CHAPTER 15

Buildings and Construction

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ARTICLE 15-4

International Building Code and Standards

Sec. 15-4-10. Code adopted; purpose.

(a) The 2003 *International Building Code*, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401, is hereby adopted by the City by reference as a primary code, and incorporated into the Brighton Municipal Code. A copy of this primary code, together with all appendices and standards, is on file in the office of the City Clerk.

(b) Such code and said appendices and standards are adopted for the purpose of providing minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City and certain equipment specifically regulated herein.

(c) The purpose of the International Building 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 International Building Code. (Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-4-15. Nonliability.

The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1427 §1(part), 1992; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-4-20. Copy of code on file.

At least one (1) copy of the International Building Code, as adopted, is on file in the office of the City Clerk and may be inspected during regular business hours. After the date on which this Article shall take effect, the provisions of the International Building Code, the appendices thereto hereby adopted and the standards hereby adopted shall be controlling within the corporate limits of the City. (Ord. 1427 §1(part), 1992; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-4-30. Deletions and substitutions; fees.

Anything contained in the International Building Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the International Building Code or the appendices and standards hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of

occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof. (Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-4-40. Substitution of particular terms.

Whenever the term *Building Official* is used in the International Building Code or the appendices thereto hereby adopted, the term *Chief Building Official of the City of Brighton or his or her duly authorized representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-4-50. Section B 101.2.2 amended; Board of Appeals.

Section B 101.2.2 of the International Building Code is amended to read as follows:

"Section 101.2.2. Board of Appeals

"(a) Appointment and qualifications. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code. The Board shall consist of five (5) individuals, one (1) from each of the following professions or disciplines:

1. Professional with architectural experience or a builder or superintendent of building construction with at least ten (10) years' experience, five (5) years of which shall have been in responsible charge of work.

2. Professional with structural engineering experience.

3. Professional with mechanical and plumbing engineering experience or a mechanical contractor with at least ten (10) years' experience, five (5) years of which shall have been in responsible charge of work.

4. Professional with electrical engineering experience or an electrical contractor with at least ten (10) years' experience, five (5) years of which shall have been in responsible charge of work.

5. Professional with fire protection engineering experience or a fire protection contractor with at least ten (10) years' experience, five (5) years of which shall have been in responsible charge of work.

"(b) Term of office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member subject to immediate removal from office.

"(c) Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board member shall act in a case in which he has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

"(d) Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

"(e) Appeals. Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, then the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

"(f) Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this Code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.

"(g) Appeals from Board's decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

"(h) Limitations of authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code."

(Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1814 §3, 2004)

Sec. 15-4-60. Copies of code available for sale.

Copies of the International Building Code are available for sale to the public through the office of the City Clerk, at a price equal to the cost to the City. (Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-4-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the International Building Code, including all appendices and standards thereto, hereby adopted, or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the International Building Code, including all appendices thereto hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1427 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-4-75. Conflict with other codes.

If a dispute or conflict arises between the International Building Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other uniform code adopted by the State, then the more stringent provisions of each respective code shall prevail. (Ord. 1814 §3, 2004)

ARTICLE 15-6

Uniform Building Conservation Code

Sec. 15-6-10. Code adopted; purpose.

There is hereby adopted by the City the *Uniform Code for Building Conservation*, 1994 edition, including Appendix Articles 3 and 4, promulgated by the International Conference of Building Officials for the purpose of encouraging the use or reuse of legally existing buildings and structures within the City by applying reasonable life safety and structural standards contained in said code. (Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1814 §3, 2004)

Sec. 15-6-15. Nonliability.

The adoption of the code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations or liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1421 §1(part), 1992; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-6-20. Copy of code on file.

Not less than one (1) copy of said code has been and is now filed in the office of the City Clerk, and from the date on which this Article shall take effect, the provisions of said Uniform Building Conservation Code, and the appendices thereto hereby adopted, shall be controlling within the limits of the City. (Ord. 1421 §1(part), 1992; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-6-30. Deletions and substitutions; fees.

Anything contained in the Uniform Code for Building Conservation and those appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of the City is deleted and not adopted by this Article. Any reference in the Uniform Code for Building Conservation regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof (Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-6-40. Substitution of particular terms.

Whenever the term *Building Official* is used in the Uniform Code for Building Conservation or in appendices thereto hereby adopted, the term *Chief Building Official of the City of Brighton or his or her duly authorized representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-6-50. Section 207 amended; Board of Appeals.

Section 207 of the Uniform Code for Building Conservation is amended to read as follows:

"**Section 207. Board of Appeals**

"207.1 Appointment and qualifications. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code. The qualifications of the Board are as set forth in Section 15-4-50 of the Brighton Municipal Code.

"207.2 Term of office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member liable to immediate removal from office.

"207.3 Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board member shall act in a case in which he or she has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

"207.4 Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

"207.5 Appeals. Whenever it is claimed that the provisions of this code do not apply or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

"207.6 Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this Code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.

"207.6.1 Appeals from Board's decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

"207.7 Limitations of authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code."

(Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-6-60. Copies of code available for sale.

Copies of the Uniform Code for Building Conservation are available for sale to the public by the office of the City Clerk at a price equal to the cost to the City. (Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-6-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the Uniform Code for Building Conservation, including all appendices thereto hereby adopted, or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Code for Building Conservation, including all appendices thereto hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1421 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

ARTICLE 15-8

Dangerous Buildings Abatement Code

Sec. 15-8-10. Code adopted; purpose.

There is hereby adopted by the City the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, promulgated by the International Conference of Building Officials, for the purpose of providing a just, equitable and practicable method whereby buildings or structures which 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. (Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1814 §3, 2004)

Sec. 15-8-15. Nonliability.

The adoption of the code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to

the City or its officers, employees or agents. (Ord. 1422 §1(part), 1992; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-8-20. Copy of code on file.

Not less than one (1) copy of said code has been and is now filed in the office of the City Clerk, and from the date on which this Article shall take effect, the provisions of said Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, shall be controlling within the limits of the City. (Ord. 1422 §1(part), 1992; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-8-30. Deletions and substitutions; fees.

Anything contained in the Uniform Code for the Abatement of Dangerous Buildings hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the Uniform Code for the Abatement of Dangerous Buildings or the appendices hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof. (Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814§3, 2004)

Sec. 15-8-40. Substitution of particular terms.

Whenever the term *Building Official* is used in the Uniform Code for the Abatement of Dangerous Buildings, the term *Chief Building Official of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-8-50. Section 205 amended; Board of Appeals.

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

"**Section 205. Board of Appeals**

"205.1 Appointment and qualifications. There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code. The qualifications of the Board are as set forth in Section 15-4-50 of the Brighton Municipal Code.

"205.2 Term of office. The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council, and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member liable to immediate removal from office.

"205.3 Procedure. Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No

Board member shall act in a case in which he or she has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

"205.4 Meetings. The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

"205.5 Appeals. Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of the Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.

"205.6 Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this Code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.

"205.6.1 Appeals from Board's Decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

"205.7 Limitations of Authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code."

(Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-8-60. Copies of code available for sale.

Copies of the Uniform Code for the Abatement of Dangerous Buildings are available for sale to the public by the office of the City Clerk at a price equal to the cost to the City. (Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-8-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the Uniform Code for the Abatement of Dangerous Buildings, hereby adopted, or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Code for the Abatement of Dangerous Buildings hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1422 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3 2004)

ARTICLE 15-12

National Electrical Code

Sec. 15-12-10. Code adopted; purpose.

There is hereby adopted by the City the *National Electrical Code*, 2002 edition, promulgated by the National Fire Protection Association, and the *Uniform Administrative Code Provisions for the National Electrical Code*, 2002 edition, promulgated by the International Conference of Building Officials for the purpose of providing minimum standards to safeguard life and limb, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of electrical wiring and equipment in the City. (Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1814 §3, 2004)

Sec. 15-12-15. Nonliability.

The adoption of the code by the ordinance codified in this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with, the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1349 §1(part), 1990; Ord. 1502 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-12-20. Copy of code on file.

Not less than one (1) copy of the National Electrical Code and the Uniform Administrative Code Provisions for the National Electrical Code, 2002 edition, have been and are now on file in the office of the City Clerk; and from the effective date of the ordinance amending this Article, the provisions of said code shall be controlling within the limits of the City. (Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-12-30. Deletions and substitutions; fees.

Anything contained in the National Electrical Code and the Uniform Administrative Code Provisions for the National Electrical Code, 2002 editions hereby adopted which is now or is hereafter inconsistent with other specific ordinances of the City is deleted and not adopted by the ordinance codified in this Article. Any reference in the National Electrical Code or the appendices hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy, or the like, shall be replaced by reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof. (Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-12-40. Substitution of particular terms.

Whenever the term *Building Official* or *authority having jurisdiction* is used in the National Electrical Code and the Uniform Administrative Code Provisions for the National Electrical Code, 2002 edition, the term *Chief Building Official of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-12-50. Appeals process; Board of Appeals.

In order to provide for final interpretation of the provisions of this code and to hear appeals therefrom, the Board of Appeals, appointed and organized pursuant to adoption of the International Building Code by the City in Article 15-4 of this Chapter, is designated as the Board of Appeals for purposes of this code, and the administrative and appeal procedures, authority and responsibilities set forth in the International Building Code shall be applicable and followed in the administration of this Code. (Ord. 1814 §3, 2004)

Sec. 15-12-60. Copies of code available for sale.

Copies of the National Electrical Code and the Uniform Administrative Code Provisions for the National Electrical Code, 2002 editions are available for sale to the public by the office of the City Clerk at a price equal to the cost to the City. (Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-12-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the National Electrical Code and the Uniform Administrative Code Provisions of the National Electrical

Code, 2002 editions, hereby adopted or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the National Electrical Code and the Uniform Administrative Code Provisions of the National Electrical Code, 2002 editions, hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1349 §1(part), 1990; Ord. 1464, 1995; Ord. 1502 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

ARTICLE 15-16

Contractor Licenses

Sec. 15-16-10. Purpose and intent.

This Article is enacted to protect the health, safety and welfare of the general public and to preserve life, limb and the value of property within the City, by assuring that building and construction contractors working within the City are appropriately qualified and duly licensed. (Ord. 1350 §1(part), 1990; Ord. 1814 §3, 2004)

Sec. 15-16-15. Nonliability.

The adoption of the ordinance codified in this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article. Nothing in this Article shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1350 §1(part), 1990; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-16-20. License required.

(a) A contractor license is required for any person, firm, partnership, corporation, association or any combination thereof which undertakes to perform any of the work for which a license is authorized in this Article within the City for any compensation.

(b) The following are excepted from the requirements of this Article:

(1) Any person performing work under the direction of a licensed contractor;

(2) An owner performing work on his or her own personal residence and buildings accessory thereto. Pursuant to this exception, he or she may construct only one (1) residence as his or her personal residence within a period of three (3) consecutive years;

(3) Owners of commercial buildings may, at the discretion of the Building Official, be issued permits for minor remodel projects not involving structural changes, such as relocations of counters, construction of partitions and facade, provided that, in the opinion of the Building Official, the building owner is capable of doing the work. All electrical and plumbing work must be done by licensed electricians and licensed plumbers respectively;

(4) Public utility companies and water and sanitation districts when engaged in the installation, operation and maintenance of equipment used in production or service from their source through the facilities owned or operated by such utility company to the point of customer service;

(5) Contractors installing fabricated or manufactured units such as cabinets, counter tops, storm windows, carpet, gutters, downspouts and landscaping materials; and

(6) Electrical contractors registered pursuant to Article 15-12. (Ord. 1350 §1(part), 1990; Ord. 1814 §3, 2004)

Sec. 15-16-30. Responsibility of licensee and Electrical Code registrants.

Contractors licensed as provided in this Article and persons registered pursuant to the Electrical Code under Article 15-12 of this Code shall be responsible for the proper conduct of their business in the City, to include:

(1) Obtaining required permits before commencing work;

(2) Completion of construction in accordance with drawings and specifications filed and approved and permit issued by the City, except for good cause and/or under City-approved changes;

(3) Calling for all required inspections and giving twenty-four-hour minimum notice;

(4) Maintaining building plans, permits and inspection records on the job site accessible to City inspectors;

(5) Providing adequate job site sanitary facilities and safety measures to protect workers and the general public;

(6) Paying for all licenses and fees as required by the City's fees and charges resolution; and

(7) Proper supervision of all subcontractors and employees. (Ord. 1350 §1(part), 1990; Ord. 1814 §3, 2004)

Sec. 15-16-40. Application for license.

(a) Applicants for a contractor license and for Electrical Code registration pursuant to Article 15-12 of this Code shall submit an application form provided by the City and pay the required application fees. Such form shall be accurately completed and signed by the applicant.

(b) Any applicant for a contractor license shall establish his or her competence to perform the activities authorized by the license to the satisfaction of the Building Official. (Ord. 1350 §1(part), 1990; Ord. 1814 §3, 2004)

Sec. 15-16-50. License classifications.

The following classes of contractor licenses are established and the holder of each license shall be authorized to perform work permitted by such license. All licenses shall be valid for twelve (12) months from the date of issue.

(1) Class A – Unlimited General Contractor. The holder of this license shall be authorized to construct, alter, repair or demolish any building or structure.

(2) Class B – Limited General Contractor. The holder of this license shall be authorized to construct Type III, IV or V buildings which do not exceed three (3) stories in height and which would not be used for Group E or I Occupancy. This class license authorizes interior nonstructural work on all building types and all occupancy groups. The holder may perform work authorized by C and D class licenses.

(3) Class C – Residential General Contractor. The holder of this license shall be authorized to construct, alter, repair or demolish residential buildings not exceeding three (3) stories in height above grade and not involving reinforced concrete above grade. The holder may perform work authorized by a Class D or E license.

(4) Class D – Jobbing Contractor. The holder of this license shall be authorized to construct, alter, repair or demolish nonhabitable buildings or portions of buildings or structures such as private garages, carports, patios, sheds, swimming pools, fences and signs. The license holder may also perform work authorized by a Class E license.

(5) Class E – Specialty Trades. The holder of this license shall be authorized to perform one (1) specified building trade such as housemover, mobile home setup, masonry, concrete flatwork, framing, drywall, roofing, glazing, irrigation systems, fire protection systems, elevator systems, security systems, solar energy collection/conversion systems, drain laying, water and sewer mains and paving, but shall not authorize electrical or mechanical work or connections to a potable water system.

(6) Class P – Plumbing Contractor. The holder of this license shall be authorized to perform all work described in the adopted plumbing code. This class license shall be issued to an individual, or to a business entity employing, in a supervisory capacity, an individual holding a current and valid State Master's Plumbing License.

(7) Class M – Mechanical Contractor. The holder of this license shall be authorized to construct, install, repair or alter all mechanical systems described in the adopted mechanical code, but shall not authorize electrical work or connections to a potable water system. (Ord. 1350 §1(part), 1990; Ord. 1814 §3, 2004)

Sec. 15-16-60. Insurance required.

Before any contractor license shall be issued to an applicant, the applicant shall furnish to the Building Official a certificate of general liability insurance in favor of the City and valid for the period of the license. Coverage shall not be less than one hundred thousand dollars ($100,000.00) for injury or death to one (1) person and three hundred thousand dollars ($300,000.00) for injury or death to more than one (1) person in any single accident or event, and not less than fifty thousand dollars ($50,000.00) for property damage or destruction. Lapse of insurance shall render the license suspended until such insurance is reinstated. (Ord. 1350 §1(part), 1990; Ord. 1814 §3, 2004)

Sec. 15-16-70. License nontransferable.

A change in name or ownership of a licensed business entity shall have the legal effect of terminating the license. All such changes shall be reported to the Building Official and a new license applied for. Licenses are not transferable. (Ord. 1350 §1(part), 1990; Ord. 1814 §3, 2004)

Sec. 15-16-80. Suspension or revocation of license.

(a) The City Council shall have the right to suspend or revoke a contractor license for violation of the provisions of this Article or violation of any other ordinance, code or statute in effect within the City.

(b) The City Manager shall notify the licensee in writing by certified mail or by personal service at least seven (7) calendar days prior to the City Council meeting at which the suspension or revocation is to be considered. (Ord. 1350 §1(part), 1990; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-16-90. Denial of license.

The Building Official may deny an application for a license or license renewal under this Article upon a determination that:

(1) The applicant has provided false information on the application form;

(2) The applicant is not qualified by education, training or experience to perform the work authorized by the license; or

(3) The applicant has previously failed to comply with ordinances and regulations of the City relating to contractor licenses or construction. (Ord. 1350 §1(part), 1990; Ord. 1814 §3, 2004)

Sec. 15-16-100. Appellate review for denial or renewal.

(a) The Board of Appeals, as established under Article 15-4 of this Code, shall hear any appeal submitted by an applicant whose contractor license application or renewal has been denied by the Building Official.

(b) The applicant shall submit his or her appeal in writing to the Board of Appeals within ten (10) calendar days after his or her application has been denied.

(c) The Board of Appeals, after a hearing, shall determine whether the City abused its discretion in denying the application for a license authorized in this Article.

(d) The Board of Appeals shall make its decision in writing, and shall have the decision delivered to the applicant by certified mail or personal service within thirty (30) days of the hearing. The City shall immediately act in accordance with the decision. (Ord. 1350 §1(part), 1990; Ord. 1814 §3, 2004)

ARTICLE 15-20

International Fire Code

Sec. 15-20-10. Code adopted; purpose.

(a) There is hereby adopted by the City the *International Fire Code*, including 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. The 2003 International Fire Code is published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401. At least one (1) copy of the 2003 International Fire Code, as adopted, is on file in the office of the City Clerk and may be inspected during regular business hours.

(b) The purpose of the code is not to recreate 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 International Fire Code, but rather, for the purpose of prescribing regulations governing the conditions hazardous to life and property from fire or explosion within the limits of the City. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations. (Ord. 1814 §3, 2004)

Sec. 15-20-15. Nonliability.

The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code.

Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City, or its officers, employees or agents. (Ord. 1424 §1(part), 1992; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-20-20. Copy of code on file.

Not less than one (1) copy of the International Fire Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said code shall be controlling within the limits of the City. (Ord. 1424 §1(part), 1992; Ord. 1467, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-20-30. Deletions and substitutions; fees.

Anything contained in the International Fire Code hereby adopted, which is now or is hereafter inconsistent with other specific ordinances of the City, is deleted and not adopted by the ordinance codified in this Article. Any reference in the International Fire Code or the appendices hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy, etc., shall be replaced by reference to *the current fee schedule as adopted by the Board of the Brighton Fire Protection District* or *the current fee schedule as adopted by the Board of the South Adams Fire Protection District*, as applicable, in lieu thereof. (Ord. 1467, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-20-40. Substitution of particular terms.

(a) Whenever the term *Chief, Chief of Fire Department, Chief of Bureau of Fire Prevention, Fire Prevention Bureau* or *Fire Prevention Engineer* or similar title is used in the International Fire Code, including the appendices thereto hereby adopted, the term *Fire Chief of the Brighton Fire Protection District* or *Fire Chief of the South Adams Fire Protection District*, as applicable, shall be inserted in lieu thereof, as appropriate.

(b) Whenever the term *corporation counsel* is used in the codes adopted hereby, it shall be held to mean the City Attorney.

(c) Whenever the term *municipality* or *jurisdiction* is used in the codes adopted hereby, it shall be held to mean the City, as represented by the City Council, unless specifically otherwise defined or referred to herein or in such code.

(d) Whenever the term *administrator, manager, officer* or similar title is used in the codes adopted hereby, the term *City Manager of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1424 §1(part), 1992; Ord. 1467, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-20-50. Specific amendments to code.

Chapter 1 – Administration

(a) 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 Brighton, Colorado, hereinafter referred to as 'this Code.'"

(b) Section 102.3 of the International Fire Code is amended to read as follows:

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

(c) Section 102.4 of the International Fire Code is amended to read as follows:

"102.4 Application of Building Code. 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."

(d) Section 102.5 of the International Fire Code is amended to read as follows:

"102.5 Historic buildings. 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) Section 102.6 of the International Fire Code is amended to read as follows:

"102.6 Referenced codes and standards. The codes and standards referenced in this Code shall be the most recent edition of those that are listed in Chapter 45, and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between the provisions of this Code and the referenced standards, the provisions of this Code shall apply. Where this Code refers to the ICC Electric Code it means the 2002 National Electric Code."

(f) Section 102.7 of the International Fire Code is amended to read as follows:

"102.7 Subjects not regulated by this Code. Where no applicable standards or requirements are set forth in this Code or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the City, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this Code. Nothing herein shall derogate from or diminish the authority of the fire code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility."

(g) Section 103 of the International Fire Code is amended to read as follows:

"Section 103 - Division of Fire and Life Safety"

(h) Section 103.1 of the International Fire Code is amended to read as follows:

"103.1 General. The Division of Fire and Life Safety is established under the direction of the Fire Chief. The function of the Division shall be the implementation, administration, and enforcement of the provisions of this Code, within the corporate limits of the City, in consultation or in connection with the Chief Building Official of the City."

(i) Section 103.2 of the International Fire Code is amended to read as follows:

"103.2 Appointment. The Fire Chief is appointed by the Board of Directors of the Greater Brighton Fire Protection District, and shall serve as the fire code official."

(j) Section 103.3 of the International Fire Code is amended to read as follows:

"103.3 Deputies. In accordance with the prescribed procedures of the Greater Brighton Fire Protection District, the Fire Chief shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees."

(k) Section 103.4.1 of the International Fire Code is amended to read as follows:

"103.4.1 Any suit instituted against any officer or employee of the Greater Brighton Fire Protection District because of a lawful act performed by that officer or employee in the lawful discharge of his or her duties under the provisions of this Code shall be defended by the legal representative of the Greater Brighton Fire Protection District until the final determination of the proceedings. The fire code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the Division of Fire and Life Safety, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith."

(l) A new Section 105.1.4, Fees, of the International Fire Code is added to read as follows:

"105.1.4 Fees. The required fee for each Fire Code inspection payable prior to the issuance of a permit or certificate of occupancy shall be calculated or otherwise established by referring to *the current fee schedule as adopted by the Board of the Brighton Fire Protection District* or *the current fee schedule as adopted by the Board of the South Adams Fire Protection District*, as applicable or as otherwise set forth in the current City of Brighton Fee Resolution."

(m) Section 105.3.3 of the International Fire Code is amended to read as follows:

"105.3.3 Occupancy prohibited before approval. A building or structure shall not be occupied prior to the issuance of a certificate of occupancy by the Building Official of the City, nor shall operations within or upon such premises be commenced prior to the issuance of an operational permit, when required by the fire code official pursuant to this Code."

(n) Subsection 105.3.4 of the International Fire Code is repealed entirely.

(o) The first sentence in Section 105.3.6 of the International Fire Code is amended to read as follows:

"105.3.6 Compliance with code. The issuance or granting of a permit shall not be construed to be a permit for or a waiver or approval of any violation of any of the provisions of this code or any other ordinance of the City."

(p) Section 105.4.1 of the International Fire Code is amended to read as follows:

"105.4.1 Submittals. Construction documents shall be submitted in three (3) sets and in such form and detail as required by the fire code official. Fire protection system construction documents, including shop drawings, calculations, specifications and other required information, shall be reviewed and signed by a design professional certified as a NICET Level III, as defined by the National Institute for Certification in Engineering Technologies, a NICET Level IV, or Professional Engineer."

(q) Section 105.6 of the International Fire Code is amended to read as follows:

"105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.2, 105.6.4, 105.6.15, 105.6.17 (4, 6, 10), 105.6.21, 105.6.22, 105.6.24 (1), 105.6.27, 105.6.31, and 105.6.37 of this Code."

(r) Section 105.7.5 of the International Fire Code is amended to read as follows:

"105.7.5 Flammable and combustible liquids. A permit is required to install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank."

(s) Section 105.7.8 of the International Fire Code is amended to read as follows:

"105.7.8 LP-gas. A construction permit is required for installation of or modification to an LP-gas system serving any but Group R-3 occupancies."

(t) Section 109.2.3 of the International Fire Code is amended as follows:

"The word 'jurisdiction' shall be replaced with 'City of Brighton'."

(u) Section 109.3 of the International Fire Code is amended to read as follows:

"109.3 Violations and penalties. Persons who violate a provision of this Code or fail to comply with any of the requirements hereof, or who shall erect, install, alter, repair or do work in violation of the approved construction documents or contrary to any directive of the fire code official or the terms and provisions of any permit or certificate issued pursuant to the provisions of this Code shall be subject to the fines and penalty provisions of this Article, set forth in Section 15-20-70 of the Brighton Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

(v) Section 111.4 of the International Fire Code is amended to read as follows:

"111.4 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 subject to fines and/or imprisonment as set forth in this Article."

Chapter 3 – General Precautions Against Fire

(a) Section 308.3.1.1 of the International Fire Code is amended by the addition of a new exception and the renumbering of both exceptions as follows:

"EXCEPTIONS:

"1. One- and two-family dwellings.

"2. Where buildings, balconies and decks are protected by an automatic sprinkler system."

(b) Section 311.2.2 of the International Fire Code is amended by the deletion of the exceptions.

Chapter 5 – Fire Service Features

(a) Section 503.1.1 of the International Fire Code is amended by the deletion of Exception #3.

(b) Section 503.1.3 of the International Fire Code is repealed in its entirety.

(c) Subsection 503.2.1 of the International Fire Code is repealed in its entirety.

Chapter 9 – Fire Protection Systems

(a) Section 903.2.7 of the International Fire Code is amended by the addition of the following exception:

"EXCEPTIONS:

"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."

(b) Section 903.3.1.1.1 of the International Fire Code is repealed in its entirety.

(c) Section 903.6 of the International Fire Code is repealed in its entirety.

(d) Section 905.11 of the International Fire Code is repealed in its entirety.

(e) The first paragraph of Section 907.3 of the International Fire Code is amended to read as follows:

"907.3 Where required – retroactive in existing buildings. An approved manual, automatic or manual and automatic fire alarm system shall be installed in existing buildings and structures in

accordance with Sections 907.3.1.2, 907.3.1.3 and 907.3.1.4. Where automatic sprinkler protection is provided in accordance with Section 903.3.1.1 or 903.3.1.2 and connected to the building fire alarm system, automatic heat detection required by this Section shall not be required."

(f) The following Sections of the International Fire Code are repealed in their entirety: 907.3.1, 907.3.1.1, 907.3.1.5, 907.3.1.6, 907.3.1.7 and 907.3.1.8

(g) Section 907.20 of the International Fire Code is amended to read as follows:

"907.20 Inspection, testing and maintenance. The maintenance and testing schedules and procedures for fire alarm and fire detection systems shall be in accordance with this Section and NFPA 72."

(h) Section 907.20.2 of the International Fire Code is amended by the deletion of the words "Chapter 7 of" in the first sentence.

Chapter 23 – High-Piled Combustible Storage

(a) Section 2306.6 of the International Fire Code is amended to read as follows:

"2306.6 Building access. Fire apparatus access roads in accordance with Section 503 shall be provided within one hundred fifty (150) feet (45,720 mm) of all portions of the exterior wall of buildings used for high-piled storage."

Chapter 32 – Cryogenic Fluids

(a) The second paragraph of Section 3204.3.1.1 of the International Fire Code is amended to read as follows:

"Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the corporate limits of the City."

Chapter 34 – Flammable and Combustible Liquids

(a) Section 3404.2.9.5.1 of the International Fire Code is amended to read as follows and includes the new exception:

"3404.2.9.5.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground storage tanks outside of buildings is prohibited within the corporate limits of the City.

"EXCEPTION: Storage tanks in service prior to January 1, 2004."

(b) Section 3406.2.4.4 of the International Fire Code is amended to read as follows and includes the new exception:

"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 corporate limits of the City."

"EXCEPTION: Storage tanks in service prior to January 1, 2004."

Chapter 38 – Liquefied Petroleum Gas

(a) Section 3804.2 of the International Fire Code is amended to read as follows, exception is retained:

"3804.2 Maximum capacity within established limits. The aggregate capacity of any one (1) installation within the corporate limits of the City shall not exceed a water capacity of two thousand (2,000) gallons (7570 L)."

(Ord. 1424 §1(part), 1992; Ord. 1467, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-20-55. Section 108 amended; Appeals process.

(a) Section 108 of the International Fire Code is amended to read as follows:

"Section 108 – Appeals Taskforce."

(b) Section 108.1 of the International Fire Code is amended to read as follows:

"108.1 Appeals process established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this Code, there shall be and is hereby created an Appeals Taskforce. The Appeals Taskforce shall be comprised of the fire chief, the chief building official of the City of Brighton, and five (5) other individuals meeting the requirements of Section 108.3. The fire chief and building official shall be ex officio advisory members of the Taskforce and shall have no authority to vote on any matter coming before the taskforce. The Appeals Taskforce may adopt reasonable rules of procedure for conducting its business and shall render its decisions and findings in writing to the appellant. The Appeals Taskforce shall conduct its business and proceedings consistent with the administrative provisions and appeals procedures of Section 15-4-50 of the Brighton Municipal Code, which sets forth the guidelines and procedures for the Board of Appeals under the International Building Code."

(c) The last sentence of Section 108.2 of the International Fire Code is amended to read as follows:

"The Appeals Taskforce shall have no authority to waive the requirements of this Code."

(d) Section 108.3 of the International Fire Code is amended to read as follows:

"108.3 Qualifications. The Appeals Taskforce shall consist of members who are qualified by professional experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and except for the individuals identified in

Section 108.1, such individuals shall not be employees of the City or the Greater Brighton Fire Protection District."

(Ord. 1814 §3, 2004)

Sec. 15-20-60. Copies of code available for sale.

Copies of the International Fire Code are available for sale to the public through the office of the City Clerk, at a price equal to the cost to the City. (Ord. 1467, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-20-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the International Fire Code hereby adopted or any order issued by the Fire Chief or Fire Chief hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the International Fire Code hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations.(Ord. 1814 §3, 2004)

Sec. 15-20-75. Conflict with other codes.

If a dispute or conflict arises between the 2003 International Fire Code as adopted herein, and any plumbing, mechanical, building, electrical, fire, or other uniform code adopted by the State, then the more stringent provisions of each respective code shall prevail. (Ord. 1814 §3, 2004)

ARTICLE 15-24

Moving of Structures

Sec. 15-24-10. Definitions.

Each definition used in this Article is as follows unless the context otherwise indicates:

(1) *Building* means a building, house or structure moved within the City.

(2) *Mover* means any person who desires to move a house, building or structure in the City. (Ord. 898 §3, 1976; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-24-20. Permit required.

It is unlawful for any person to move any building, house or structure over, upon, along or across any public street in the City or from any site or to any site within the City without having first obtained a written permit to do so from the Director of Public Works; provided, however, that the ordinance codified in this Article shall apply only to those public streets over which the City exercises exclusive jurisdiction; and, therefore, any such move through the City solely upon the streets or highways that are a part of the State Highway System or the Federal Highway System are not subject to the requirements of this Article. (Ord. 898 §4, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-30. Contents of application.

Application for a permit required hereunder shall be made to the Director of Public Works and shall contain the following information:

(1) Name and address of the applicant;

(2) Location of the building, house or structure to be moved;

(3) Location of the proposed site to which the building, house or structure is to be moved;

(4) Date and time of the proposed move;

(5) Map or description of the route to be taken;

(6) Height, width and length of the building, house or structure to be moved and truck or equipment to be used for moving the house, building or structure;

(7) Proof of insurance with an insurance company licensed to do business in Colorado with the following coverage and stipulations:

a. Bodily injury liability in the amount of: one hundred thousand dollars ($100,000.00) each person and three hundred thousand dollars ($300,000.00) aggregate,

b. Property damage liability in the amount of: twenty-five thousand dollars ($25,000.00) each occurrence and fifty thousand dollars ($50,000.00) aggregate, and

c. Such proof of insurance shall include all operations of the mover connected to or regarding the house, building or structure to be moved and all vehicles involved therein;

(8) Certificate or statement that all legal requirements imposed by the Colorado Utilities Commission, Interstate Commerce Commission and Colorado State Highway Department or Colorado Department of Transportation ("CDOT") have been complied with;

(9) A performance bond as required by Section 15-24-80 of this Article; and

(10) A building permit for the site to which the building is to be moved if such site is located within the City. (Ord. 898 §5, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-40. Permit term, contents, conditions.

(a) The moving permit shall be obtained prior to or at the same time as the building permit, and the moving permit shall expire sixty (60) days from date of issuance.

(b) A moving permit shall specify the date and time in which the proposed move may be accomplished and shall also specify the route to be taken in connection with such move. The mover shall have the permit in the vehicle during the progress of the move and shall show the permit on demand to any police officer or any authorized employee of the City. (Ord. 898 §6, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-50. Permit prerequisite to issuance.

If the building, house or structure proposed to be moved is to be located upon a site in the City, the Director of Public Works shall, prior to issuing the moving permit provided for herein, assure that the requirements of this Article have been complied with and that the building, house or structure proposed to be moved shall be compatible in size, structure, age, value and general architectural design to the neighborhood to which the move is contemplated and shall assure that the proposed use is consistent with the zoning classification of the land to be used for the relocation. (Ord. 898 §7, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-60. Permit fee, application and inspection.

A twenty-five-dollar permit application fee shall be paid with each application for each building, house or structure to be moved to any site within the City. In addition thereto, in the case of a building being moved from a site outside the City limits, the sum of fifteen cents ($0.15) per mile measured from the City limits of the City to the location of the building, house or structure to be moved and return mileage to the City limits of the City shall be paid by the applicant to defray the cost of inspection of the building, house or structure by the Building Department. (Ord. 898 §8, 1976; Ord. 1814 §3, 2004))

Sec. 15-24-70. Basis for fee.

Every applicant before being granted a moving permit shall pay a permit fee based upon the size of the structure as follows:

(1) Structures other than residential and commercial:

a. Up to and including twelve-feet wide, twenty-four-feet long, twelve-feet high – twenty-five dollars ($25.00); and

b. More than twelve-feet wide or twenty-four-feet long or twelve-feet high – fifty dollars ($50.00).

(2) Residential or commercial structures – one hundred fifty dollars ($150.00). (Ord. 898 §9, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-80. Bond or security deposit required.

(a) The owner of the building, house or structure to be moved or the mover shall, before a permit is issued hereunder, in addition to all other requirements of this Article, furnish and deliver to the City a performance and completion bond in the sum of two thousand dollars ($2,000.00), issued by a corporate surety conditioned upon the applicant's faithful performance of all ordinances, regulations, conditions and requirements of the City and at the movement of any building, house or structure pursuant to the permit issued hereunder, shall be initiated within sixty (60) days from the issuance of the permit and that all necessary construction as defined herein shall be completed within one hundred eighty (180) days from date of issuance of the moving permit.

(b) *Necessary construction* as defined herein means all foundation work, building, heating, plumbing and electrical construction as required by the ordinances of the City and the state statutes for construction of a new structure.

(c) In the alternative, the applicant may deposit two thousand dollars ($2,000.00) by cash or certified funds with the Director of Finance or provide other security acceptable to the Director of Finance rather than post a corporate surety bond upon the same conditions as are provided for herein. (Ord. 898 §10, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-90. Mover to provide escort.

As a condition to issuance of the moving permit provided for herein, the Director of Public Works shall have the authority to require a mover to provide an escort at the mover's expense for the purpose of regulating traffic along the route such house, building or structure is to be moved. (Ord. 898 §11, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-100. Parking along route prohibited.

The City Manager may prohibit parking for a period not in excess of twenty-four (24) hours along the route designated for the house, building or structure to be moved, provided that such notice shall be given not less than twenty-four (24) hours prior to the time of the move, and shall be given by posting signs stating "No Parking – Tow Away Zone" between certain hours. The Chief of Police is empowered to move any vehicle parked in violation of the foregoing parking restriction and charge the cost of such move to the motor vehicle or its owner. (Ord. 898 §12, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-110. Time limitation; extension.

Time of the movement shall be designated by the Director of Public Works. Every such permit shall become and be void unless such move shall be completed and the house, building or structure removed from the public right-of-way within the time specified on the application for such permit; provided, however, that the Director of Public Works may extend such time when the moving of a house, building or structure is rendered impracticable by reasons of inclemency of weather, strikes or other causes not within the control of the mover. (Ord. 898 §13, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-120. Warning devices required.

No person moving any house, building or structure over, upon, along or across any public street shall fail, neglect or refuse to keep signal devices as required by the Director of Public Works at all times at each corner of such house, building or structure and at the end of any projection thereof while the same is located in or upon any public street. (Ord. 898 §14, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-130. Utility notification and service disconnection; costs.

(a) Before any house, building or structure shall be moved pursuant to this Article, the mover shall give written notice to the public utilities or agencies affected by the proposed move.

(b) Prior to issuance of a moving permit, the power to all electric service lines shall be shut off and all lines cut or disconnected outside the property line and all gas, water, steam, sewer or other service lines shall be shut off and capped outside the building line or curb, or at the main transmission line as directed by the Director of Utilities.

(c) All costs of water or sewer connection and/or tapping shall be paid for by the applicant or his or her authorized agent. (Ord. 898 §15, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-140. Damage; liability for repair.

(a) It is the duty of any person so moving any house, building or structure under the provisions of this Article to forthwith repair any damage done to any sidewalk, alley, street, tree, utility poles, wires or other property, and failure to do so shall constitute a violation of this Article.

(b) Whenever any such person moving any house, building or structure under the provisions of this Article is not the owner of the vehicle making the move, the owner of the load, as well as the owner of the vehicle and the person operating the same, shall be jointly and severally liable and responsible for compliance with the requirements of this Article. (Ord. 898 §16, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-150. Clearing of vacated site.

In the event the building, house or structure is to be removed from a site within the City, the owner of the site and/or the mover shall ensure that the vacated building site is cleaned and cleared of any and all debris and material and that all holes and irregularities on the site which constitute an unsafe, unhealthy or dangerous condition are eliminated. (Ord. 898 §16, 1976; Ord. 1814 §3, 2004)

Sec. 15-24-160. Inspection and compliance required; occupancy permit.

Upon relocation of any building, house or structure within the City, the owner of such building, house or structure shall request the Director of Public Works to make an inspection. No occupancy permit shall be issued until full compliance is obtained with all the requirements of the City. (Ord. 898 §16, 1976; Ord. 1589, 1999; Ord. 1814 §3, 2004)

ARTICLE 15-28

International Residential Code

Sec. 15-28-10. Code adopted; purpose.

(a) There is hereby adopted by the City the 2003 *International Residential Code*, published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401. The 2003 International Residential Code, including all appendices thereto, is hereby adopted as a primary code by reference and incorporated into this Code.

(b) The purpose of the code 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 Chapter, 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. 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, but rather, for the purpose of providing requirements for the protection of life and limb, property, safety and welfare of the general public and the owners and occupants of residential buildings within the City. (Ord. 1423 §1(part), 1992; Ord. 1464, 1995; Ord. 1814 §3, 2004)

Sec. 15-28-15. Nonliability.

The adoption of the code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City, its officers, employees or agents. (Ord. 1423 §1(part), 1992; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-28-20. Availability of copy of code.

At least one (1) copy of the 2003 International Residential Code, as adopted, is on file in the office of the City Clerk and may be inspected during regular business hours. In addition, copies are available for sale to the public at a price not to exceed the cost thereof to the City. Not less than one (1) copy of said code has been and is now filed in the office of the City Clerk, and from the date on which this Article shall take effect, the provisions of the International Residential Code shall be controlling within the corporate limits of the City. (Ord. 1423 §1(part), 1992; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-28-30. Deletions and substitutions; fees.

Anything contained in the International Residential Code that is now or is hereafter inconsistent with other specific ordinances of the City, is deleted and not adopted by the ordinance codified in this

Article. Any reference in the International Residential Code or the appendices hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy, etc., shall be replaced by reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof. (Ord. 1423 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-28-40. Substitution of particular terms.

Whenever the term *Building Official* or other similar title is used in the International Residential Code, the term *Chief Building Official of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1423 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-28-50. Specific amendments to code.

(a) Section R308.4 of the International Residential Code is deleted.

(b) Section R309.2 of the International Residential Code is amended to read as follows:

"309.2 Separation required. The garage shall be separated from the residence and its attic area by not less than ⅝ inch Type X gypsum board applied to the garage side adjacent to the habitable space."

(c) Section R311.4.1 of the International Residential Code is amended to read as follows:

"311.4.1 Exit door required. Not less than one exit door conforming to this Section shall be provided for each dwelling unit. The required exit door shall provide for direct access from the habitable portions of the dwelling to the exterior without requiring travel through a garage. Access to habitable levels not having an exit in accordance with this Section shall be by a ramp in accordance with Section R311.6 or a stairway in accordance with Section R311.5. Any residence greater than 1,000 square feet requires two exits."

(d) Section R311.4.3 of the International Residential Code is amended to read as follows:

"311.4.3 Landings at doors. There shall be a floor or landing on each side of each exterior door. The floor or landing at the exit door required by Section R311.4.1 shall not be more than 1.5 inches (38 mm) lower than the top of the threshold. The floor or landing at exterior doors other than the exit door required by Section R311.4.1 shall not be required to comply with this requirement but shall have a rise no greater than that permitted in Section R311.5.3.

"EXCEPTION:

"The landing at an exterior doorway shall not be more than 7¾ inches (196 mm) below the top of the threshold, provided that the door, other than an exterior storm or screen door, does not swing over the landing.

"The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel."

(e) Section R311.6 of the International Residential Code is deleted. (Ord. 1814 §3, 2004)

Sec. 15-28-55. Appeals process; Board of Appeals.

In order to provide for final interpretation of the provisions of the code and to hear appeals therefrom, the Board of Appeals, appointed and organized pursuant to adoption of the International Building Code by the City in Article 15-4 of this Chapter, is designated as the Board of Appeals for purposes of the code, and the administrative and appeal procedures, authority and responsibilities set forth in the International Building Code shall be applicable and followed in the administration of this code. (Ord. 1051 §3, 1980; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-28-60. Copies of code available for sale.

Copies of the International Residential Code are available for sale to the public through the office of the City Clerk at a price equal to the cost to the City. (Ord. 1423 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-28-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to, or in violation of any of the provisions of this Article, the International Residential Code or any order issued by the Building Official hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted and, upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the International Residential Code hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1423 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-28-75. Conflict with other codes.

If a dispute or conflict arises between the International Residential Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the State, then the more stringent provisions of each respective code shall prevail. (Ord. 1814 §3, 2004)

ARTICLE 15-32

International Mechanical Code

Sec. 15-32-10. Adopted; purpose.

(a) The 2003 *International Mechanical Code*, including all appendices thereto, published by the International Code Council, Inc., is hereby adopted by the City by reference as a primary code and incorporated into this Code. A copy of this primary code is on file in the office of the City Clerk. The 2003 International Mechanical code is published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401.

(b) The purpose of this 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. The purpose of this code is to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling and refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the City. (Ord. 1425 §1(part), 1992; Ord. 1464, 1995; Ord. 1814 §3, 2004)

Sec. 15-32-15. Nonliability.

The adoption of the code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or said code shall be construed to create any liability or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents. (Ord. 1425 §1(part), 1992; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-32-20. Availability of copy of code.

At least one (1) copy of the International Mechanical Code, as adopted, is on file in the office of the City Clerk and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the cost thereof to the City. Not less than one (1) copy of the International Mechanical Code has been and is now on file in the office of the City Clerk, and from the effective date of the ordinance amending this Article, the provisions of said code shall be controlling within the corporate limits of the City. (Ord. 1425 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-32-30. Deletions and substitutions; fees.

Anything contained in the International Mechanical Code that is now or is hereafter inconsistent with other specific ordinances of the City is deleted and not adopted by the ordinance codified in this Article. Any reference in the International Mechanical Code or the appendices hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy, etc., shall be

replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof. (Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-32-40. Substitution of particular terms.

Whenever the term *Building Official* is used in the International Mechanical Code, the term *Chief Building Official of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof. (Ord. 1425 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-32-50. Specific amendments to code.

Subsection 306.6 of the International Mechanical Code is amended to read as follows:

"306.6 Sloped roofs. Where appliances are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater, and having an edge more than 30 inches (762 mm) above grade at such edge, a level platform shall be provided on each side of the appliance to which access is required by the manufacturer's installation instructions for service, repair or maintenance. The platform shall not be less than 30 inches (762 mm) in any dimension and shall be provided with guards in accordance with Section 304.10.

"EXCEPTION:

"This subsection shall not apply to residential roofs."

(Ord. 1814 §3, 2004)

Sec. 15-32-55. Appeals process; Board of Appeals.

In order to provide for final interpretation of the provisions of the code and to hear appeals therefrom, the Board of Appeals, appointed and organized pursuant to adoption of the International Building Code by the City in Article 15-4 of this Chapter, is designated as the Board of Appeals for purposes of the code, and the administrative and appeal procedures, authority and responsibilities set forth in the International Building Code shall be applicable and followed in the administration of this code. (Ord. 1814 §3, 2004)

Sec. 15-32-60. Copies of code available for sale.

Copies of the International Mechanical Code are available for sale to the public by the office of the City Clerk at a price equal to the cost to the City. (Ord. 1425 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-32-70. Penalties and civil remedies.

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article, the International Mechanical Code hereby adopted or any order issued by the Building Official

hereunder. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the International Mechanical Code, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1425 §1(part), 1992; Ord. 1464, 1995; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-32-75. Conflict with other codes.

If a dispute or conflict arises between the 2003 International Mechanical Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the State, then the more stringent provisions of each respective code shall prevail. (Ord. 1814 §3, 2004)

ARTICLE 15-36

International Plumbing Code

Sec. 15-36-10. Adopted; purpose.

There is hereby adopted by the City the *International Plumbing Code*, 2003 edition, including all appendices and standards thereto, promulgated by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401, save and except such amendments as are set forth herein, and subject to the conflict of law provisions of the ordinance codified in this Article. The purpose of this Article is to provide minimum requirements and standards regarding plumbing systems for the protection of the public health, safety and welfare, and 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. This Article is adopted for the purpose of providing minimum standards to safeguard life, limb, health, property and public welfare by regulating plumbing methods, services and materials within the City. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1814 §3, 2004)

Sec. 15-36-15. Nonliability.

The adoption of the code by this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to

the City or its officers, employees or agents. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-36-20. Availability of copy of code.

At least one (1) copy of the International Plumbing Code as adopted, including the appendices and standards herein adopted, is on file in the office of the City Clerk and may be inspected during regular business hours. The provisions of the International Plumbing Code and the appendices and standards hereby adopted shall be controlling within the corporate limits of the City from the date on which this Article shall take effect. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-36-25. Deletions and substitutions; fees.

Anything contained in the International Plumbing Code, those appendices thereto hereby adopted and the standards hereby adopted, which is now or is hereafter inconsistent with other specific ordinances of this City, is deleted and not adopted by the ordinance codified in this Article. Any reference in the International Plumbing Code or the appendices hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy, etc., shall be replaced by reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-36-30. Substitution of particular terms.

Whenever the term *Building Official* is used in the International Plumbing Code or the appendices thereto hereby adopted, the term *Chief Building Official of the City of Brighton or his or her duly authorized representatives, designees or appointees* shall be inserted in lieu thereof. The administrative authority as defined herein means the *Chief Building Official of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees*, and shall be the authority authorized to enforce this Code. (Ord. 1814 §3, 2004)

Sec. 15-36-35. Appeals process; Board of Appeals.

In order to provide for final interpretation of the provisions of this code and to hear appeals therefrom, the Board of Appeals, appointed and organized pursuant to adoption of the International Building Code by the City in Article 15-4 of this Chapter, is designated as the Board of Appeals for purposes of this plumbing code, and the administrative and appeal procedures, authority and responsibilities set forth in the International Building Code shall be applicable and followed in the administration of this code. (Ord. 1814 §3, 2004)

Sec. 15-36-40. Cross-connection control program.

The International Plumbing Code is amended to read as follows:

"Cross-Connection Control Program established.

"(a) Administration.

"(1) General. The Administrative Au-thority will operate a cross-connection control program, including the keeping of necessary records, which fulfills the requirements of the State of Colorado Department of Health and Environment, Water Quality Division and Sections 24-4-104, 24-4-105, 25-1-107, 25-1-108, 25-1-109 and 25-1-114, C.R.S. (1973 as amended).

"(2) Scope. The Administrative Authority and/or Utility Director shall be responsible for reasonable protection of all public potable water distribution systems, private water distribution systems having more than one (1) service connection, and plumbing systems presenting a risk to the public from contamination or pollution due to the backflow or back siphonage of contaminants into such systems from fixtures on the premises. The provisions of this Code shall apply to both new and existing water services and plumbing systems within the City. Water services located outside the City boundaries which are connected to the City potable water system will be subject to the cross-connection control regulations contained in this Code.

"(3) Program to begin in 1996. Beginning in 1996, the Administrative Authority will conduct a survey of existing water services in conjunction with initial premises inspections to determine the nature of existing or potential hazards. Initial focus will be on high hazard industrial and commercial water premises followed by those premises presenting a lower hazard.

"(4) Degree of hazard. The City recognizes the threat to the public potable water supply system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of an approved backflow preventer in a location approved by the Administrative Authority.

"a. High hazard. Cross-connections that present a threat of contamination (see definition for *contamination*) are considered to be high hazard. Identification of specific high hazard water services will be conducted during initial premises survey and inspection to begin in 1993.

"b. Low hazard. Cross-connections that present a threat of pollution (see definition for *pollution*) are considered to be low hazard.

"(5) Appeals. Appeals by the owner from decisions of the Administrative Authority relative to the administrative provisions of this Code may not be made to the Board of Appeals. All appeals must be directed to the State of Colorado Department of Health and Environment, Water Quality Division.

"Note: Since federal and state laws supersede local regulations, appeals from such regulations must be made to the appropriate authority, in this case, the State of Colorado.

"(b) Definitions.

"(1) *Administrative Authority*. The Administrative Authority is the Chief Building Official of the City or his or her designee.

"(2) *Approved* means accepted or acceptable under an applicable specification or standard stated or cited in this Code, or accepted as suitable for the proposed use under procedures and authority of the Administrative Authority.

"(3) *Backflow*. Backflow is the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any sources other than its intended source (see definitions for back siphonage and back-pressure backflow in Section 103 of this Code).

"(4) *Backflow prevention device*. A backflow prevention device is a device approved by the Administrative Authority which will prevent pollution or the contamination of a potable water supply.

"(5) *Certified backflow assembly tester*. A certified backflow assembly tester is a person who has shown competence to test and maintain backflow prevention devices to the satisfaction of the Administrative Authority and the State of Colorado Department of Health and Environment, Water Quality Division.

"(6) *Containmen*t. A method used to isolate a water service from the potable water supply by the installation of an approved backflow prevention device so that any hazards that may exist on the customer's side of the device are 'contained' within the customer's water piping system, thus the term 'containment.'

"(7) *Contamination*. An impairment of the potable water which creates an actual hazard to the public health through the spread of disease by sewage, or poisoning by industrial or commercial fluids, solids, gases or waste. Also defined as high hazard.

"(8) Cross-connection. A cross-connection is any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device through which it may be possible for nonpotable, used, unclean, polluted and contaminated water or other substances to enter into any part of such potable water system under any condition.

"(9) *Fixture isolation*. A method of backflow prevention in which a backflow preventer is located to prevent contamination through a cross-connection within the owner's building or premises plumbing system as opposed to containment which does not address any hazards to the owner's plumbing system but protects the potable water supply system.

"(10) *High hazard threat*. Cross-connections classified by the Administrative Authority which present a threat of contamination (see definition for contamination) are considered to be high hazard.

"(11) *Low hazard threat*. Cross-connections that present a threat of pollution (see definition for pollution) are considered to be low hazard.

"(12) *Owner*. Any person who has legal title to or license to operate or inhabit, or in any manner has control of a property upon which a cross-connection may be present at the time of adoption of this Code or any time hereafter.

"(13) *Pollution*. An impairment of the quality of the potable water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use, as when polluted with nontoxic dye, sugar, etc. Also defined as low hazard.

"(14) *Potable water*. Potable water is water which is satisfactory for drinking, culinary and domestic purposes and meets requirements of the health authority having jurisdiction.

"(15) *Premises*. The property of the owner, including all buildings, grounds and equipment which are located within the property boundaries. This includes all water service lines up to the City right-of-way.

"(16) *Water service*. That point in the owner's water system beyond the sanitary control of the City of Brighton Utilities Department or other water supplier of more than two (2) taps; the outlet end of the water meter, and always before any unprotected water service branch.

"(c) New services. Authority to connect.

"(1) Written approval required. Water service connections for new services may not be made until approval to connect is given by the Administrative Authority in writing after all backflow prevention devices have been tested by a certified backflow assembly tester and approved.

"(2) Temporary service connection. Temporary connections to the public potable water supply to test water piping and fixtures will be allowed only when the new water piping is first flushed out properly and there exists no unprotected cross-connections within the plumbing system. Discovery of cross-connections during construction will be cause for termination of construction water service until the cross-connection is either eliminated or protected by an approved backflow prevention device.

"(3) Disinfection and approval of water mains. To comply with City of Brighton Utility Department regulations, water mains and all water piping upstream of the water meter must be disinfected and flushed, and must receive Tri-County Health Department's inspection and written approval before being placed into service and accepted by the City.

"(4) Meter location. All water meter locations and specifications are subject to Utility Department construction specifications.

"(d) Grounds for discontinuance of water service.

"(1) Unprotected cross-connections. All water services found by the Administrative Authority to have unprotected cross-connections and whose owners fail or refuse to eliminate or protect such cross-connections with an approved backflow prevention device within the time specified by the Administrative Authority will be subject to having their water service discontinued.

"(2) Failure to allow inspections. Every owner having a plumbing system which, due to the nature of activities on the premises or in the building, indicate that a hazard to the public

potable water supply may exist, shall allow his or her premises to be inspected by the Administrative Authority to determine whether cross-connections, in fact, do exist. Failure on the part of any owner to allow the Administrative Authority to inspect his or her premises for possible cross-connections will be grounds for discontinuance of his or her water service.

"(3) Failure to comply with notice and order. Failure, refusal or inability on the part of any owner to install any backflow prevention device or devices within the time specified by any notice and order received from the Administrative Authority shall constitute grounds for discontinuing water service to the premises. If the service is discontinued, the owner must comply with the notice and order, call for inspection and pay reconnection fees, as appropriate, before service will be resumed.

"(4) Emergencies. When contamination of any potable water supply has occurred, the Administrative Authority and/or Utility Director is authorized to disconnect immediately any water service from which contamination is emanating.

"(e) Unauthorized water taps. Water service through any unauthorized water tap is subject to immediate discontinuance. When it is found that any water tap in place for fire-fighting purposes is being used for any purpose other than fire-fighting operations, the domestic water supply to the owner's premises will be subject to discontinuance until all unauthorized uses of the fire service water tap are disconnected and reinspected by the Administrative Authority.

"Additional water meters may be required by the Administrative Authority as a condition for continued water service whenever an unauthorized tap is discovered.

"(f) Certified backflow assembly testers.

"(1) List of licensed testers. The Administrative Authority shall have on file a list of private contractors who are certified by the State to test backflow prevention devices and who are licensed contractors in the City.

"(2) Cause for revocation of license. Refusal, neglect or failure on the part of any certified backflow assembly tester to comply with the City's licensing regulations or this Code shall be grounds for revocation of that contractor's license and City listing.

"(g) Containment of water services.

"(1) Hazardous water services and plumbing systems. All plumbing systems and/or water services considered by the Administrative Authority to present a hazard to the City's potable water supply or premises plumbing system shall be contained by installing an approved backflow prevention device at all service connections to the owner's premises and at each cross-connection found within the premises plumbing system as directed by the Administrative Authority.

"(2) Compliance notice given. The Administrative Authority shall give notice in writing to any owner whose plumbing system has been found to present a hazard to any potable water supply. The notice and order shall state that the owner must install an approved backflow prevention device at each service connection to the owner's premises to contain the water

service and/or install an approved backflow prevention device or devices at all cross-connections within the owner's plumbing system. The notice and order will specify the type and location of each backflow prevention device required, and will give a date certain by which the owner must comply with the order.

"(3) High hazard water services and plumbing systems. Water services and/or plumbing systems presenting the most severe hazard to the public health will be given the shortest time period in which to comply. Any water service and/or plumbing system considered to present a severe hazard to the public health and whose contamination appears to be imminent must be contained immediately and the hazard eliminated.

"For high hazard water services, the Administrative Authority may allow up to ten (10) days from the date of the first premises inspection when the inspection reveals a high hazard cross-connection on the owner's premises.

"(4) Low hazard water services and plumbing systems. Owners of existing water services and/or plumbing systems classified as presenting a low hazard will be allowed one hundred eighty (180) days from the date of the first premises inspection in which to comply with orders given by the Administrative Authority. Failure to eliminate a low cross-connection within the time specified will be cause for termination of water service.

"At any time a low hazard classification is changed by the Administrative Authority to a high hazard classification because of new information received or new circumstances encountered, the hazard must be eliminated within ten (10) days of being declared a high hazard.

"(h) Alternative to containment; low hazard water services.

"(1) Fixture isolation; low hazard. For low hazard cross-connections, in lieu of containing the owner's water service, the owner may choose to isolate all cross-connections on his or her premises with approved backflow prevention devices. If the owner chooses this alternative to containment, annual or semiannual inspection by the Administrative Authority and annual or semiannual testing of each required device by a certified backflow assembly tester will be required at no expense to the City.

"(2) Fixture isolation; high hazard. All existing and future high hazard water services must be contained by installing approved backflow prevention devices at the service entrance and at all cross-connections within the plumbing system.

"(i) Compliance deadlines; final notice.

"(1) Final notices. If any owner refuses, neglects or fails to comply with a notice and order received by the Administrative Authority within the time specified in the order, a final notice will be sent by certified mail to the owner and the Colorado Department of Health and Environment, Water Quality Division. The final notice will reference the original notice and order, and will state that if compliance is not reached within ten (10) days of the receipt of such final notice, water service to the owner's premises will be discontinued.

"(2) Extenuating circumstances. If the owner informs the Administrative Authority of extenuating circumstances as to why a deadline for compliance cannot be met, the Administrative Authority in consultation with the Utilities Director or his or her designee may grant extensions of up to thirty (30) days for high hazard water services, and sixty (60) days for low hazard water services. An extension of time so granted may be revoked at any time a water service or plumbing system becomes contaminated, or is very likely to be contaminated, in which case the water service will be discontinued immediately.

"(3) Utilities department notified. Whenever a notice is sent to any owner by the Administrative Authority stating that water service to the owner's property will be discontinued, a copy of such notice will be forwarded to the Utilities Director and City Clerk. The Utilities Director will then take the appropriate action to protect the City's public potable water supply.

"(j) Protection of occupants in buildings or on premises.

"(1) Building/premises inspections. Buildings or premises within which potable water is used to mix hazardous chemicals or any occupancy with cross-connections in the building or on the premises presenting a potential hazard to the public health shall be subject to reinspection by the Administrative Authority.

"(2) List of buildings/premises. Beginning in 1993, a list of buildings and/or premises will be developed systematically based upon criteria supplied from the Colorado Department of Health and Environment, Water Quality Division, and water billing records. All buildings and/or premises identified as potentially hazardous to public safety will be sent a notice stating that an inspection of their premises will be required.

"(3) Compliance deadline. Any cross-connections discovered by such inspection or known to the owner shall be eliminated or protected with an approved backflow prevention device in accordance with the provisions of Section 1003 of this Code.

"(k) Owner's responsibilities.

"(1) Eliminate cross-connections. The owner shall be responsible for the elimination or protection of all cross-connections on his or her premises or inside his or her building. The owner shall maintain his or her premises or building free from any unprotected cross-connections as a condition for containing water service.

"(2) Have devices tested. The owner, after having been informed by certified mail from the Administrative Authority to do so, shall install, maintain and have tested any and all required backflow preventers on his or her premises. Owners of new services requiring cross-connection control devices as a condition for a building permit shall have such devices tested by a certified cross-connection assembly tester before being authorized to receive service from the City or water provider, and at least annually thereafter. Testing and maintenance of all required cross-connection control devices shall be a condition for containing water service.

"(3) Maintain devices. The owner shall cause to be corrected any malfunction of any required backflow prevention device which is revealed by periodic testing or visual observance of any malfunction by any person.

"(4) Notify administrative authority of cross-connections. The owner shall inform the Administrative Authority of any proposed or modified cross-connections and of any existing cross-connections of which the owner is aware but have not been found by the Administrative Authority.

"(5) Protect service bypasses. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operations for testing of the devices must supply additional devices necessary to allow testing to take place so that at no time the potable water supply to the service connection is left unprotected.

"(6) Licensed plumbers to install devices. The owner shall cause to be installed only backflow prevention devices which are first approved by the Administrative Authority through the issuance of a permit. In all but owner-occupied single-family dwellings, only licensed plumbers will be allowed to install backflow preventers.

"(7) Identify potable water piping. The owner shall identify all potable water piping on his or her premises in a manner that will clearly distinguish potable water piping from nonpotable water piping. The direction of flow must be identified on the piping.

"(8) Private wells or source of water. Any owner having a private well or other private water source must have on file with the Administrative Authority permits for all required backflow prevention devices, and a well permit from the State of Colorado when the well or source is cross-connected to the City potable water supply system. Permission to cross-connect may be denied by the Administrative Authority for operational, water aesthetic reasons or safety reasons even if the owner proposes to install a backflow prevention device to isolate the private well.

"The owner may be required to install a backflow prevention device at the service entrance if a private water source is maintained on the premises, even if the private water source is not cross-connected to the City's potable water supply system, or any other potable water supply system serving two (2) or more taps.

"(9) Owner to pay for testing fees. The owner shall pay all fees for annual or more frequently required backflow prevention device testing, or retesting in case the device fails to operate correctly."

(Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-36-45. No license required.

Contractors holding a valid City Class "A," "B," "C," "D" or "P" contractor's license may install water supply and waste drainage lines located between the City mains and three (3) feet from the

foundation of residential buildings without a plumber's license. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1814 §3, 2004)

Sec. 15-36-50. Copies of code available for sale.

Copies of the International Plumbing Code, including appendices hereby adopted and the standards hereby adopted, are available for distribution and sale to the public by the office of the City Clerk at a price per copy equal to the cost to the City. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-36-55. Penalties and civil remedies.

(a) It shall be unlawful for any person to violate any of the provisions of this Article, the International Plumbing Code, including all appendices thereto hereby adopted, or the installation standards hereby adopted, to fail to comply with any order made thereunder, to construct in violation of any statement or plan submitted and approved thereunder or any certificate or permit issued thereunder, or to fail to comply with such order as affirmed or modified by the Administrative Authority of the City. Any person violating any of said provisions or any such order shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of such provisions or of such order is committed, continued or permitted and, upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the International Plumbing Code, including all appendices thereto hereby adopted, or the installation standards adopted hereby, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations. (Ord. 1426 §1(part), 1992; Ord. 1508 §1(part), 1997; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-36-65. Conflict with other codes.

If a dispute or conflict arises between the International Plumbing Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the State, then the more stringent provisions of each respective code shall prevail. (Ord. 1814 §3, 2004)

ARTICLE 15-42

Energy Efficiency Code for Nonresidential Buildings

Sec. 15-42-10. Code adopted; purpose.

There is adopted by the City the *Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings*, Second Edition, including standards set forth in Section 7 thereof, Figures 1 through 7 inclusive, and Tables 6-1A through 6-3 inclusive, and all 1979 amendments thereto as referred to in Energy Memo No. 5 by the Office of Energy Conservation of

the State, promulgated in November 1977, by the Board of Energy Efficiency Nonresidential Building Standards which was appointed by the State of Colorado, Director of State Planning and Budgeting. These standards shall be referred to in this Article as the "code." Such code is adopted for the purpose of achieving effective utilization of energy in new, nonresidential building construction within the City. (Ord. 1050 §1, 1980; Ord. 1814 §3, 2004)

Sec. 15-42-20. Provisions effective when and copy available where.

(a) Not less than one (1) copy of the code adopted by this Article has been and now is filed in the office of the City Clerk, and from the date on which this Article shall take effect, the provisions of the code in this Article adopted, including the standards, figures and tables adopted in this Article, shall be controlling within the City limits.

(b) Copies of the code adopted in this Article are available for distribution and sale to the public by the office of the City Clerk, at a price per copy equal to the cost to the City. (Ord. 976 §1(part), 1978; Ord. 1814 §3, 2004)

Sec. 15-42-30. Amendments.

The Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings is amended as follows: Section 103.0 entitled "Scope" is amended by adding thereto the following:

> "This Code furthermore sets forth minimum requirements for the design and construction of outdoor heated swimming pools in the City."

(Ord. 976 §1(part), 1978; Ord. 1814 §3, 2004)

Sec. 15-42-40. Appeal procedures.

In order to provide for final interpretation of the provisions of the code and to hear appeals therefrom, the Board of Appeals, appointed and organized pursuant to adoption of the Building Code by the City in Article 15-4 of this Chapter, is designated as the Board of Appeals for purposes of this code, and the administrative and appeal procedures authority and responsibilities set forth in the Building Code shall be applicable and followed in the administration of this code. (Ord. 1050 §2, 1980; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-42-50. Penalties and civil remedies.

(a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done contrary to or in violation of any of the provisions of the code. Any person violating any of the provisions of the code shall be deemed guilty of a violation and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Code is committed, continued or permitted and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violation of this code. (Ord. 1050 §3, 1980; Ord. 1589, 1999; Ord. 1814 §3, 2004)

ARTICLE 15-46

Energy Conservation Performance Code for New Construction and Renovation of Residential Buildings

Sec. 15-46-10. Code adopted; purpose

There is hereby adopted by the City the *Colorado Recommended Energy Conservation Performance Code for New Construction and Renovation of Residential Buildings*, Second Edition, including standards set forth in Appendix A and B of the Model Energy Efficiency Construction and Renovation Standards for Residential Buildings, and all 1979 amendments as referred to in Energy Efficiency Construction and Renovation Standards for Residential Buildings, and all 1979 amendments as referred to in Energy Memo No. 5 by the Office of Energy Conservation of the State, adopted by the Colorado State Housing Board in November 1977 as recommended by the Residential Energy Conservation Code Advisory Committee. These standards shall be referred to herein as the "code." Such code is adopted for the purpose of achieving effective utilization of energy in new residential building construction within the City. (Ord. 1051 §1, 1980; Ord. 1814 §3, 2004)

Sec. 15-46-20. Provisions effective when and copy available where.

(a) Not less than one (1) copy of the code adopted by this Article has been and now is filed in the office of the City Clerk and from the date on which this Article shall take effect, the provisions of the code adopted in this Article, including the standards, figures and tables adopted in this Article, shall be controlling within the corporate limits of the City.

(b) Copies of the code adopted in this Article are available for distribution and sale to the public by the office of the City Clerk, at a price per copy equal to the cost to the City. (Ord. 977 §1(part), 1978; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-46-30. Amendments.

The Energy Conservation Performance Code for New Construction and Renovation of Residential Buildings is hereby amended as follows:

(1) Section 103.0(b) entitled "Scope" is amended by adding thereto the following:

"This Code furthermore sets forth minimum requirements for the design and construction in total or portions thereof, or additions thereto of those hotels, motels and apartment buildings that are over three (3) stories in height."

(2) Attachment F entitled "Insulation Standards" is hereby added to the said code to read as follows:

"Minimum insulation standards for residential buildings are as follows:

"1. Insulation having a minimum R-value of eleven (11) shall be used in all exterior walls, and floors contiguous to any unheated areas above grade.

"2. Insulation having a minimum R-value of thirty (30) shall be used in all exterior ceilings contiguous to any heated areas above grade.

"3. All windows above grade shall be double glazed. This includes any basement windows with more than eight hundred (800) square inches of area.

"4. All exterior doors or door leading to any unheated areas shall be weather stripped. All sliding glass doors shall be double glazed.

"5. All heat ducts penetrating unheated areas shall be wrapped with insulation with a R-value of a minimum of seven (7)."

(Ord. 1051 §2, 1980; Ord. 1814 §3, 2004)

Sec. 15-46-40. Appeal procedures.

In order to provide for final interpretation of the provisions of the code and to hear appeals therefrom, the Board of Appeals, appointed and organized pursuant to adoption of the International Building Code by the City in Article 15-4 of this Chapter, is designated as the Board of Appeals for purposes of this code, and the administrative and appeal procedures, authority and responsibilities set forth in the International Building Code shall be applicable and followed in the administration of this code. (Ord. 1051 §3, 1980; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-46-50. Penalties and civil remedies.

(a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of the code hereby adopted. Any person violating any of the provisions of the code shall be deemed guilty of a violation and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the code is committed, continued or permitted and, upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violation of this Article. (Ord. 1051 §4, 1980; Ord. 1589, 1999; Ord. 1814 §3, 2004)

ARTICLE 15-50

Uniform Building Security Code

Sec. 15-50-10. Code adopted; purpose.

There is hereby adopted by the City the *Uniform Building Security Code*, 1982 Edition, promulgated by the International Conference of Building Officials, save and except such amendments as are hereinafter set forth in Section 15-50-30. Such Code is adopted to establish minimum standards to make dwelling units resistant to unlawful entry in the City. (Ord. 1202 §1(part), 1986; Ord. 1814 §3, 2004)

Sec. 15-50-20. Provisions effective when and copy available where.

(a) Not less than one (1) copy of the Uniform Building Security Code adopted by Section 15-50-10, has been and now is filed in the office of the City Clerk, and from the date on which the ordinance codified in this Article takes effect, the provisions of the Uniform Building Security Code shall be controlling within the limits of the City.

(b) Copies of the Uniform Building Security Code as adopted by this Article, are available for distribution and sale to the public in the office of the City Clerk at a price equal to the cost to the City. (Ord. 1202 §1(part), 1986; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-50-30. Amendments.

The Uniform Building Security Code is amended and changed in the following respects, and adopted herein as amended and changed. Section 4106 of the Uniform Building Security Code is amended by adding thereto the following:

"(e) Solid core exterior wood doors. All exterior wood doors shall be of a solid core construction with a minimum thickness of 1¾ inches or, if with panels, the panels shall not be less than nine-sixteenths ($^{9}/_{16}$) of an inch thick.

"(f) Metal flush bolts. The inactive leaf of double doors shall be equipped with metal flush bolts having a minimum embedment of five-eighths (⅝) of an inch into the head and threshold or top and bottom door frame.

"(g) Exterior door windows. Windows in exterior doors or within forty (40) inches of any locking mechanism shall be of a fully tempered glass or other break-resistant glass."

(Ord. 1202 §1(part), 1986; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-50-40. Board of Appeals.

In order to provide for final interpretation of the provisions of the code and to hear appeals relative to the implementation and enforcement of the code, the Board of Appeals established for the International Building Code, as adopted in Article 15-4 of this Chapter, shall hear all appeals relative to the Uniform Building Security Code as hereby adopted, and the organization, procedures and

authority as adopted for the Board of Appeals in conjunction with the International Building Code are applicable to the Uniform Building Security Code hereby adopted. (Ord. 1202 §1(part), 1986; Ord. 1589, 1999; Ord. 1814 §3, 2004)

Sec. 15-50-50. Violation; penalty and civil remedies.

(a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City contrary to or in violation of any of the provisions of this Article, the Uniform Building Security Code, including amendments thereto, or any order issued by the City Manager hereunder. Any person violating any of such provisions shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of such provisions is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) In any case of a failure to comply with any requirements of this Article or of the Uniform Building Security Code, including amendments thereto as hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violation. (Ord. 1202 §1(part), 1986; Ord. 1589, 1999; Ord. 1814 §3, 2004)