

CHAPTER 19

Buildings and Building Regulations

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ARTICLE I

In General

Sec. 19-1. Building Official.

(A) The Building Official is authorized to enforce the provisions of all codes adopted by this Chapter.

(B) The Building Official shall be appointed by the City Council as provided in Chapter 2 of this Code.
(Ord. 8 §1, 2006)

Sec. 19-2. Fees.

Where any code adopted by this Chapter requires a fee, said fee shall be as set forth in the City's fee schedule.
(Ord. 8 §1, 2006)

Sec. 19-3. Appeals.

(A) Appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of any code adopted by this Chapter shall be heard and decided upon by the City Council.

(B) An application for appeal shall be based on a claim that the true intent of the applicable code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed. Applications for an appeal must be made to the City within ten (10) days of the Building Official's decision being appealed. A written request, along with an appeal fee as set forth in the City's fee schedule, must be submitted to the City Clerk, who shall schedule the matter before the City Council at its next regular meeting.

(C) When, in its sole discretion, the City Council finds the need for technical assistance relative to any appeal, the services of an independent, qualified professional may be sought so long as no undue delay results. The City Council must render a decision on every application within thirty (30) days after its first meeting at which the appeal was presented.
(Ord. 8 §1, 2006)

Sec. 19-4. Penalty.

(A) It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or equipment in the City, or to cause or permit the same to be done, in violation of any of the primary or secondary codes as adopted by this Chapter. Maintenance of any condition which was unlawful at the time it was initiated and which would be unlawful under any of the primary and secondary codes adopted by this Chapter, if installed after the effective date hereof, shall constitute a continuing violation. Any person, firm or corporation violating any of the provisions of any of the primary or secondary codes as adopted hereby 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 any of the primary or secondary codes occurs or continues. Any violation of any provision of this Chapter or of any code adopted by this Chapter shall be subject to the general penalty provisions set forth in Section 1-8 of this Code.

(B) It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter or change the use of any building or other structure within the City without first obtaining all permits required by any of the primary or secondary codes as adopted hereby. No permit shall be issued unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning ordinances and other applicable regulations of the City.

(C) Any person, firm or corporation who commences to erect, construct, enlarge, alter or change the use of any building or other structure within the City without first obtaining all permits required by any of the primary or secondary codes as adopted hereby shall, in addition to all other applicable penalties, be liable for two (2) times the applicable permit fee for any such required permits.
(Ord. 8 §1, 2006; Ord. 4 §2, 2009)

Sec. 19-5. Coordination of agencies.

Whenever in the enforcement of any code or codes, the responsibility of more than one (1) code official or agency is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of a law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.
(Ord. 8 §1, 2006)

Sec. 19-6—19-10. Reserved.

ARTICLE II
Technical Codes

Sec. 19-11. Adoption.

The following codes, one (1) copy of each of which is on file in the office of the City Clerk, are hereby adopted by reference as if set out verbatim in this Article, subject to the deletions and amendments herein specified:

- (1) The International Building Code, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, Chapters 1 through 35 inclusive and Appendix Chapter I.
 - (2) The International Residential Code, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, Chapters 1 through 43 inclusive and Appendix Chapters G and H.
 - (3) The International Mechanical Code, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive.
 - (4) The International Fuel Gas Code, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, Chapters 1 through 8 inclusive.
 - (5) The International Plumbing Code, 2006 Edition, published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, Chapters 1 through 13 inclusive.
 - (6) The International Energy Conservation Code, 2006 Edition, as published by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, Chapters 1 through 15 inclusive.
 - (7) The National Electrical Code, in the version adopted by the State Electrical Board, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.
- (Ord. 8 §1, 2006; Ord. 4 §1, 2009)

Sec. 19-12. Amendments to the International Building Code.

The following amendments to the 2006 Edition of the International Building Code ("IBC") are hereby adopted:

- (1) IBC Section 101.1 (Title) is amended by the addition of the term "City of Idaho Springs" where indicated.
- (2) IBC Section 101.4.1 (Electrical) is amended by replacing "ICC Electrical Code" with "National Electrical Code as adopted by the State of Colorado."
- (3) IBC Section 101.4.4 (Plumbing) is amended by deletion of the last sentence.
- (4) IBC Section 101.4.5 (Property Maintenance) is amended by deletion of the Section in its entirety.
- (5) IBC Section 105.1 (Required) is amended by replacing the words "building official" with "City."

- (6) IBC Section 108.6 (Refunds) is amended by deleting the Section in its entirety and replacing the Section with the following:

"The City may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The City may authorize refunding of not more than 75 percent (75%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The City may authorize refunding of not more than 75 percent (75%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review is commenced. The City shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

- (7) IBC Section 112 (Board of Appeals) is amended by deleting the Section in its entirety and replacing it with the following:

"112.1.1 Organization.

"A. A Board of Review is hereby established, the membership of which shall consist of five (5) members and up to three (3) alternate members who shall be residents of the City of Idaho Springs and who shall be experienced in building construction. The five regular members and alternate members of the Board of Review shall be appointed by the City Council. Members may be removed by the City Council without cause, in the sole discretion of the Council.

"B. The Board of Review shall meet once a year, and at such other times as specified in its rules. The Board of Review, in its rules of procedure, shall make provisions for the selection of a Chairperson to preside at its meetings.

"C. The City Council shall appoint a Recording Secretary to the Board of Review who shall be the custodian of records and shall conduct official correspondence, prepare the agenda, receive applications and generally supervise the clerical work.

"D. The terms of the members of the Board of Review shall be for three (3) years, although the initial members shall be appointed to allow staggered terms.

"E. Vacancies in the membership of the Board of Review shall be filled for the unexpired term in the same manner as in the case of the original appointments.

"112.1.2 Jurisdiction.

"A. The Board of Review, in appropriate cases and subject to the appropriate principles, standards, rules, conditions and safeguards set forth in the Building Code adopted by the City Council of the City of Idaho Springs, may make special exceptions to the said terms of the Building Code in harmony with their general purpose and intent. Such exceptions may include a determination of suitability of alternate materials and methods of construction, and to provide reasonable interpretations of said Building Code. The Board shall have no power to determine, waive, except or otherwise affect the enforcement of other City regulations, resolutions, chapters or other laws, which are enforced through enforcement of the Building Code.

"B. The Board of Review may hear appeals by any person aggrieved by his inability to obtain a building permit to the extent caused by failure to comply with the standards of the Building Code (but not to the extent related to compliance with other City regulations, ordinances, chapters or other applicable laws) or by any officer, department, board or bureau of the City affected by the grant or refusal of a building permit.

"C. The Board of Review may hear any appeal by any person, officer, department, board or bureau from the decision of any administrative officer or enforcement of the Building Code adopted by the City Council of the City of Idaho Springs.

"D. Any such appeal or petition for special exception shall be filed with the Secretary to the Board of Review within thirty (30) days after the date of the decision of the administrative officer. The form and procedure relating thereto shall be specified in the supplemental rules of procedure adopted by the Board of Review.

"E. The Board of Review may formulate suggested amendments to the Building Code adopted by the City Council of the City of Idaho Springs and transmit these suggestions to the City Council for its consideration.

"112.1.3 Procedure.

"A. The Chairperson may administer oaths and compel the attendance of witnesses in the context of hearing an appeal or special exception.

"B. All meetings of the Board of Review shall be open to the public and the records of its official actions shall be filed in the office of the Recording Secretary to the Board of Review and shall be public records.

"C. A quorum of the Board of Review shall not be fewer than four (4) members, either regular or alternate.

"D. The Board of Review shall adopt supplemental rules of procedure relating to participation of the regular and alternate members of the Board at the meetings. Alternate members may participate at the meeting and vote on the decisions, provided that in no case may more than a total of five (5) votes be cast on any question or case before the Board of Review. At least three (3) affirmative votes are necessary to grant an appeal or a special exception."

(8) IBC Section 202 (Definitions) is amended by addition of the following:

" 'Sleeping Room' (Bedroom) Any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IBC Section 1208 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

(9) IBC Section 1612.3 (Establishment of flood hazard areas) is amended by the insertion of "City of Idaho Springs" where indicated in [Name of Jurisdiction] and the date of "May 1978," where indicated in [Date of Issuance].

(10) IBC Section 3109.4 (Residential swimming pools) is amended by replacing the exception with the following: "A hot tub or spa with a safety cover complying with ASTM F 1346."

(11) IBC Section 3401.3 (Compliance with other codes) is amended by deleting "International Private Sewage Disposal Code" and "International Property Maintenance Code," and by deleting "ICC Electrical Code" and inserting in its place "National Electrical Code as Adopted by the State of Colorado."

(12) IBC Section 3410.2 (Applicability) is amended by the insertion of "1985" as the effective date of building codes for the City of Idaho Springs.

(Ord. 4 §1, 2009)

Sec. 19-13. Amendments to the International Mechanical Code.

The following amendments to the 2006 Edition of the International Mechanical Code ("IMC") are hereby adopted:

(1) IMC Section 101.1 (Title) is amended by the addition of the term "City of Idaho Springs" where indicated.

(2) IMC Section 504.6.1 (Maximum length) is amended by deleting the exception in its entirety.

(3) IMC Section 703.1.3 (Size of horizontal openings) is amended by the addition of the following exception:

"Exception: Where combustion air ducts serve equipment which is located within and serves an individual dwelling unit of Groups R-1, R-2, R-3 and R-4 occupancies and communicates directly with the outdoors, 6-inch (152.4 mm) round combustion air ducts ducted to within 12 inches (305 mm) of the perimeter of the major appliance shall be sufficient to serve a space where the total combined equipment input rating does not exceed 175,000 BTU. Where the total combined equipment input rating exceeds 175,000 BTU the ducting shall be increased by an additional 1 square inch (645.2 sq. mm) for each 5,000 BTU/hour or fraction thereof, input rating above 175,000."

(4) IMC Section 703.1.4 (Size of vertical openings) is amended by the addition of the following exception:

"Exception: Where combustion air ducts serve equipment which is located within and serves an individual dwelling unit of Groups R-1, R-2, R-3 and R-4 occupancies and communicates directly with the outdoors, 6-inch (152.4 mm) round combustion air ducts ducted to within 12 inches (305 mm) of the perimeter of the major appliance shall be sufficient to serve a space where the total combined equipment input rating does not exceed 175,000 BTU. Where the total combined equipment input rating exceeds 175,000 BTU the ducting shall be increased by an additional 1 square inch (645.2 sq. mm) for each 5,000 BTU/hour or fraction thereof, input rating above 175,000."

(Ord. 4 §1, 2009)

Sec. 19-14. Amendments to the National Electrical Code.

There are no amendments to the adopted version of the National Electrical Code.

(Ord. 4 §1, 2009)

Sec. 19-15. Amendments to the International Plumbing Code.

The following amendments to the 2006 Edition of the International Plumbing Code ("IPC") are hereby adopted:

- (1) IPC Section 101.1 (Title) is amended by the addition of the term "City of Idaho Springs" where indicated.
- (2) IPC Section 305.6.1 (Sewer depth) is amended by filling in both areas where indicated to read "12 inches (305 mm)."
- (3) IPC Section 904.1 (Roof extension) is amended by inserting the number "6 inches (152.4 mm)" where indicated in the second sentence.

(Ord. 4 §1, 2009)

Sec. 19-16. Amendments to the International Residential Code.

The following amendments to the 2006 Edition of the International Residential Code ("IRC") are hereby adopted:

- (1) IRC Section R101.1 (Title) is amended by the addition of the term "City of Idaho Springs" where indicated.
- (2) IRC Section R102.7 (Existing Structures) is amended by deleting the words "International Property Maintenance Code."
- (3) IRC Section R105.1 (Required) is amended by replacing the words "building official" with "City."
- (4) IRC Section R108.5 (Refunds) is amended by deleting the section in its entirety and replacing the section with the following:

"The City may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The City may authorize refunding of not more than 75 percent (75%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The City may authorize refunding of not more than 75 percent (75%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The City shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

- (5) IRC Section R109.1.5 (Other inspections) is amended by the addition of a new subsection as follows:

"R109.1.5.2 Insulation Inspection. Inspection of the structure shall be made following installation of the wall, ceiling and floor insulation and exterior windows and before wall coverings are installed."

- (6) IRC Section R112 (Board of Appeals) is amended by deleting the section in its entirety and replacing it with the following:

"112.1.1 Organization.

"A. A Board of Review is hereby established, the membership of which shall consist of five (5) members and up to three (3) alternate members who shall be residents of the City of Idaho Springs and who shall be expe-

rienced in building construction. The five regular members and alternate members of the Board of Review shall be appointed by City Council. Members may be removed by the City Council without cause, in the sole discretion of the Board.

"B. The Board of Review shall meet once a year, and at such other times as specified in its rules. The Board of Review, in its rules of procedure, shall make provisions for the selection of a Chairperson to preside at its meetings.

"C. The City Council shall appoint a Recording Secretary to the Board of Review who shall be the custodian of records and shall conduct official correspondence, prepare the agenda, receive applications and generally supervise the clerical work.

"D. The terms of the members of the Board of Review shall be for three (3) years, although the initial members shall be appointed to allow staggered terms.

"E. Vacancies in the membership of the Board of Review shall be filled for the unexpired term in the same manner as in the case of the original appointments.

"112.1.2 Jurisdiction.

"A. The Board of Review, in appropriate cases and subject to the appropriate principles, standards, rules, conditions and safeguards set forth in the Residential Building Code adopted by the City Council of the City of Idaho Springs, may make special exceptions to the said terms of the Residential Building Code in harmony with their general purpose and intent. Such exceptions may include a determination of suitability of alternate materials and methods of construction, and to provide reasonable interpretations of said Residential Building Code. The Board shall have no power to determine, waive, except or otherwise affect the enforcement of other City regulations, resolutions, chapters or other laws, which are enforced through enforcement of the Residential Building Code.

"B. The Board of Review may hear appeals by any person aggrieved by his inability to obtain a building permit to the extent caused by failure to comply with the standards of the Residential Building Code (but not to the extent related to compliance with other City regulations, ordinances, chapters or other applicable laws) or by any officer, department, board or bureau of the City affected by the grant or refusal of a building permit.

"C. The Board of Review may hear any appeal by any person, officer, department, board or bureau from the decision of any administrative officer or enforcement of the Residential Building Code adopted by the City Council of the City of Idaho Springs.

"D. Any such appeal or petition for special exception shall be filed with the Secretary to the Board of Review within thirty (30) days after the date of the decision of the administrative officer. The form and procedure relating thereto shall be specified in the supplemental rules of procedure adopted by the Board of Review.

"E. The Board of Review may formulate suggested amendments to the Residential Building Code adopted by the City Council of the City of Idaho Springs and transmit these suggestions to the City Council for its consideration.

"112.1.3 Procedure.

"A. The Chairperson may administer oaths and compel the attendance of witnesses in the context of hearing an appeal or special exception.

"B. All meetings of the Board of Review shall be open to the public and the records of its official actions shall be filed in the office of the Recording Secretary to the Board of Review and shall be public records.

"C. A quorum of the Board of Review shall not be fewer than four (4) members, either regular or alternate.

"D. The Board of Review shall adopt supplemental rules of procedure relating to participation of the regular and alternate members of the Board at the meetings. Alternate members may participate at the meeting and vote on the decisions, provided that in no case may more than a total of five (5) votes be cast on any question

or case before the Board of Review. At least three (3) affirmative votes are necessary to grant an appeal or a special exception."

- (7) IRC Section R202 (Definitions) is amended by addition of the following:

" 'Sleeping Room' (Bedroom) Any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

- (8) IRC Table R301.2 (1) is filled to provide the following:

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

"Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Shield Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite					
55 psf	100	B	Severe	36 in.	Slight to Moderate	1	YES	Per City Ordinance	1000	45°F"

- (9) IRC Section R305.1 (Minimum Height) Exception #2 is deleted and replaced with the following:

"All basements in new dwelling units, other than those basements clearly identified as cellars or mechanical spaces, shall have ceiling heights as required for habitable spaces. Where existing non-habitable basements, constructed prior to the adoption of this Code, are being converted to habitable uses, the building official shall be permitted to approve a minimum clear ceiling height of 6 feet, 8 inches (2,032 mm) from the finished floor; and beams, girders, ducts or other obstructions may project to within 6 feet, 4 inches (1,931 mm) of the finished floor."

- (10) IRC Section R310.2.1 (Ladder and steps) is amended by the addition of the following exception to read as follows:

"Exception: Only one window well ladder shall be required in an unfinished basement."

- (11) IRC Section R312.1 (Guards required) is amended by the addition of a third paragraph as follows:

"All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this Section around the entire opening, or shall be provided with an equivalent barrier.

"Exceptions:

"1. The access side of stairways need not be protected.

"2. Area and window wells provided for emergency escape and rescue windows may be protected with approved grates or covers that comply with Section R310 of this Code.

"3. Covers and grates may be used over stairways and other openings used exclusively for the service access or for admitting light or ventilation."

- (12) IRC Section R401.2 (Requirements) is amended by the addition of the following:

"Where soils reports show the need for it, foundations shall be designed and the construction drawings stamped by a Colorado registered design professional. The foundation design must be based on an engineer's soils report. The drawings must be noted with the engineering firm name, specific location for design and soils report number. A site certification prepared by a State of Colorado registered design professional is required for setback verification on all new Group R Division 3 occupancies."

- (13) IRC Section R405.1 (Concrete and masonry foundations) is amended with the addition of the following after the first sentence: "All foundation drains shall be designed and inspected by a State of Colorado registered design professional."

- (14) IRC Section M1502.6 (Duct length) is amended by deleting Exception No. 1 in its entirety.

- (15) IRC Section M1703.2.1 (Size of opening) is amended by the addition of the following exception:

"Exception: Where combustion air ducts serve equipment which is located within and serves an individual dwelling unit and communicates directly with the outdoors, 6-inch (152.4 mm) round combustion air ducts ducted to within 12 inches (305 mm) of the perimeter of the major appliance shall be sufficient to serve a space where the total combined equipment input rating does not exceed 175,000 BTU. Where the total combined equipment input rating exceeds 175,000 BTU the ducting shall be increased by adding an additional 1 square inch (645.2 sq. mm) for each 5,000 BTU/hour or fraction thereof, input rating above 175,000."

- (16) IRC Section G2407.6.1 (Outdoor combustion air; Two permanent-openings methods) is amended by the addition of the following exception:

"Exception: Where combustion air ducts serve equipment which is located within and serves an individual dwelling unit and communicates directly with the outdoors, 6-inch (152.4 mm) round combustion air ducts ducted to within 12 inches (305 mm) of the perimeter of the major appliance shall be sufficient to serve a space where the total combined equipment input rating does not exceed 175,000 BTU. Where the total combined equipment input rating exceeds 175,000 BTU the ducting shall be increased by adding an additional 1 square inch (645.2 sq. mm) for each 5,000 BTU/hour or fraction thereof, input rating above 175,000."

- (17) IRC Section G2415.9 (Minimum burial depth) is amended by the addition of the following: "All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."

- (18) IRC Section G2415.9.1 (Individual outside appliances) is deleted in its entirety.

- (19) IRC Section G2417.4.1 (Test pressure) is amended by changing "3 psig" to "10 psig."

- (20) IRC Section P2603.6.1 (Sewer depth) is amended by filling in both areas where indicated to read "12 inches (305 mm)."

(Ord. 4 §1, 2009)

Sec. 19-17. Amendments to the International Fuel Gas Code.

The following amendments to the 2006 Edition of the International Fuel Gas Code ("IFGC") are hereby adopted:

- (1) IFGC Section 101.1 (Title) is amended by the addition of the term "City of Idaho Springs" where indicated.
- (2) IFGC Section 404.9 (Minimum burial depth) is amended by the addition of the following: "All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."
- (3) IFGC Section 404.9.1 (Individual outside appliances) is deleted in its entirety.
- (4) IFGC Section 406.4.1 (Test pressure) is amended by changing "3 psig" to "10 psig."
- (5) IFGC Section 614.6.1 (Maximum length) is amended by deleting the exception in its entirety.

(Ord. 4 §1, 2009)

Sec. 19-18. Amendments to the International Energy Conservation Code.

There are no amendments to the International Energy Conservation Code, 2006 Edition.
(Ord. 4 §1, 2009)

Sec. 19-19—19-30. Reserved.