

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING PART 8 (FLOODPLAINS) AND PART 14 (BUILDING CODES) BOTH OF ARTICLE 4 (DEVELOPMENT STANDARDS AND INCENTIVES) AND PART 14 (BUILDING CODE ENFORCEMENT) OF ARTICLE 5 (ADMINISTRATION AND ENFORCEMENT) OF CHAPTER 7 (UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE ADOPTION OF THE PIKES PEAK REGIONAL BUILDING CODE, 2023 EDITION, AND TO THE ADOPTION OF THE PENALTIES FOR THE VIOLATION OF THE REGIONAL BUILDING CODE

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

Section 1. Section 802 (Amendments to Regional Building Code Section 313) of Part 8 (Floodplains) of Article 4 (Development Standards and Incentives) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.4.802: Amendments to Regional Building Code:

* * *

C. * * *

6. * * *

6.1e. * * *

6.2b. * * *

6.3e. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public as identified in Section RBC 313.17.1.5, **313.17.1, Items 1 through 7 of the Regional Building Code**, or conflict with existing local laws or ordinances.

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Section 2. Section 1404 (Code Adopted by Reference) of Part 14 (Building Codes) of Article 4 (Development Standards and Incentives) of Chapter 7 (Planning,

Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.4.1404: Code Adopted by Reference:

A. There is hereby adopted by reference the ~~most recent~~ Pikes Peak Regional Building Code, **2023 Edition, together with Appendix A and Appendix B**, as published by Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910, as amended, including all referenced and adopted codes listed in that document. Three (3) copies of the Pikes Peak Regional Building Code, **2023 Edition** are now filed in the Office of the City Clerk and may be inspected during regular business hours. The Regional Building Code is being adopted as if set out at length.

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

~~1.~~ RBC108.2 **SCHEDULE OF PERMIT FEES.**

Add the following to read:

~~a.~~ ~~A fee schedule shall be established by resolution of the City Council~~ **establishes Appendix B: Building Permit Fee Schedule of the Regional Building Code as the adopted fee schedule.**

~~2.~~ RBC302.4.1 Section 202-~~1~~ **DEFINITIONS.**

Add the following definitions:

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

~~b.~~ **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.

~~3.~~ ~~RBC302.4.29.~~ **RBC302.4.41.1 General.** Insert a new ~~section~~ **Section** as follows:

~~a.~~ Section ~~RBC302.4.29.1~~ **RBC302.4.41.1** Section 1505.1. **General.**
Add the following **after the first paragraph**:

~~(1).~~ All buildings shall have a minimum roof covering of class B.

~~(2.)~~ ~~Exception:~~ Buildings containing twenty percent (20%) or more of a ~~group~~ **Group R** fire area shall have a

minimum roof covering of ~~class~~**Class** A excluding solid wood roofing products. These requirements shall also apply when completely recovering or replacing a roof covering in accordance with ~~section~~**Section 1511.1512** of the International Building Code, ~~2015~~**2021** edition, ~~and section RBC104.4 of the Building Code.~~

- 4. ~~RBC302.4.29.2~~ **RBC302.4.41.2** Table 1505.1. Delete.

* * *

- 5. RBC303.4.1 Section R202 **DEFINITIONS**. Add the following definitions:

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

- b. **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.

- 6. ~~RBC303.4.61.1~~ **RBC303.4.66.1 Roof covering materials**. Insert a new ~~section~~**Section** as follows:

- a. ~~Section RBC303.4.61.1~~ **RBC303.4.66.1** Section R902.1 **Roof covering materials**. Amend the section as follows:

- (1) Delete the second **and third** sentences **and replace with the following**:

One- and two-family dwellings shall have a minimum roof covering of ~~class~~**Class** A excluding solid wood roofing products. Accessory structures shall have a minimum roof covering of ~~class~~**Class** B. **Class A and B roofing required by this section to be listed shall be tested in accordance with ASTM E108 or UL 790.**

- (2) ~~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:~~

- (3) These requirements shall also apply when completely recovering or replacing a roof covering in accordance with ~~section~~**Section** R908 of the International Residential Code,

2015~~2021~~ Edition and section RBC104.4 of the Building Code.

* * *

~~7. RBC306.2.~~

~~Amend this section as follows:~~

~~a. Section RBC306.2. 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 720-1, entire rule effective 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 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.~~

~~8. RBC307.2.~~

~~Delete this section and insert a new section as follows:~~

~~a. Section RBC307.2. Codes Adopted By Reference. There is hereby adopted by reference the National Electrical Code, 2017 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 710-1 adopted and effective March 17, 2018. 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.~~

~~9. RBC310.3. Delete this section and insert a new section as follows:~~

~~a. Section RBC310.3. 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 2-3-2 of 7 CCR 1101-8 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 17th Street, Suite 500, Denver Colorado, 80202, along with all revisions, modifications and exceptions thereto, appearing in 7 CCR 1101-8, and effective April 1, 2017. 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.~~

* * *

~~10.~~ RBC313.6.

This section is subject to the additions, modifications, and/or deletions set forth in City Code 7.4.802.

~~11.~~ RBC313.17.1.

This section is subject to the additions, modifications, and/or deletions set forth in City Code 7.4.802.

~~12.~~ RBC313.17.2.

This section is subject to the additions, modifications, and/or deletions set forth in City Code 7.4.802.

~~13.~~ RBC313.18.5.

This section is subject to the additions modifications, and/or deletions set forth in City Code 7.4.802.

* * *

Section 3. The following penalty provisions are set forth in Section 1401 (Penalty Provisions) of Part 14 (Building Code Enforcement) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) in compliance with C.R.S. § 31-16-204, and are adopted as set forth below:

7.5.1401: Penalty Provisions from the Regional Building Code:

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

A.——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, **or** used or maintained in violation of this Code or of any provision of the Building Code, the ~~City Attorney~~ **Jurisdiction's attorney or the Department's attorney, as applicable**, 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.

B. ~~_____~~ 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~~ **(entity included)** engaged in any construction consulting work or construction work covered by this Code within the ~~jurisdiction~~ **Jurisdictions** 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.~~

RBC103.13 Authority to Record a Certificate of Alleged Noncompliance.

The Building Official shall have authority to record a certificate of alleged noncompliance in the public records of the County of the Jurisdiction where a property is located thirty (30) calendar days after notice of noncompliance is posted on the premises or sent by registered mail or by certified mail, postage prepaid, return receipt requested, addressed to the record owner as such concerns any work done by any person, which work allegedly fails to comply with the final inspection requirements of this Code. Service is perfected under this Section at the earliest of the date of posting; the date the record owner receives the notice of non-compliance; the date shown on the return receipt, if signed on behalf of the record owner; or five (5) days after mailing. This Section does not prescribe the only means, or necessarily the required means, of serving a person in the State of Colorado. When the person has made appropriate corrections so that the work becomes compliant with this Code, the Building Official may record a release of the certificate of alleged non-compliance.

C. ~~_____~~ 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.

RBC105.10.4 Suspension or Revocation of Permit.

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit has been issued in error or on the basis of incorrect information supplied, or in violation of any other provisions of this Code.

D. ~~_____~~ 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 **registered or** certified mail shall be affixed to the copy of the notice and order retained by the Building Official.~~

E. ~~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 **notice and** order a written appeal containing:~~

- ~~1. A heading in the words: "Before the 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, structure, or the land involved in the notice and order.~~
- ~~4. A brief statement, in ordinary and concise language, of the specific notice and order or action protested, together with any material facts and documentation claimed to support the contentions of the applicant(s).~~
- ~~5. A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested notice and order, or action should be reversed, modified, or otherwise set aside.~~
- ~~6. The signature full, legal name(s) of all parties named as appellants, and their current contact information (mailing address, telephone number, and electronic mail address, if any, included). 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(s) 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.~~

RBC112.3.8.3 Penalties.

Any person who refuses, without lawful excuse, to attend any hearing or to produce material evidence in the person's possession or under the person's control, as required by any subpoena served upon the person as provided for herein, shall be guilty of a misdemeanor.

RBC112.5.1 Report Account of Expenses.

The Jurisdiction's Engineer shall keep an itemized account of the expenses incurred by the Jurisdiction in the repair or demolition of any building or structure done pursuant to the provisions of Section RBC112.4.1.2 Item 3 of this Code. Upon the completion of the work of repair or demolition, the Jurisdiction's Engineer shall prepare and file with the Jurisdiction's Clerk a report specifying the work done, the itemized and total fees and cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section RBC112.2.5 of this Code. Upon receipt of this report, the Jurisdiction's Clerk shall fix a time, date, and place for hearing the report, and any protests or objections thereto. The Clerk shall cause notice of the hearing to be posted upon the property involved, published once in a newspaper of general circulation in the Jurisdiction, and served by registered mail or by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the assessment roll of the County Assessor, if it so appears or is known to the Clerk. The notice shall be given at least ten (10) calendar days prior to the date set for hearing, and shall specify the day, hour, and place when the governing body of the Jurisdiction will hear and pass upon the Engineer's report, together with any objections or protests that may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

RBC112.5.4 Personal Obligation or Special Assessment.

The Jurisdiction may thereupon order that the charge be made a personal obligation of the owner, or assess the charge against the property involved, or both.

RBC112.5.4.1 Personal Obligation.

If the Jurisdiction orders that the charge be a personal obligation of the owner, it shall direct the Jurisdiction's attorney to collect the same on behalf of the Jurisdiction by use of all appropriate legal remedies.

RBC112.5.4.2 Special Assessment.

If the Jurisdiction orders that the charge be assessed against the property, it shall confirm the assessment roll, and thereafter this assessment shall constitute a special assessment against and a lien upon the property and shall be collected in the same manner as other special assessments of the Jurisdiction.

RBC112.5.4.3 Authority for Installment Payments

Eligible persons who are determined to have a marginal income such that they cannot pay an assessment or personal obligation levied under this Section, either against the property on which they reside or against themselves personally, may be afforded relief as hereinafter provided.

1. Within thirty (30) calendar days after the assessment or the personal obligation is ordered by the Jurisdiction, an application for relief shall be filed with the Jurisdiction's Clerk.

2. The governing body of the Jurisdiction, or a hardship committee, as designated and authorized by the governing body of the Jurisdiction, shall review the application for the requested relief. To determine the applicant's eligibility, the reviewing body shall use criteria established or adopted in the Jurisdiction's code, ordinances, rules, or regulations, except that ownership of real property need not be required.

3. If it is determined that the applicant is eligible and that any person would probably default on the assessment or personal obligation, the reviewing body may authorize the execution with the applicant of an installment note for the payment of the assessment or personal obligation. The note shall be secured by a deed of trust, or if not available, by some other security reasonably available or appropriate. If no security is reasonably available or appropriate, then none may be required. The installment note shall provide that the owner shall make monthly payments to the Jurisdiction's Treasurer; that the payments shall not be less than five dollars (\$5.00) and shall be sufficient to repay the amount within a period of not more than twenty-five (25) years; that interest shall be charged at a rate of three percent (3%) per annum on the unpaid balance; that the entire outstanding balance shall become due and payable upon the death of the obligor or the sale or transfer of the property; that if at any time the Jurisdiction determines that the obligor is financially able to pay the outstanding balance, or that the obligor has willfully misrepresented the obligor's financial condition on the obligor's application, it may upon sixty (60) calendar days' notice declare the entire balance due and payable.

RBC112.5.6.1 Priority.

Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessment shall be a lien against the property assessed. The lien shall be subordinate to all existing special assessment liens previously imposed upon and recorded against the same property and shall be priority or superpriority, as applicable, to all other liens except for State, County, and municipal taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid in full.

RBC 112.5.6.2 Interest.

Any assessments remaining unpaid after thirty (30) calendar days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of one percent (1%) per month from and after this date.

RBC 112.5.8 Collection of Assessment.

The amount of the assessment shall be collected at the same time and in the same manner as general taxes are collected; and shall be subjected to the same penalties and procedures and sale in case of delinquency as provided for general municipal taxes. All laws applicable to the levy, collection, and enforcement of general municipal taxes shall be applicable to the assessment. If the Jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as general and municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedures for sale as provided for general municipal taxes.

F.——RBC201.6.6 Felony; Criminal Fraud.

No person or entity convicted **or found** by a court **or an administrative agency or authority** having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, **or for civil or criminal theft**, for work related to any license **or registration** issued by ~~this jurisdiction~~ **the Department**, 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~~ **the Department's** jurisdiction.

RBC201.7.2 Cancellation; Reduction of Insurance.

Each policy of insurance shall contain an endorsement to the effect that the insurance carrier shall notify the Building Department at least ten (10) calendar days in advance of the effective date of any reduction or cancellation of the policy. The lapse, cancellation, or reduction of insurance shall be cause for automatic suspension of the license or registration until the required coverage is timely reinstated.

G.——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 **or registration** will require payment of a penalty **at one-half (1/2) fifty percent (50%)** of the license **or registration** fee if renewed within ninety (90) days of the expiration date. After ninety (90) days to one hundred thirty-five (135) days, the penalty will be equal to the license **or registration** fee. **After** one hundred thirty-five (135) days up to one hundred eighty (180) days, the penalty will be equal to twice the license **or registration** fee. All requests for renewal(s) after one hundred eighty (180) days from the expiration date shall require payment of all fees accrued, re-application, examination, evaluation by the respective ~~committee~~ **Advisory Committee**, and approval by the Board of Review, **as applicable**.

RBC201.11.3 Punishable Acts and Omissions. The following actions shall be considered punishable:

1. **Willfully violating any provisions of this Code including any codes which are adopted by reference.**

2. Failure to comply with any lawful order of the Building Official or of any other authorized representative employed by the Building Department pertaining to the administration of this Code and the codes which have been adopted by reference.
3. Using a contractor's license or registration to obtain permits required under this Code for work that will not be performed by or supervised by the contractor.
4. Misrepresentation by an applicant of a material fact when applying for a contractor's license or registration.
5. Failure to obtain a proper permit for any work for which a permit is required by virtue of this Code.
6. Commitment of any act of willful and wanton negligence in the conduct of the contractor's or other person's specific trade or business on work done by the contractor or other person that is regulated by the provisions of this Code.
7. Ordinary negligence of the contractor or other person, evidenced by letters of reprimand and/or incident reports received by the contractor within a three (3) year time period that are, in the judgment of the Board of Review, sufficient in number and severity to warrant revocation or suspension of the contractor's license or registration.

H.——RBC201.11.4. Automatic Revocation of Suspension.

A license or registration, or the right of an examinee of the contractor to serve as a contractor or as an examinee of a contractor, shall automatically be suspended or revoked by the Building Official as follows:

1. Registrations within this jurisdiction shall be automatically revoked or suspended upon revocation, suspension or refusal to renew any required Colorado State license.
2. Any license or registration within this jurisdiction shall be automatically suspended upon lapse, cancellation, or reduction of insurance coverage below that required by section RBC201.7 of this Code. This suspension shall remain in effect until proof of the reinstatement of the required coverage is presented to the Building Department. Failure to present this proof within twelve (12) months from the date of the lapse, cancellation, or reduction shall result in automatic revocation of the license or registration.
3. Conviction or a finding by a court or administrative agency or authority having competent jurisdiction of the contractor and/or its examinee(s), for a felony, or for civil or criminal fraud, constructive or actual, or for civil or criminal theft, for work related to any license or registration under the authority of this Code, or for work related to the building trades in any jurisdiction, shall result

in automatic revocation of the license or registration and revocation of the right of the examinee and all authorized persons of the contractor to serve as a contractor or examinee for this or another contractor after notification by the Board of Review and exhaustion of due process rights, if any, in accordance with Colorado law. The notification shall be served personally or posted by registered or by certified mail, return receipt requested, to the last known mailing address.

RBC201.11.5 Voluntary Suspension.

1. The Board of Review may suspend licenses or registrations upon the voluntary written request for this action by the contractor. These suspensions shall not exceed a period of twelve (12) months unless a notarized annual certification from an employer is furnished to the Building Department indicating that the contractor is engaged in an active capacity in the field of building codes and construction.

2. While under voluntary suspension, the contractor need not carry insurance, but shall be responsible for all license or registration fees normally due.

3. The voluntary suspension shall be automatically lifted at any point during the twelve (12) month period under the following conditions:

a. Written request is made to the Board of Review by the contractor.

b. Proof of insurance is provided in accordance with section RBC201.7 of this Code.

4. In the event the contractor does not terminate the voluntary suspension within the twelve (12) month period as provided in item 3 above, or furnish proof of active engagement in the construction field and building codes, as provided in item 1 above, in order to obtain a new license or registration, the contractor must then meet all requirements of sections RBC201.5 and RBC201.6 of this Code.

RBC312.3.8 Authority to Enforce.

The Building Official shall have the authority to require compliance with the requirements of SECTION RBC312 - of this Code. It shall be the responsibility of the property owner(s) to meet or cause to be met all applicable requirements. Upon due notification of noncompliance and failing to meet or cause to be met all applicable requirements, the property owner(s) shall be responsible for any and all incurred expenditures on the part of the Jurisdiction(s) or any authorized agency in the enforcement of and compliance with applicable requirements.

RBC313.10 Penalties for Noncompliance.

Refer to local Jurisdiction's penalties for noncompliance, as stated within the

Jurisdiction's ordinances or regulations.

H. Appendix B

RP. 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~~ **was** 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.

Equal to two times the Permit Fee

SQ. 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.

\$50.00 for 1st incident
\$100.00 for 2nd incident
\$200.00 for 3rd incident
Plus 2 workday inspection delay

Section 4. Section 1402 (Violations) of Part 14 (Building Code Enforcement)

of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.5.1402: Violations:

Any person violating any provisions of the Building 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, **or** used or maintained in violation of the ~~Building~~ **Regional Building** Code or of any provision of the Building Code, the City Attorney **or the Department's attorney, as applicable**, 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.

Section 5. Section 1404 (Failure to Obey Order) of Part 14 (Building Code Enforcement) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.5.1404: Failure to Obey Order/**Decision**:

If, after any order of the Building Official or **decision of the** Board of Appeals made pursuant to section RBC112 (dangerous buildings) of the ~~Building~~ **Regional Building** Code has become final, the person to whom such order **or decision** is directed fails, neglects, or refuses to obey such order **or decision**, the Building Official may either cause such person to be prosecuted under section ~~RBC112.3.11~~ **RBC112.4** of the ~~Building~~ **Regional Building** Code or institute any appropriate action to abate such building **or structure** as a public nuisance.

Section 6. Section 1405 (Felony and Criminal Fraud) of Part 14 (Building Code Enforcement) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.5.1405: Felony and Criminal Fraud:

No person or entity convicted **or found** by a court **or an administrative agency or authority** having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, **or for civil or criminal theft**, for work related to any license **or registration** issued by the Building Department, 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 the City.

Section 7. Section 1406 (Contractor Penalty Provisions) of Part 14 (Building Code Enforcement) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.5.1406: Contractor Penalty Provisions:

- A. Punishable Acts And Omissions:
~~See Section RBC201.11.3 of the Regional Building Code.~~

The following actions shall be considered punishable:

- 1. Willfully violating any provisions of the Regional Building Code including any codes which are adopted by reference.**
- 2. Failure to comply with any lawful order of the Building Official or of any other authorized representative employed by the Building Department pertaining to the administration of the Regional Building Code and the codes which have been adopted by reference.**
- 3. Using a contractor's license or registration to obtain permits required under the Regional Building Code for work that will not be performed by or supervised by the contractor.**
- 4. Misrepresentation by an applicant of a material fact when applying for a contractor's license or registration.**
- 5. Failure to obtain a proper permit for any work for which a permit is required by virtue of the Regional Building Code.**
- 6. Commitment of any act of willful and wanton negligence in the conduct of the contractor's or other person's specific trade or business on work done by the contractor or other person that is regulated by the provisions of the Regional Building Code.**
- 7. Ordinary negligence of the contractor or other person, evidenced by letters of reprimand and/or incident reports received by the contractor within a three (3)**

year time period that are, in the judgment of the Board of Review, sufficient in number and severity to warrant revocation or suspension of the contractor's license or registration.

B. Automatic Revocation Or Suspension:

1. ~~See Section RBC201.11.4 of the Regional Building Code.~~

A license or registration, or the right of an examinee or principal of the contractor to serve as a contractor or as an examinee of a contractor, shall automatically be suspended or revoked by the Building Official as follows:

1. Registrations within this jurisdiction shall be automatically revoked or suspended upon revocation, suspension or refusal to renew any required Colorado State license.

2. Any license or registration within this jurisdiction shall be automatically suspended upon lapse, cancellation, or reduction of insurance coverage below that required by section RBC201.7 of the Regional Building Code. This suspension shall remain in effect until proof of the reinstatement of the required coverage is presented to the Building Department. Failure to present this proof within twelve (12) months from the date of the lapse, cancellation, or reduction shall result in automatic revocation of the license or registration.

3. Conviction or a finding by a court or administrative agency or authority having competent jurisdiction of the contractor and/or its examinee(s) for a felony, or for civil or criminal fraud, constructive or actual, or for civil or criminal theft, for work related to any license or registration under the authority of the Regional Building Code, or for work related to the building trades in any jurisdiction, shall result in automatic revocation of the license or registration and revocation of the right of the examinee and all authorized persons of the contractor to serve as contractor or examinee for this or another contractor after notification and exhaustion of due process rights, if any, in accordance with Colorado law. The notification shall be served personally or posted by registered or by certified mail, return receipt requested, to the last known mailing address.

C. Voluntary Suspension:

~~See Section RBC201.11.5 of the Regional Building Code.~~

3. The Board of Review may suspend licenses or registrations upon the voluntary written request for this action by the contractor. These suspensions shall not exceed a period of twelve (12) months unless a notarized annual certification from an employer is furnished to the Building Department indicating that the contractor is engaged in an active capacity in the field of building codes and construction.

4. While under voluntary suspension, the contractor need not carry insurance, but shall be responsible for all license or registration fees normally due.

3. The voluntary suspension shall be automatically lifted at any point during the twelve (12) month period under the following conditions:

a. Written request is made to the Board of Review by the contractor.

b. Proof of insurance is provided in accordance with section RBC201.7 of the Regional Building Code.

4. In the event the contractor does not terminate the voluntary suspension within the twelve (12) month period as provided in subsection C3 of this section, or furnish proof of active engagement in the construction field and building codes, as provided in subsection C1 of this section, in order to obtain a new license or registration, the contractor must then meet all requirements of sections RBC201.5 and RBC201.6 of the Regional Building Code.

Section 8. This ordinance shall be in full force and effect from and after May 1, 2023.

Section 9. City Council deems it appropriate that this ordinance be published in full as required by Part 2, Article 16, and Title 31 of the Colorado Revised Statutes prepared by the City Clerk 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 _____, 2023.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, 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

CAO: _____
COS: _____