

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTIONS 102 (CODE ADOPTED BY REFERENCE) AND 103 (PENALTY PROVISIONS, ADDITIONS, AND MODIFICATIONS) OF PART 1 (GENERAL PROVISIONS) OF ARTICLE 10 (BUILDING CODE ADMINISTRATION) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, AND AMENDING PROVISIONS OF THE PIKES PEAK REGIONAL BUILDING CODE, 2011 EDITION, FORMERLY ADOPTED BY ORDINANCE 11-34, AS AMENDED BY ORDINANCES 13-6 AND 16-23

WHEREAS, El Paso County, the City of Colorado Springs, and other municipalities within El Paso County have entered into an intergovernmental agreement to establish the Pikes Peak Regional Building Department, which provides joint administration of the building construction codes of the participating governments; and

WHEREAS, the Pikes Peak Regional Building Department and its governing body, the Pikes Peak Regional Building Commission have recommended certain changes to the Pikes Peak Regional Building Code, 2011 edition, as adopted by City Council through Ordinance 11-34, as amended by Ordinances 13-6 and 16-23 (hereinafter the "RBC"); and

WHEREAS, the recommended changes to the RBC will comply with requirements of the State of Colorado and will keep pace with updates to state plumbing codes adopted by the Colorado State Plumbing Board; and

WHEREAS, the purpose and subject matter of the codes herein affected concern plumbing, building and construction, and the name and address of the promulgating agencies are as follows: (i) the Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, Colorado 80910 and (ii) the Department of Regulatory Agencies, Division of Professions and Occupations, Colorado State Plumbing Board, 1560 Broadway, Suite 1350, Denver Colorado, 80202.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 102 (Code Adopted by Reference) of Part 1 (General Provisions) of Article 10 (Building Code Administration) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, shall be shall be amended, restated and re-ordained in its entirety, as follows:

7.10.102: CODE ADOPTED BY REFERENCE:

There is hereby adopted by reference the edition of the Pikes Peak Regional Building Code as published by the Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910, 2011 edition, as amended, to include: adoption of chapter 13 of the 2009 International Mechanical Code-Fuel Oil Piping and Storage; amendments to the Flood Plain Code; amendments to the fee schedule to establish a flat fee for reroofs, stucco, and siding; official adoption of appendix D to the Regional Building Code; and amendments to the Pikes Peak Regional Building Code, 2011 edition, adopted per recommendation of the Pikes Peak Regional Building Department in 2014, except as provided herein below, including (i) the Colorado Plumbing Code adopted by the Colorado State Plumbing Board, appearing at 3 CCR 720 ~~3 CCR 720-1~~, ~~adopted July 1, 2014 and~~ **entire rule effective December 15, 2014 February 14, 2016, rules 2.5.1.27, 4.1, 4.2, 4.5.4, 4.5.5, 4.6-4.13, 6.1, and 7.4 effective April 1, 2016**, (ii) the National Electrical Code, 2014 Edition, adopted by the Colorado State Electrical Board, appearing at 3 CCR 710 adopted and effective July 1, 2014, and (iii) the American Society of Mechanical Engineers Safety Code for Elevators and Escalators, ASME A17.1, 2013, including Table N-1 of Appendix N and all supplements thereto, the Safety Code for Existing Elevators and Escalators, ASME A17.3, 2005, and all supplements thereto, and the Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1, 2011, adopted by the Department of Labor and Employment, Division of Oil and Public Safety, along with all revisions, modifications and exceptions thereto, appearing in 7 CCR 1101-8, and effective January 1, 2015. Three (3) copies of the Code are now filed in the Office of the City Clerk and may be inspected during regular business hours. The Code is being adopted as if set out at length.

Section 2. Section 103 (Penalty Provisions, Additions and Modifications) of Part 1 (General Provisions) of Article 10 (Building Code Administration) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, shall be re-ordained and amended, to include reference to codes adopted by agencies of the State of Colorado, as follows:

7.10.103: PENALTY PROVISIONS, ADDITIONS, AND MODIFICATIONS:

* * *

B. The Building Code is subject to the following additions and modifications:

* * *

RBC306.2. Amend this section as follows:

Section RBC 306.2. CODE ADOPTED BY REFERENCE. There is hereby adopted by reference the Colorado Plumbing Code adopted by the Department of Regulatory Agencies, Division of Professions and Occupations, Colorado State Plumbing Board, 1560 Broadway, Suite 1350, Denver Colorado, 80202, along with all revisions, modifications and exceptions thereto made by such board, appearing at ~~3 CCR 720~~ **3 CCR 720-1**, adopted July 1, 2014 and **entire rule** effective December 15, 2014 **February 14, 2016, rules 2.5.1.27, 4.1, 4.2, 4.5.4, 4.5.5, 4.6-4.13, 6.1, and 7.4 effective April 1, 2016**. Three copies of the Code are now filed in the office of the Office of the City Clerk and in the Office of the Regional Building Official and may be inspected during regular business hours. The code is being adopted in its entirety.

Section 3. The following penalty provisions set forth in the RBC, in compliance with C.R.S. § 31-16-204, are adopted and re-ordained, as set forth below:

RBC101.8 VIOLATIONS. Any person violating the Building Code or any provision of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned not more than ninety (90) calendar days in the city jail or county jail, or both. A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or remodeled, used or maintained in violation of this Code or of any provision of the Building Code, the city attorney, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use.

* * *

RBC103.12 AUTHORITY TO IMPOSE A FINE. The Building Official may impose an administrative fine in an amount of up to one thousand dollars (\$1,000.00) on any person or entity engaged in any construction consulting work or construction work covered by this Code within the Jurisdiction who engages in this work in violation of any provisions of this Code. Appeals to this action may be made as provided for elsewhere in this Code. The Building Official shall make monthly reports of any imposed fines to the Regional Board of Review.

* * *

RBC105.2.3 Emergency Work. All work performed on an emergency basis, as determined by the Building Official, to maintain an existing service or to maintain an existing installation, building or structure, where the maintenance is necessary to protect life or property, shall not be subject to penalty if application for any required permits is made within seventy-two (72) hours after commencement of the emergency work.

* * *

RBC112.2.5.3 Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.

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RBC112.3.1 Form of Appeal. Any person entitled to service under Section RBC112.2.5 of this Code may appeal from any notice and order to any action of the Building Official by filing at the Office of the Building Official within thirty (30) calendar days from the date of the service of the order a written appeal containing:

1. A heading in the words: "Before the Regional Board of Appeals".
2. A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement, in ordinary and concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the applicant.
5. A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signature of all parties named as appellants, and that, in ordinary and concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the applicant.
7. The signature of all parties named as appellants, and their official mailing addresses.
8. The verification (by declaration under penalty of perjury) of all appellants as to the truth of the matters stated in the appeal.

* * *

RBC201.6.6 Felony; Criminal Fraud. No person or entity convicted by a court having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, for work related to any license issued by this jurisdiction, or for work related to the building trades in any jurisdiction, shall be granted a license or registration, or serve as an examinee for a contractor in this jurisdiction.

* * *

201.10.4 Renewal with Fees. Failure to renew a license within this forty-five (45) calendar day period after the expiration date of the license will require payment of a fifty percent (50%) penalty if renewed within ninety (90) calendar days of the expiration date. All requests for renewals after ninety (90) calendar days from the expiration date

shall require re-application, examination, evaluation by the respective Committee, and approval by the Board of Review.

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APPENDIX B

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P.	<p>Investigation Fee: Work without a Permit.</p> <p>Investigation. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.</p> <p>Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to twice the amount of the permit fee that would be required by this Code if a permit were issued. The payment of such an investigation fee shall not exempt any person from compliance with any provisions of this Code nor from any prescribed by law.</p>
Q.	<p>Re-inspection Fees:</p> <p>A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is requested is not complete, when corrections required by a previous inspection have not been made, or when an additional inspection is required for alterations made after completion of initial inspection.</p> <p>This is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of requesting inspections before the job is ready for such an inspection or re-inspection.</p> <p>Re-inspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.</p> <p>In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until such fees have been paid.</p>

Section 4. After its final adoption and publication, as provided by the City Charter, this ordinance shall be in full force and effect on the 14th day of February 2017.

Section 5. Council deems it appropriate that this ordinance be published in full and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____ 2016.

Finally passed: _____

Council President

Mayor's Action:

- Approved: _____
- Disapproved: _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk