

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING PROVISIONS OF THE PIKES PEAK REGIONAL BUILDING CODE, 2011 EDITION, FORMERLY ADOPTED BY ORDINANCE 11-34, AS AMENDED BY ORDINANCE 13-6, AND 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.

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 (hereinafter the "RBC"), that was formerly adopted by City Council through Ordinance 11-34, as amended by Ordinance 13-6; and

WHEREAS, the recommended changes to the RBC will simplify the construction process, take advantage of new code developments, and to 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; and

WHEREAS, pursuant to C.R.S. §§ 31-16-202 and 207, the recommended RBC changes are either set forth below in their entirety or involve rules and regulations adopted as codes by Colorado state agencies that are incorporated below by reference; accordingly, notices of hearing under C.R.S. § 31-16-203 are not required and this ordinance may be adopted and published according to the procedures set forth in the City of Colorado Springs Charter § 3-80.

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 amended as follows:

7.10.102: ADOPTION 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 the 2011 National Electrical Code;~~ 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; an amendment to disband the Electrical Committee and create an MEP Committee; and official adoption of appendix D to the Regional Building Code pertaining to roofing composition and classes. 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 as follows:

7.10.103: ADDITIONS AND MODIFICATIONS:

* * *

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

~~Section RBC307.2. Codes Adoption By Reference. There is hereby adopted by reference the National Electrical Code of the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, 2008 edition. Three copies of the Code are now filed in the Office of the Clerk of the jurisdiction and may be inspected during regular business hours. The Code is being adopted in its entirety. The following provisions will not be implemented until at least January 15, 2011:~~

- ~~1. The removal of section 210.8(A)(2) exceptions 1 and 2.~~
- ~~2. The removal of section 210.8(A)(5) exceptions 1 and 2.~~
- ~~3. Section 210.12(B).~~
- ~~4. Section 406.11.~~

* * *

Section 3. Portions of the RBC are hereby adopted, as amended and restated in their entirety below, including codes adopted by agencies of the State of Colorado, being the Plumbing Board, Electrical Board and the Division of Labor and Employment, 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.

* * *

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.

* * *

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.

* * *

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

* * *

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.”

* * *

RBC 306.2 CODE ADOPTED BY REFERENCE. There is hereby adopted by reference the Colorado Plumbing Code of the Department of Regulatory Agencies, 1560 Broadway, Suite 1360, Denver Colorado, 80202, current edition within twelve (12) months after adoption by the State of Colorado Plumbing Board along with all revisions, modifications and exceptions thereto made by such Board. Three copies of the Code are now filed in the office of the Clerk of the Jurisdiction and may be inspected during regular business hours. The Code is being adopted in its entirety.

[RBC 306.3 and 306.4 deleted]

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RBC 307.2 CODES ADOPTED BY REFERENCE. There is hereby adopted by reference the National Electrical Code of the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, current edition within twelve (12) months after adoption by the State of Colorado Electrical Board along with all revisions, modifications and exceptions thereto made by such Board. Three copies of the Code are now filed in the office of the Clerk of the Jurisdiction and may be inspected during regular business hours. The Code is being adopted in its entirety.

* * *

RBC 310.3 CODES ADOPTED BY REFERENCE. There is hereby adopted by reference the Safety Code for Elevators and Escalators, ASME A17.1, including Table N-1 of Appendix N and all supplements thereto; the Safety Code for Existing Elevators and Escalators, ASME A17.3 and all supplements thereto, and the ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts of the American Society of Mechanical Engineers, United Engineering Center, Three Park Avenue, New York, New York, 10016-5990, current editions within twelve (12) months after adoption by the State of Colorado Division of Labor and Employment along with all revisions, modifications and exceptions thereto made by such Board. Three copies of these Codes are now filed in the office of the Regional Building Official and may be inspected during regular business hours. The above Codes are being adopted in their entirety.

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.

* * *

Section 4. No penalty clauses have been adopted by this ordinance, including the codes referred to herein, adopted as rules and regulations by Colorado state agencies. Accordingly, no penalty clauses have been set forth in this ordinance pursuant to C.R.S. § 31-16-204. Moreover, the penalty clauses previously adopted by Ordinance 11-34, and readopted by Ordinance 13-6, shall remain in full force and effect.

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 by title and summary 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 _____ 2016.

Finally passed: _____
Council President

Mayor's Action:

- Approved: _____
- 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, City Clerk

DRAFT