.2, and IFC Section 103.2 are repealed in their entirety and reenacted to provide:

The Code Official shall be appointed by the chief appointing authority of the jurisdiction.

K. **Liability.** IBC Section 104.8, IRC Section R104.8, IPC Section 103.4, IMC Section 103.4, IFGC Section 103.4, ICCEC 302.9, IPMC Section 103.4, and IFC Sections 103.4 and 103.4.1 are repealed in their entirety.

8-1-3 Amendments to the IBC

A. **IBC Section 101.2, Exception 2** is deleted in its entirety.

B. **IBC Section 105.2 Work Exempt From Permit**, subsections 1, 2, and 6 are amended as follows:

Building:

1. Delete in its entirety (One story detached structures).
2. Delete in its entirety (Fences less than 6').

6. Deleted and reenacted to provide: Private sidewalks not more than 30 inches above adjacent grade and not over any basement or story below and which are not part of an accessible route.

C. **IBC Section 110.1 Use and Occupancy** is repealed and reenacted to provide:

110.1 Use and Occupancy. No building or structure, or portion thereof, shall be used or occupied and no changes in existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided herein.

The Building Official shall not issue a Certificate of Occupancy for a building which consists of original improvements on any property within the City unless the applicant for such Certificate of Occupancy shall first make provisions for the installation of sidewalk, curbs and gutters, storm drains and detention areas and street paving in accordance with the City's specifications. Curbs, gutters, sidewalks, storm drains and detention areas must be installed with the original construction.

Exception: The City Manager or his or her designee may waive such requirements if the street grade or the location for curbs, gutters and sidewalks for the said location have not been established. If the requirement for the installation of curbs, gutters and sidewalks, or street paving is waived, the applicant for said Certificate of Occupancy and the owner of the building site shall execute an unconditional commitment to the City to pay the entire costs of the installation of said improvements whether as a part of an improvement district or otherwise, and provide such other assurances or commitments as required by the City.

Developers shall submit to the City reproducible copies of the "As-Built" drawings of all public improvements. The developer's engineer must certify that such drawings are representative of those actually existing on site. Sanitary and storm sewer "As-Built" shall include bearings and/or angles on the plan view, and adequate ties to all property lines. Certification of the "As-Built" drawings is required as follows:

1. **Registered Land Surveyor:** A land surveyor registered in the State of Colorado shall certify "As-Built" detention pond volumes and surface areas and the design depths, outlet structures sizes and elevations, storm sewer sizes and invert elevations at inlets, manholes, and discharge locations, and representative open channel cross-sections, and dimensions of all drainage structures.

2. **Registered Professional Engineer:** The responsible design engineer shall certify that all drainage facilities are constructed in accordance with the design intent of the approved final drainage report and construction drawings.

D. **IBC Section 1608.2 Ground Snow Loads** is repealed and reenacted to provide:

1608.2 Ground Snow Loads. The ground snow load to be used for determining roof loads shall be 30 pounds per square foot.

E. **IBC Section 1609.3 Basic Wind Speed** is repealed and reenacted to provide:

1609.3 Basic Wind Speed. The basic wind speed shall be 90 miles per hour, Exposure B.

F. **IBC Section 1612.3 Establishment of Flood Hazard Areas** is repealed and reenacted to provide:

1612.3 Establishment of Flood Hazard Areas. Flood hazard areas shall have the meaning ascribed to that term in Chapter VIII, Article XII, of the Federal Heights Municipal Code.

G. **IBC Section 1612.4 Design and Construction** is repealed and reenacted to provide:

1612.4 Design and Construction. Buildings and structures located in flood hazard areas shall conform to the requirements of Chapter VIII, Article XII of the Federal Heights Municipal Code.

H. **IBC Section 1805.2.1 Frost Protection** is amended by addition of the following:

The frost depth within the City shall be established at thirty-six inches (36").

I. **IBC 1911.1.1 Carport Floors, Patio Slabs and Driveways** is enacted to provide as follows:

1911.1.1 Carport Floors, Patio Slabs and Driveways. Carport floors, patios, driveways and other concrete installed on the ground (except walks) shall not be less than four inches (4" thick), reinforced with not less than 120 gauge steel wire in 6 degree squared (6/6 x 10/10), or reinforced with fiber mesh. Any fill areas shall be compacted to adjust density or filled with gravel.

J. **IBC Section 2111.1.1 Masonry and Factory-built Fireplaces** is enacted to provide as follows:

2111.1.1 Masonry Fireplaces and Factory-built Fireplaces. Masonry fireplaces and Factory-built fireplaces shall conform to the requirements of Chapter VIII, Article XVI, of the Federal Heights Municipal Code.

K. **IBC Appendix Section H101.2 Signs Exempt From Permit** is deleted in its entirety.

L. **IBC Appendix Section H110 Roof Signs** is deleted in its entirety.

M. **IBC Appendix Section J101.3 Soil Sediment and Erosion Control** is enacted to provide as follows:

J101.3 Soil Sediment and Erosion Control shall conform to this Chapter and to the requirements of Chapter IX, Article VIII of the Federal Heights Municipal Code.

8-1-4 Amendments to the IRC

A. **R105.2 Work Exempt From Permit** subsections 1, 2, and 5 are amended as follows:

Building:

1. Delete in its entirety (Detached accessory Structures).
2. Delete in its entirety (Fences).
5. Repealed and reenacted to provide: Private sidewalks and wood decks not more than 30 inches above adjacent grade and not over any basement or story below.

B. **Table R301.2(1)** is amended to provide:

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			
			Weathering	Frost line depth	Termite	Decay
30	90 MPH Exposure B	B	Severe	36"	Slight to Moderate	None to Slight

WINTER DESIGN TEMP	ICE SHIELD UNDER-LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
1°	NO	April 12, 1986	712	50.3

C. **IRC Section R301.2.4 Floodplain Construction** is repealed and reenacted to provide:

R302.2.4 Floodplain Construction. Buildings and structures located in flood hazard areas shall conform to the requirements of Chapter VIII, Article XII, of the Federal Heights Municipal Code.

D. The first sentence of **IRC Section R310.1 Emergency Escape and Rescue Required** is repealed and reenacted to provide:

R310.1 Emergency Escape and Rescue Required. Basements and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue.

E. **IRC Section R1003.1 General and IRC Section R1004.1 General** are amended by addition of the following:

Masonry fireplaces and Factory-built fireplaces shall conform to the requirements of Chapter VIII, Article XVI, of the Federal Heights Municipal Code.

F. **IRC Section R506.1.1. Carport Floors, Patio Slabs and Driveways** shall be enacted to provide:

R506.1.1 Carport Floors, Patio Slabs and Driveways. Carport floors, patios, driveways and other concrete installed on the ground (except walks) shall not be less than four inches (4" thick), reinforced with not less than 120 gauge steel wire in 6 degree squared (6/6 x 10/10), or reinforced with fiber mesh. Any fill areas shall be compacted to adjust density or filled with gravel.

8-1-5 Amendments to the IPC

A. **IPC Section 608.16.10 Swimming Pool Water Supply Inlets** is enacted to provide:

608.16.10 Water Supply Inlets to Pools shall be protected by either an air gap at least two pipe diameters but not less than one (1) inch above the overflow rim or a backflow prevention device that is approved for "high hazard" as noted in Table 608.1.

B. **IPC Section 904.1 Roof Extension** is amended to provide:

904.1 Roof Extension. All open pipes that extend through a roof shall be terminated at least six inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet above the roof.

C. **IPC Section 614 Car Wash Water Recycling** is enacted to provide:

614 Full water recycling systems shall be mandatory for commercial car wash facilities.

8-1-6 Amendments to the IMC

A. **IMC Section 903.1 Factory-built Fireplaces** is amended by addition of the following:

Factory-built fireplaces shall conform to the requirements of Chapter VIII, Article XVI, of the Federal Heights Municipal Code.

8-1-7 Amendments to the NEC

A. **NEC Article 310-2(B) Conductor Material** is repealed and reenacted to provide:

310-2(B) Conductor Material. All conductors, No. 10 AWG and smaller shall be of copper. Conductors in this article larger than No. 10 AWG shall be of aluminum, copper-clad aluminum, or copper, unless otherwise specified.

8-1-8 Amendments to the IECC

A. Table 302.1 is amended as follows:

TABLE 302.1	
EXTERIOR DESIGN CONDITIONS	
CONDITION	VALUE
Winter, Design Dry-bulb (F°)	3°
Summer, Design Dry-bulb (F°)	90°
Summer, Design Wet-bulb (F°)	64°
Degree days heating	6074
Degree days cooling	590
Climate zone	13B

8-1-9 Amendments to the IPMC

A. All references to the International Existing Building Code shall be deleted.

B. Section 105.3 Fees, is repealed in its entirety.

C. Section 106 and Section 107 are repealed and a new Section 106 is reenacted to provide:

106 Violations. Violations of IPMC shall be treated as nuisances in accordance with Chapter VI, Article XIII, of the Federal Heights Municipal Code.

D. Section 302.4 Weeds, is repealed in its entirety.

E. Section 302.8 Motor Vehicles, is repealed in its entirety.

F. Section 302.9 Defacement of Property, is repealed in its entirety.

G. Section 304.14 Insect Screens is repealed in its entirety.

Section 3. 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 hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Municipal Code of the City of Federal Heights by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 6. Any person convicted of violating any of the provisions of this Article shall, for each offense, except as otherwise specified, be punished by a fine not exceeding Nine Hundred Ninety-Nine Dollars (\$999) or imprisoned for a period of not more than one year or by both such fine and imprisonment. Each 24-hour period of time that a violation continues shall be deemed a separate offense.

Any child (any person under the age of eighteen) convicted of a violation of any of the provisions of this Article shall be, for each offense, fined in a sum not to exceed Nine Hundred Ninety-Nine Dollars (\$999).

Section 7. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO the 21st day of December, 2005.

READ, PASSED AND ADOPTED AS AN ORDINANCE ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, the 18th day of January, 2005.

Mayor:_____

ATTEST:

Phyllis Schott
City Clerk

APPROVED AS TO FORM:

Erin M. Smith
City Attorney

PUBLISHED:

Westminster Window

December 30, 2004
January 6, 2005
February 3, 2005