

ORDINANCE NO. 16-23

AN ORDINANCE AMENDING SECTIONS 102 (CODE ADOPTED BY REFERENCE) AND 103 (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 ORDINANCE 13-6

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 Ordinance 13-6 (hereinafter the "RBC"); and

WHEREAS, the recommended changes to the RBC will simplify the construction process, take advantage of new code developments, and comply with requirements of the State of Colorado including the adoption of plumbing, electrical, and elevator/escalator safety codes that have been adopted as rules and regulations of Colorado state agencies.

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 2016, except as provided herein below, including (i) the Colorado Plumbing Code adopted by the Colorado State Plumbing Board, appearing at 3 CCR 720 adopted July 1, 2014, and effective December 15, 2014, (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 (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 amended, restated and re-ordained in its entirety to include reference to codes adopted by agencies of the State of Colorado, being the Plumbing Board, the Electrical Board and the Department of Labor and Employment referred to above, as follows:

**7.10.103: PENALTY PROVISIONS, ADDITIONS, AND MODIFICATIONS:**

A. The Building Code is subject to the following penalty provisions:

**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.

**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.

**RBC201.10.4. 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.

#### Appendix B

P. Investigation Fee: Work Without A Permit.

**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.

**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.

Q. Re-inspection Fees:

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.

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.

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.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until such fees have been paid.

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

RBC108.2. Add the following to the end:

A fee schedule shall be established by resolution of the City Council.

RBC302.4.1. Section 202.1. Add the following definitions:

**Composition Wood** roofing is a roofing product composed of natural wood fibers and falls within the Underwriters Laboratories (UL) category of formed roofing.

**Solid Wood** roofing products are roofing materials that are defined as "wood shakes", "wood shingles", or "wood shakes and shingles, fire-retardant (treated)". These materials are cellulose based wood products that include non-treated and pressure impregnation by the full-cell vacuum-pressure process with fire retardant chemicals.

RBC302.4.24 Insert a new section as follows:

**Section RBC302.4.24.1. Section 1505.1** Add the following:

All buildings shall have a minimum roof covering of Class B.

EXCEPTION: Buildings containing twenty percent (20%) or more of a Group R fire area shall have a minimum roof covering of Class A excluding solid wood roofing products.

These requirements shall also apply when completely recovering or replacing a roof covering in accordance with Section 1510 of the International Building Code, 2009 Edition, and Section RBC104.4 of the Building Code.

RBC302.4.24.2 Table 1505.1. Delete.

RBC303.4.1. Section R202. Add the following definitions:

**Composition Wood** roofing is a roofing product composed of natural wood fibers and falls within the Underwriters Laboratories (UL) category of formed roofing.

**Solid Wood** roofing products are roofing materials that are defined as "wood shakes", "wood shingles", or "wood shakes and shingles, fire-retardant (treated)". These materials are cellulose based wood products that include non-treated and pressure impregnation by the full-cell vacuum-pressure process with fire retardant chemicals.

RBC303.4.60. Insert a new section as follows:

**Section RBC303.4.60.1. Section R902.1.** Amend the section as follows:

Delete the second sentence and replace with the following:

One- and two-family dwellings shall have a minimum roof covering of Class A excluding solid wood roofing products. Accessory structures shall have a minimum roof covering of Class B.

In the third sentence, delete "Classes A, B, and C" and replace with "Classes A and B".

Add the following to the end of the paragraph:

These requirements shall also apply when completely recovering or replacing a roof covering in accordance with Section R907 of the International Residential Code, 2009 Edition and Section RBC104.4 of the Building Code.

RBC306.2. Delete this section and insert a new 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, adopted July 1, 2014, and effective December 15, 2014. 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.

RBC307.2. Delete this section and insert a new section as follows:

**Section RBC 307.2. CODES ADOPTED BY REFERENCE.** There is hereby adopted by reference National Electrical Code, 2014 Edition, adopted by the Department of Regulatory Agencies, Division of Professions and Occupations, Colorado State Electrical Board, 1560 Broadway, Suite 1350, Denver Colorado, 80202, appearing at 3 CCR 710 adopted and effective July 1, 2014. Three copies of the Code are now filed in 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.

RBC 310.3. Delete this section and insert a new section as follows:

**Section RBC 310.3. CODES ADOPTED BY REFERENCE.** There is hereby adopted by reference 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, 633 17<sup>th</sup> Street, Suite 500, Denver Colorado, 80202, along with all revisions, modifications and exceptions thereto, appearing in 7 CCR 1101-8, and effective January 1, 2015. Three copies of these Codes are now filed in the Office of the City Clerk and in the Office of the Regional Building Official and may be inspected during regular business hours. The codes are being adopted in their entirety.

RBC313.6. This section is subject to the additions, modifications, and/or deletions set forth in City Code 7.8.102.

RBC313.17.1. This section is subject to the additions, modifications, and/or deletions set forth in City Code 7.8.102.

RBC313.17.2. This section is subject to the additions, modifications, and/or deletions set forth in City Code 7.8.102.

RBC 313.18.5. This section is subject to the additions modifications, and/or deletions set forth in City Code 7.8.102.

Section 3. The 2016 amendments to the Pikes Peak Regional Building Code, 2011 edition, referred to above in Section 1 of this ordinance, by recommendation of the Pikes Peak Regional Building Department are hereby amended, adopted, and/or deleted, as indicated, stated and/or restated, in their entirety, as follows:

RBC 105.2.1 Construction and Installations. Permits shall not be required for the following:

1. One-story, detached, *accessory structures* as defined by the International Residential Code, provided that the floor area does not exceed two hundred (200) square feet.
2. One-story, detached, unheated buildings used for weather protection, storage or similar commercial uses provided that the floor area does not exceed one hundred-twenty (120) square feet.
3. Fences not more than seven (7) feet in height.
4. Oil derricks, flagpoles and private antennas.
5. Retaining walls not more than four (4) feet in height measured from the lower grade to the upper grade, unless supporting a surcharge from a structure or a grade slope greater than two (2) units horizontal to one (1) vertical or impounding Class I, II, or III-A liquids.
6. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two (2) to one (1).
7. Water tanks of any size and any accessory equipment under the direct control of a utility purveyor located completely below grade.
8. Private sidewalks, driveways, and platforms supported directly upon grade. Any steps created must comply with the applicable provisions of the Building Code.
9. Detached decks in conjunction with one- and two-family dwellings not exceeding 200 square feet in area that are not more than thirty (30) inches above grade at any point within thirty six (36) inches of the deck perimeter and do not serve the required egress door.
10. Replacement of any windows or fixed glazing unless the rough opening dimensions are modified. Replacement of any window required as an emergency escape and rescue opening and safety glazing required due to a hazardous location must comply with the applicable provisions of the Building Code.
11. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
12. Swimming pools accessory to one- and two-family dwellings and not regulated by this Code.
13. Repairs to roofing and/or siding when the repair constitutes less than one hundred (100) square feet.
14. Swings and other playground equipment.
15. Window awnings supported by an exterior wall which do not project more than fifty-four (54) inches from the exterior wall and do not require additional support of one- and two- family dwellings and accessory structures.
16. Movable cases, counters, and partitions not over five (5) feet nine (9) inches in height.
17. Hydraulic flood-control structures.
18. Pedestrian and vehicular bridges not directly serving or constructed as part of a building.
19. The removal and reinstallation of plumbing fixtures provided the work does



not involve the replacement or rearrangement of drain, waste, vent or water pipes;

20. Portable heating, ventilating or cooling units;

21. Evaporative coolers in connection with one- and two-family dwellings, where no structural elements or components are modified.

22. Agricultural buildings and agricultural structures located in the County, as defined by the El Paso County Land Development Code.

23. Non-public, non-residential buildings located in the A-35 District in the County, as defined by the El Paso County Land Development Code.

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#### RBC 106.1 GENERAL REQUIREMENTS.

Construction documents shall be reviewed and approved by the Building Official prior to the issuance of a permit for the proposed work. All applications for a permit shall be accompanied by one complete set of construction documents which shall include architectural, structural, plumbing, mechanical and electrical plans and details as applicable. Construction documents shall be of sufficient clarity to indicate the scope of the work proposed and show in detail that it will conform to the provisions of this Code and all relevant laws, ordinances, rules, and regulations.

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RBC 110.1.2 Changes in Use. No change shall be made in the character of occupancy or use of any building that would place the building in a different occupancy classification, unless the building is made to comply with the requirements of this Code. A change in use to a use that causes an increase in the occupant load of greater than ten percent (10%) of the original use shall require compliance with the requirements of this Code the same as required by a change to another occupancy classification. A new certificate of occupancy shall be issued for all changes in use as provided herein.

Exception: A new certificate of occupancy is not required when the change of use is from a Group B to Group M occupancy or vice versa provided the resulting occupant load does not exceed fifty (50) occupants.

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RBC 111.4.1 Technical Committee. The Technical Committee shall review all appeals with power and authority to interpret and recommend minor variances from this Code. The Technical Committee shall be composed of seven (7) members as follows:

1. Architect licensed by the State of Colorado
2. Professional Engineer licensed by the State of Colorado (civil - structural)
3. Building Contractor A, B or C
4. Mechanical Contractor A

5. Electrical Contractor licensed by the State of Colorado
6. Master Plumber licensed by the State of Colorado
7. Building Contractor D, E or subcontractor

RBC 111.4.2 Licensing Committee. The Licensing Committee shall be primarily responsible for testing and reviewing all applicants for licenses and the performance of work required under the Commercial Building Code, the Residential Building Code, the Existing Building Code, the Mechanical Code, the Fuel Gas Code, the Energy Conservation Code, the Manufactured Building Code and review of applicants for registration under the Electrical and Plumbing Codes as well as the performance of work under the Elevator and Escalator Safety Code. The Licensing Committee shall be composed of seven (7) members as follows:

1. Architect licensed by the State of Colorado
2. Professional Engineer licensed by the State of Colorado (mechanical) or Mechanical Contractor A
3. Building Contractor A
4. Contractor (building or mechanical)
5. Building Contractor C
6. Officer of a financial institution
7. Citizen at Large

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RBC 201.6.2.3 Provisional Licenses. When approved by the Building Official, a provisional license subject to the appropriate limitations may be issued for the purpose of demonstrating experience. The license shall be limited to six (6) months and subject to release by the Board of Review.

RBC 201.6.2.4 Issuance Fee. If, in the opinion of the Board of Review, after recommendation by the appropriate Advisory Committee, the applicant for a license is qualified by knowledge, training, and experience to do the type of work envisioned under the specific contractor's license applied for, it shall direct the Building Official to issue the applicant a license upon payment of the annual fee prescribed in Table RBC202.6 of this Code, and upon providing evidence of the required insurance. Each annual fee shall be in addition to the application fee. As concerns evidence of knowledge, the successful passing of examinations required by this jurisdiction shall be deemed prima facie evidence of the requisite knowledge of contractor's examinee. Determination and evaluation of experience and training shall be accomplished by the respective Committees under guidelines set forth from time to time by the Building Official.

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RBC 303.4.8 Section R305.1 Minimum height. Add the following after the first sentence:

Projections beyond the finished ceiling shall not extend below 6 feet, 8 inches (2,032 mm).

Add the following exception:

3. In finished basements, the required ceiling height may be reduced to 6 feet, 8 inches (2,032 mm) under furred-down beams, pipes and ducts up to but not exceeding a width of 8 feet (2,438.4 mm).

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RBC 303.4.63 Section R905.2.8.3 Other flashing. Add the following to the end of the last sentence:

"or other approved methods."

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(RBC 306.3 and 306.4 deleted)

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RBC 310.4 ADDITIONS AND MODIFICATIONS. The adopted Codes are subject to the following additions and modifications:

RBC 310.4.1 ASME A17.1, Section 5.8 SHIPBOARD ELEVATORS. Delete.

RBC 310.4.2 ASME A17.1, Section 5.9 MINE ELEVATORS. Delete.

RBC 310.4.3 ASME A17.1, Section 5.10 ELEVATORS USED FOR CONSTRUCTION. Delete.

RBC 310.4.4 ASME A17.1, Section 8.6.5.15 Periodic Test Requirements: Category 3. Delete.

RBC 310.4.5 ASME A17.1, Section 8.11.1.1.2 Periodic Tests. Delete subsection (a) and replace with the following:

(a) The tests referred to as Category 1 and Category 5 in Table N-1, of Appendix N, of ASME A17.1 and A18.1, shall be performed by a conveyance contractor on all existing conveyances at frequencies no greater than 1 year for Category 1 and 5 years for Category 5. A conveyance Inspector shall witness the performance of the following test: Category 1 test at least every 5 years for:

- (1) Elevator
- (2) Platform Lift
- (3) Personnel Hoist
- (4) Dumbwaiter

Delete subsection (b) and replace with the following:

(b) The owner or the owners authorized agent shall have all of the tests required by Sections 8.11.2, 8.11.3, 8.11.4, and 8.11.5 conducted by a licensed elevator contractor. A written document shall be provided to the Building Department within thirty (30) calendar days with the results of such tests.

Exception: Escalators and moving walks shall have the Category 1 Periodic Test as per Appendix N, Table N-1, witnessed by the Building Department or its authorized agent.

RBC 310.4.6 ASME A17.1, Section 8.11.1.3 Periodic Inspection and Test Frequency. The frequency of periodic inspections and tests shall be in accordance with Appendix N, Table N-1.

RBC 310.4.7 ASME A17.1, Section 8.11.5.8 Shipboard Elevators. Delete.

RBC 310.4.8 ASME A17.1, Section 8.11.5.13 Elevators Used for Construction. Delete.

RBC 310.4.9 ASME A17.1, Appendix N Table N-1, Recommended Inspections and test Intervals in "Months". Delete the following items from the Table:

- 8.11.5.2. Private Residence Elevators.
- 8.11.5.8. Shipboard Elevators.
- 8.11.5.13. Elevators Used for Construction.

RBC 310.4.10 ASME A17.3, Section 1.2. Application of Code: Add the following exceptions after the second paragraph:

Exceptions:

- (1) All conveyances prior to July 1, 2008, are exempt from complying with ASME A17.3, unless the following conditions exist:
  - (a) Substantial alteration of a conveyance; or
  - (b) An elevator presents a material risk. A risk to public safety as determined by the Authority Having Jurisdiction.
- (2) Material risk related to firefighter service is not present except if any of the following conditions exist:

- (a) The elevator complies with ASME A17.1, rules 211.1 and 211.3; or
  - (b) The elevator travels less than 75 feet above or below the emergency personnel access; or
  - (c) The building is equipped throughout with an automatic sprinkler system in accordance with NFPA 13. Any elevator that does not meet any of the conditions listed above must comply with the Firefighters' service requirements as described in the currently adopted version of ASME A17.1, by January 1, 2015.
- (3) Door Restrictors.
- (a) Door restrictors shall be installed and operational by January 1, 2012, on all elevators installed on or after January 1, 1990, and before January 1, 2008;
  - (b) Door restrictors shall be installed and operational prior to the next issuance of the Certificate of Operation on all elevators installed on or after January 1, 2008;
  - (c) Upon review of additional information, the Authority Having Jurisdiction may determine whether door restrictors shall be required on any elevator installed prior to January 1, 1990.
- (4) A hydraulic elevator that has a hydraulic cylinder buried in the ground and is not provided with a safety bulkhead, will be allowed to continue operation after January 1, 2012, if the conveyance owner completes one of the following actions in conformance with ASME A17.3-2008:
- (a) The hydraulic cylinder shall be provided with a safety bulkhead in accordance with ASME A17.1; or
  - (b) The elevator shall be provided with car safeties conforming to ASME A17.1, Section 3.17.1, and guide rails, guide rail supports, and fastenings conforming to ASME A17.1, Section 3.23.1; or
  - (c) The elevator shall be provided with a plunger gripper that shall grip the plunger when the applicable maximum governor tripping speed is achieved per ASME A17.1, Section 3.17.3.

RBC 310.411 ASME A17.3, Section 1.4. Definitions. Add the following definitions:

Material Risk. A risk to public safety as determined by the Authority Having Jurisdiction.

Substantial Alteration. An alteration that includes:

- (a) The change in type of service of an elevator; or
- (b) The change in type of operation control or motion control on an elevator; or
- (c) The replacement of a controller in conjunction with another alteration on an electric elevator.

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RBC 312.3.6 Authority to Act. The Building Official shall have the authority to determine or otherwise act upon the assignment of or a change to a numeric address, or any matter related thereto.

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Section 4. The following penalty provisions set forth in the 2011 Regional Building Code, in compliance with C.R.S. § 31-16-204, are readopted 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.

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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.

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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.

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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.

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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.	Investigation Fee: Work without a Permit.  Investigation. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special
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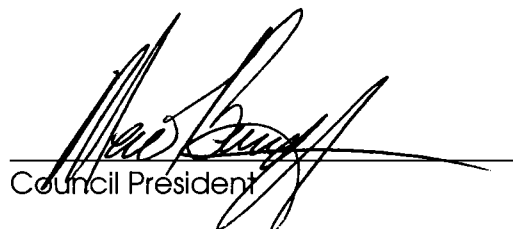
	<p>investigation shall be made before a permit may be issued for such work.</p> <p>Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to twice the amount of the permit fee that would 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 5. This ordinance shall be in full force and effect after its final adoption and publication as provided by Charter.

Section 6. 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 23<sup>rd</sup> day of February, 2016.

**Finally passed:** March 8, 2016

  
 Council President



**Mayor's Action:**

Approved: March 10, 2016

Disapproved: \_\_\_\_\_, based on the following objections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

John W. Suthers  
Mayor

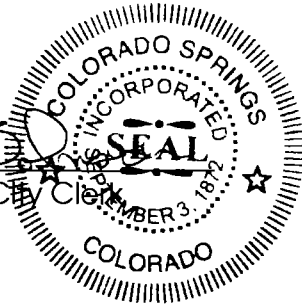
**Council Action After Disapproval:**

- 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

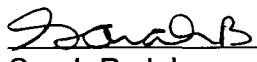
ATTEST:

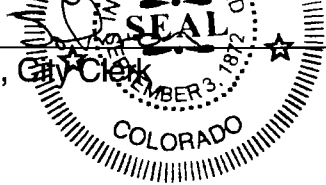
Sarah B. Johnson  
Sarah B. Johnson, City Clerk



I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE AMENDING SECTIONS 102 (CODE ADOPTED BY REFERENCE) AND 103 (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 ORDINANCE 13-6”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on February 23, 2016; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 8<sup>th</sup> day of March, 2016, and that the same was published in full, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 10<sup>th</sup> day of March, 2016.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: February 26, 2016

2<sup>nd</sup> Publication Date: March 16, 2016

Effective Date: March 21, 2016

Initial: SBS  
City Clerk