

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012

COUNCIL BILL NO. 32
INTRODUCED BY COUNCIL
MEMBER JEFFERSON

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

WHEREAS, the City of Englewood has used the Uniform Codes as model construction codes since 1971; and

WHEREAS, these Codes are 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 Property Maintenance 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 F, of the Englewood Municipal Code 2000, in its entirety.

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

CHAPTER 2

CONSTRUCTION AND SAFETY CODES

ARTICLE F

PROPERTY MAINTENANCE CODE

8-2F-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Property Maintenance Code 2012 Edition, in its entirety including errata updates, 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 8-2F-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.

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

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

A. CHAPTER 1. ADMINISTRATION.

1. 101.1 Title. (Amended to read as follows)

These regulations shall be known as the Property Maintenance Code of the City of Englewood, hereinafter referred to as “this Code”.

2. Section 102.3 Application of other codes. (Delete the last sentence)

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70.*

3. 103.3 Fees. (Amend as indicated).

The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be set by council resolution.

4. 107.2 Form. (Amend Item No. 4 as indicated)

4. Include a correction order allowing a reasonable time, but in no event more than 30 days to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

5. 108.5 Prohibited occupancy. (Amend as indicated)

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Such placard shall be deemed an order directing vacation and shall provide not more than ten (10) days from the date of such placarding for the vacation of such dwelling unit unless a lesser time is stated in the order as in the judgment of the building official is reasonable and proper in view of the facts of the situation and hazard involved. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placard premises, or operate placarded equipment, or remove such placard from the premises, or operate placarded equipment, or remove such placard from the premises or equipment, shall be liable for the penalties provided by this Code.

6. 111 Means of Appeal. (Delete in its entirety and substitute the following)

Refer to 8-1-7 of the Englewood Municipal Code for requirements of this Section.

B. CHAPTER 3 – GENERAL REQUIREMENTS.

1. 302 - Exterior Property Areas.

a. 302.4 Weeds. (Deleted in its entirety)

Comment: Deferred to Code Enforcement.

b. 302.8 Motor Vehicles. (Deleted in its entirety)

Comment: Deferred to Code Enforcement.

c. 302.9 Defacement of property. (Deleted in its entirety)

2. 304 – Exterior Structure.

a. 304.14 Insect screens. (Amend as follows)

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas of 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 screen door used for insect control shall have a self-closing device in good condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

C. CHAPTER 6 – MECHANICAL AND ELECTRICAL REQUIREMENTS.

1. 602.3 Heat supply. (Delete and replace with the following)

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units 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.

2. 602.4 Occupiable work spaces. (Delete partial sentence)

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.

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. 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 8. 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