

**STATE OF COLORADO
CITY OF CENTRAL CITY
ORDINANCE NO. 10-08**

AN ORDINANCE REPEALING AND REENACTING ARTICLE I OF CHAPTER 18 OF THE CITY OF CENTRAL MUNICIPAL CODE TO ADOPT BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2009 EDITION; THE INTERNATIONAL FIRE CODE, 2009 EDITION; THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, 2009 EDITION; THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION; THE INTERNATIONAL PLUMBING CODE, 2009 EDITION; THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION; THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION; ICC/ANSI A117.1 2003 AMERICAN NATIONAL STANDARD – ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES, 2003 EDITION; THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION; AND THE AMERICAN NATIONAL STANDARDS SAFETY CODE FOR ELEVATORS AND ESCALATORS, ASME A17.1/CSA B44-2007, MAKING SPECIFIC AMENDMENTS TO THE ABOVE REFERENCED CODES, FURTHER REPEALING ARTICLES II, III, IV, V, IX, AND XI OF CHAPTER 18, AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE

WHEREAS, in furtherance of the public health, safety and welfare of the inhabitants of the City of Central (“City”), the City Council desires to update its ordinances to include the latest versions of the international building codes (“International Codes”); and

WHEREAS, Section 5.14 of the City’s Home Rule Charter permits the contemplated adoption by reference of such codes in accordance with the ordinance adoption procedures set forth in Section 5.10 of the Charter; and

WHEREAS, the City Council held a public hearing, with proper notice provided, to consider adoption of such International Codes as required by law; and

WHEREAS, copies of said International Codes are available in the Community Development Department at City Hall, 131 Nevada Street, City of Central, Colorado for review and inspection by the public; and

WHEREAS, a public hearing was conducted on the date, time and place noticed; and

WHEREAS, the City Council has determined, based on the evidence and testimony presented at the public hearing, that the International Codes, as amended herein, will further the health, safety and welfare of the inhabitants of the City.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL, COLORADO:

Section 1. Article I of Chapter 18 of the City of Central Municipal Code is hereby repealed and reenacted to read as follows:

ARTICLE I

International Building Code

Sec. 18-1. Title.

The provisions of the ordinance codified herein shall be known and cited collectively as the "City of Central Building Code" or "International Codes."

Sec. 18-2. Codes Adopted.

(a) The City adopts by reference the following codes:

(1) *International Building Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

(2) *International Fire Code*, 2009 Edition (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(3) *International Residential Code for One- and Two-Family Dwellings*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(4) *International Mechanical Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(5) *International Plumbing Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(6) *International Energy Conservation Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(7) *International Existing Building Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(8) *ICC/ANSI A117.1 2003 American National Standard – Accessible and Usable Buildings and Facilities*, 2003 Edition (published

by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041);

(9) *International Fuel Gas Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(10) *American National Standards, Safety Code for Elevators and Escalators, ANSE A17.1/CSA B44-2007* (published by the American Society of Mechanical Engineers, 3 Park Avenue, New York, NY 10016-5990).

(b) The subject matter of the aforementioned codes concern regulations to provide minimum standards to safeguard life or limb, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings, structures, plumbing systems and mechanical systems in the City. Unless otherwise noted, the adoption includes all supplements to the codes.

Sec. 18-3. Jurisdiction defined.

(a) Whenever the word *jurisdiction* is used in the *International Building Code*, it shall be held to mean that area included within the corporate limits of the City or any area hereafter annexed to the City.

(b) Unless otherwise established by resolution of the City Council, the Board of Appeals provided for in the *International Building Code* to hear appeals relating to the International Codes shall be the City Council.

Sec. 18-4. Penalty.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, demolish, equip, use, occupy or maintain any building or structure or cause to permit the same to be done in violation of any of the International Codes adopted in this Chapter. In addition to other sanctions set forth in the adopted International Codes, a person or entity who violates the provisions of any such International Code shall be subject to the penalties as set forth in Section 1-72 of this Code.

Sec. 18-5. Additions and modifications.

(1) Amendments to the International Building Code

(a) Section 101.1 of the *International Building Code* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Building Code of the City of Central*, hereinafter referred to as 'this code'.

NOTE: For the purposes of the City of Central Building Code, the administrative provisions of the *International Building Code*, *International Residential Code*, *International Mechanical Code*, *International Plumbing Code*, *International Fuel Gas Code*, *International Energy Conservation Code*, *International Existing Building Code*, *International Property Maintenance Code*, *International Fire Code* and *National Electrical Code* are combined under the amended administrative provisions of Chapter 1 of the *International Building Code*.

(b) Section 101.2.1 of the *International Building Code* is amended to add the following appendices:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The following appendices published by the International Code Council (ICC) are specifically adopted and made part of the *City of Central Building Code*:

1. Appendix Chapter I, Patio Covers
2. Appendix Chapter J, Grading

(c) A new Section 101.4.7 of the *International Building Code* is added to provide as follows:

101.4.7 Electrical. The provisions of the most current edition of the *National Electrical Code* enforced by the Colorado State Electrical Board shall apply to the installation of electrical systems, including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto.

NOTE: For clarification, when any of the International Codes that are adopted by the City refer to the ICC Electrical Code, the reference shall apply to the *National Electrical Code*."

(d) Section 103.2 of the *International Building Code* is amended to read as follows:

103.2 Appointment. The building official shall be appointed by the City Manager of the City of Central.

(e) Section 105.1.1 of the *International Building Code* regarding annual permits is deleted in its entirety.

(f) Section 105.1.2 of the *International Building Code* regarding annual permit records is deleted in its entirety.

(g) Section 109.2 of the *International Building Code* is amended to read as follows:

109.2 Schedule of permit fees. On buildings, structures, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A of this code.

Exception: Permits for new buildings, structures, gas, mechanical and plumbing systems shall be paid as part of the new construction general permit.

(h) Section 109.2 of the *International Building Code* is amended by the addition of the following Subsections to read as follows:

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee as shown in Table 1-A plus actual cost for code consultant.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in Table 1-A.

(i) Section 109.3 of the *International Building Code* is amended by the addition of Section 109.3.4 to read as follows:

109.3.2 Building Permit Valuations. The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. The building official shall set final building permit valuation.

(j) Section 109.5 of the *International Building Code* is amended by adding the following Subsections to read as follows:

109.5.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made by the City Manager, or his or her designee, into why a permit was not obtained before a permit may be issued for such work.

109.5.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1-A. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

(k) Section 109.6 of the *International Building Code* is amended to read as follows:

109.6 Fee Refunds. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the building official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

The building official may authorize refunding of 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.

The building official may authorize refunding of 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 plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(l) Chapter 1 of the *International Building Code* is amended to read as follows:

Building permit fees shall be as established by the City Council by resolution.

(m) Section 303.1 of the *International Building Code* is amended to read as follows:

303.1 A-2 Assembly uses intended for gaming, and/or food and/or drink consumption including, but not limited to:

Banquet halls
Casinos
Nightclubs

Restaurants
Taverns and Bars

(n) Section 903.2 of the *International Building Code* is amended to add a new subsection 903.2.1.2.1 to read as follows:

903.2.1.2.1 Group A-2 Casino. An automatic sprinkler system shall be provided throughout every building containing a Group A-2 Casino occupancy. Such sprinkler system shall be provided throughout the entire building including the casinos, offices, multi-purpose areas, storage areas, parking garages, hotel guest rooms and other spaces contiguous and accessory to the building.

(o) Section 905.3 of the *International Building Code* regarding Standpipe Systems is amended to read as follows:

[F]905.3 Required installations. Standpipe systems shall be installed where required by sections 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5 and 905.6, except where Class II Standpipe Systems or Class III Standpipe Systems are required, only Class I Standpipe Systems shall be installed. Such Class I Standpipes shall be provided with 1 ½" x 2 ½" national standard thread hose adaptors. Standpipe systems are permitted to be combined with automatic sprinkler systems. Standpipes shall penetrate through roof providing fire department access.

(p) Section 907.2.1 Fire Alarm and Detection Systems of the *International Building Code* is amended by the addition of Section 907.2.1.3, Group A-2 Casino, to read as follows:

907.2.1.3 Group A-2 Casino. An automatic and manual fire alarm system shall be installed in accordance with NFPA 72 and the provisions of this code throughout every building containing a casino. Such fire alarm system shall be provided throughout the casino and in offices, stages, and storage areas, parking garages, hotels and other accessory spaces contiguous and accessory to such casino.

(q) Section 1608.2 of the *International Building Code* is deleted in its entirety and replaced with the following:

1608.2 Ground Snow Loads. The design ground snow load the City of Central is 70 pounds per square foot.

(r) Section 1609.3 of the *International Building Code* is deleted in its entirety and replaced with the following:

1609.3 Basic Wind Speed. The minimum basic wind speed for any site within the limits of the City of Central shall be 120 miles per hour, 3-second gust wind speed.

(s) Section 1612.3 of the *International Building Code* is deleted in its entirety and replaced with the following:

1612.3 Establishment of Flood Hazard Areas. Section 1612.3 is amended to read as follows:

"Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled 'The Flood Insurance Study for the City of Central,' dated October 1991, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) Panel Number – 080077 0001 C dated February 16, 1994, and Flood Boundary and Floodway Map (FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this Section."

(t) Section 1809.5, Item 1 of the *International Building Code* is deleted in its entirety and replaced with the following:

1. **"Section 1805.2.1 Frost Protection.** Except where otherwise protected from frost, foundation footings, walls, piers and other permanent supports of buildings and structures larger than 400 sq. ft. in area shall extend to a depth of at least 36 inches, or bear upon solid bedrock."

(u) Section 3001.5 – Handrails, is deleted in its entirety and replaced with the following:

"A handrail shall be provided on one (1) wall of the car, preferably the rear. The rails shall be smooth and the inside surface at least at least 1½ inches (38 mm) clear of the walls at the nominal height of 32 inches (813 mm) from the floor. Nominal = +1 inch (25 mm)."

(v) Section 3401.3 is amended to read as follows:

"Compliance with other codes. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions of the existing adopted primary and secondary codes."

(w) Section 3410.2 is amended by the insertion of the phrase "Upon the effective date of the Ordinance adopting this Code" where a date is indicated.

(2) Amendments to the International Fire Code

(x) Section 101.1 of the *International Fire Code* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code of the City of Central*, hereinafter referred to as 'this code'.

(y) Section 101.2.1 of the *International Fire Code* is amended to read as follows:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The following appendices published by the International Code Council (ICC) are specifically adopted and made part of the *City of Central Fire Code*:

Appendix B - Fire Flow Requirements for Buildings
Appendix C - Fire Hydrant Locations and Distribution
Appendix J - Emergency Responder Radio Coverage.

(z) Section 103.2 Department of Fire Prevention, of the *International Fire Code* is amended to read as follows:

103.2 Appointment. The fire code official shall be appointed by the City of Central Fire Chief.

(aa) Section 202, "Occupancy Classification" definition, of the *International Fire Code* is amended to read as follows:

A-2 Assembly uses intended for food and/or drink consumption including, but not limited to:

Banquet halls
Casinos
Nightclubs
Restaurants
Taverns and Bars

(bb) Section 510.3 of the *International Fire Code* is amended to read as follows:

510.3 Emergency responder radio coverage in existing buildings. Existing buildings that do not have approved radio coverage for emergency responders within the building shall be permitted to be equipped with such coverage according to one of the following:

1. Appendix J – Emergency Radio Responder Coverage; or

2. IFC Section 510.2

(cc) Section 903.2 of the *International Fire Code* is amended to add a new subsection to read as follows:

903.2.1.2.1 Group A-2 Casino. An automatic sprinkler system shall be provided throughout every building containing a Group A-2 Casino occupancy. Such sprinkler system shall be provided throughout the entire building including the casinos, offices, multi-purpose areas, storage areas, parking garages, hotel guest rooms and other spaces contiguous and accessory to the building.

(dd) Section 905, Standpipe Systems, of the *International Fire Code* is amended to read as follows:

905.3 Required installations. Standpipe systems shall be installed where required by sections 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5 and 905.6, except where Class II Standpipe Systems or Class III Standpipe Systems are required, only Class I Standpipe Systems shall be installed. Such Class I Standpipes shall be provided with 1 ½" x 2 ½" national standard thread hose adaptors. Standpipe systems are permitted to be combined with automatic sprinkler systems. Standpipes shall penetrate through roof providing fire department access.

(ee) Section 907, Fire Alarm and Detection Systems, of the *International Fire Code* is amended by the addition of Section 907.2.1.2 to read as follows:

907.2.1.2 Group A-2 Casino. An automatic and manual fire alarm system shall be installed in accordance with NFPA 72 and the provisions of this code throughout every building containing a casino. Such fire alarm system shall be provided throughout the casino and in offices, stages, and storage areas, parking garages, hotels and other accessory spaces contiguous and accessory to such casino.

(3) Amendments to the International Residential Code

(ff) Section R202 Definitions, Townhouse, shall be amended as follows:

A single family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation **or from a 2-hour-fire-resistance –rated garage-ceiling assembly** to the roof with open space on at least two sides.

(gg) R302.2 Townhouses, of the *International Residential Code* is deleted and replaced as follows:

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exceptions:

1. A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

2. A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses provided with fire suppression sprinkler systems in accordance with Section P2904. Such common walls shall not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

3. A common 2-hour fire-resistance –rated horizontal assembly shall be permitted to separate a private garage or garages not owned or otherwise used by a dwelling unit or units located above. Such fire-resistance-rated assemblies shall be supported by walls or structure having a 2-hour fire-resistance-rating in accordance with ASTM E 119 or UL 263. Penetrations of mechanical equipment, ducts or vents shall be protected in accordance with Section 716.6 of the IBC. Electrical installations shall be installed with Chapters 33 through 42. Penetrations of electrical outlet boxes shall be in accordance with Section 302.4. Door openings through fire-resistance-rated assemblies shall be protected with 90 minute-rated opening protectives in accordance with Section 715.4 of the IBC.

Remainder of section to remain unchanged.

(hh) Table R301.2(1) of the *International Residential Code* is amended by the addition of the following design criteria:

**Table R301.2(1)
 Climatic and Geographic Design Criteria**

Ground Snow Load	70 PSF
Wind Speed	120 MPH (3-second gust velocity)
Topographical Effects	No reported history
Seismic Design Category	B
Weathering	Severe
Frost Depth	36"
Termite	Slight to Moderate
Winter Design Temp	0°F
Ice Barrier Underlayment Required	Yes
Air Freezing Index	2000
Mean Annual Temp	40°
Flood Hazards	The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled, "The Flood Insurance Study for the City of Central," dated October 1991, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) Panel Number – 080077 0001 C dated February 16, 1994, and Flood Boundary and Floodway Map (FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this Section."

(ii) Section R313 is deleted in its entirety.

(kk) Section 301.1 of the *International Energy Conservation Code* is amended as follows:

301.1 General. Climate zone 5B shall be used in determining the applicable requirements from Chapters 4 and 5.

Section 2. Repeal of Articles. Articles II, III, IV, V, IX, and XI of Chapter 18 of the Municipal Code are hereby repealed.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Section 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 18th day of May, 2010, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald L. Slinger, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 1st day of June, 2010.

CITY OF CENTRAL, COLORADO

Ronald L. Slinger, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on May 20, 2010.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on June 3, 2010.

CITY OF CENTRAL, COLORADO

Ronald L. Slinger, Mayor

ATTEST:

Reba Bechtel City Clerk