

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. 27
INTRODUCED BY COUNCIL
MEMBER JEFFERSON

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE A, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE BUILDING CODE OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood has used the Uniform Building Code as a model construction code since 1971; and

WHEREAS, this Code is updated periodically to keep pace with changing construction technology; and

WHEREAS, the City of Englewood Division of Building and Safety staff has thoroughly reviewed the International Building Code 2012 and recommends adoption thereof subject to certain exceptions, modifications and amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the repeal of Title 8, Chapter 2, Article A, of the Englewood Municipal Code 2000, in its entirety.

Section 2. The City Council of the City of Englewood, Colorado hereby adopts the International Building Code 2012 as Title 8, Chapter 2, Article A, of the Englewood Municipal Code 2000, to read as follows:

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE A
BUILDING CODE

8-2A-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Building Code 2012 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2A-2 of this Article. The City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

8-2A-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made in the provisions of the International Building Code 2012, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION.

1. **101.1 Title.** (Shall be amended to read)
These regulations shall be known as the Building Code of the City of Englewood, hereinafter referred to as “this Code”.

2. **105.2 Work Exempt from Permit.**

Building:

2. (Deleted in its entirety, amended as follows) Section 16-2-9 Englewood Municipal Code shall control fence requirements.

4. (Deleted in its entirety, amended as follows) Section 16-2-9 Englewood Municipal Code shall control retaining wall requirement.

6. (Deleted in its entirety, amended as follows) Section 16-2-9 Englewood Municipal Code shall control driveway and sidewalk requirements.

3. **109.2 Schedule of Permit Fees.** These fees shall be determined by the City Council and set by Resolution.

4. **109.3 Building Permit Valuations.** (Add the following sentence)
The building official may also utilize Building Valuation Data published in the ICC Building Safety Journal as a guideline to establish valuation.

5. **109.6 Fee Refunds.** (Amended to read as follows)
The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

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.

6. **110.7 Reinspections.** (Add new section) A reinspection fee may be assessed for each inspection or reinspection when, such portion of work for which inspection is called is not complete, the corrections called for are not made, the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily

available to the inspector, for failing to provide access to the site or for deviating from plans requiring approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with Table 1.

In instances where reinspection fees have been assessed, no additional inspections of the work will be performed until the reinspection fees have been paid.

7. **111.3.1 Temporary Occupancy Fee.** (Add new section) The fee for a Temporary Certificate of Occupancy is as set forth in Section 109.2 of this Chapter.
8. **113 Board of Appeals.** (Delete and amend to read) Section 8-1-7 of the Englewood Municipal Code shall control the requirements of this Section.

B. CHAPTER 9 – FIRE PROTECTION SYSTEMS.

1. **903.2.7 Group M** (Amend condition #4 to read as follows)
 4. **The area of a Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet.**
2. **903.2.9 Group S-1** (Amend condition #5 to read as follows)
 5. **The area of a Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet.**

C. CHAPTER 10 – MEANS OF EGRESS.

1. **1009.16 Stairway to Roof.** (Amend to read)

In buildings located three or more stories in height above grade plane, one stairway shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33% slope). In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an alternating tread device.

D. CHAPTER 16 – STRUCTURAL DESIGN. (Amend Section to add the following)

1. **1608.1 General.** The design roof snow load shall not be less than 30 pounds per square foot at any element of the roof.
2. **1608.2 Ground snow loads.** The ground snow load established for the City of Englewood is 30 pounds per square foot.
3. **1609.3 Basic wind speed.** The minimum basic wind speed is hereby designated at ninety (90) miles per hour 3-second gust.
4. **1609.4.3 Exposure category.** Exposure B shall be used for the design of all structures in the City of Englewood.

E. **CHAPTER 21 – MASONRY.**

1. **2111.1.1 Fireplace restrictions.** Fireplaces shall comply with the Englewood Municipal Code, Sections 6-1-11 and 6-1-12.

F. **APPENDICES.**

1. **Appendix I – Patio Covers** is hereby adopted.
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Section 3. **Safety Clauses.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 obtained.

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, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. **Inconsistent Ordinances.** 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 6. **Effect of repeal or modification.** The repeal or modification of any provision of the Code of the City of Englewood 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, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the 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 7. The International Energy Conservation Code is hereby adopted by reference in Chapter 13 of the International Building Code 2006, as adopted.

Section 8. **Choice of Code.** Any party who has a pending application, where the permit application and final site plan have been submitted to the City before the date of final adoption of this Ordinance, shall make an election to proceed under either the current Code or the 2006 Code but not a combination thereof.

Section 9. **Penalty.** The Penalty Provision of E.M.C. Section 1-4-1 shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 21ST day of May, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of May, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of May, 2012 for thirty (30) days.

Read by title and passed on final reading on the 4th day of June, 2012.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2012, on the 8th day of June, 2012.

Published by title on the City's official website beginning on the 6th day of June, 2012 for thirty (30) days.

Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2012.

Loucrishia A. Ellis