

CHAPTER 19

Buildings and Building Regulations

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ARTICLE I

In General

Sec. 19-1. Building Official.

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

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

Sec. 19-2. Fees.

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

Sec. 19-3. Appeals.

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

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

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

Sec. 19-4. Penalty.

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

(B) It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter or change the use of any building or other structure within the City without first obtaining all permits required by any of the primary or secondary codes as adopted hereby. No permit shall be issued unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all zoning ordinances and other applicable regulations of the City.
(Ord. 8 §1, 2006)

Sec. 19-5. Coordination of agencies.

Whenever in the enforcement of any code or codes, the responsibility of more than one (1) code official or agency is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders. Whenever an inspector from any agency or department observes an

apparent or actual violation of some provision of a law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.
(Ord. 8 §1, 2006)

Sec. 19-6—19-10. Reserved.

ARTICLE II

Technical Codes

Sec. 19-11. Adoption.

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

- (1) International Building Code, 2003 Edition, published by the International Code Council, Inc. (the "Building Code"), expressly including Appendix Chapters E, G and I.
 - (2) International Mechanical Code, 2003 Edition, published by the International Code Council, Inc. (the "Mechanical Code").
 - (3) National Electrical Code in the version adopted by the State Electrical Board.
 - (4) International Fuel Gas Code, 2003 Edition, published by the International Code Council, Inc. (the "Fuel Gas Code").
 - (5) International Plumbing Code, 2003 Edition, published by the International Code Council, Inc. (the "Plumbing Code").
 - (6) International Existing Building Code, 2003 Edition, published by the International Code Council, Inc. (the "Existing Building Code"), expressly including Resource A and its appendix.
 - (7) International Residential Code for One- and Two-Family Dwellings, 2003 Edition, published by the International Code Council, Inc. (the "Residential Code"), expressly including Appendix Chapters F and H.
 - (8) International Energy Conservation Code, 2006 Edition, published by International Code Council, Inc. (the "Energy Code"). The Energy Code shall apply to any commercial or residential building in the City for which a building permit application is received subsequent to the adoption of the Energy Code.
- (Ord. 8 §1, 2006; Ord. 4 §1, 2008)

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

- (A) The following sections of the Building Code are deleted in their entirety:
- (1) Section 101.4.1, Referenced codes, Electrical;
 - (2) Section 101.4.5, Referenced codes, Property Maintenance;
 - (3) Section 103, Department of Building Safety; and
 - (4) Section 112, Board of Appeals.
- (B) Section 101.1 of the Building Code is amended by inserting "the City of Idaho Springs" within the brackets and removing the brackets.
- (C) Section 102.4 of the Building Code is amended by deleting the words "codes and" from the first and second sentences.
- (D) Section 104.7 of the Building Code is amended to read in its entirety as follows:

"The City shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records."

(E) Section 105.2 of the Building Code is amended by deleting paragraphs 3 (concerning oil derricks) and 6 (concerning walks and driveways), and by adding thereto a new unnumbered paragraph immediately following paragraph 13, to read in its entirety as follows:

"The exemptions stated in number 1 above regarding one-story detached accessory buildings, number 2 above regarding fences not over six (6) feet high, number 4 regarding retaining walls not over four (4) feet high, and number 12 regarding window awnings, shall not apply within the Idaho Springs Historic District in order to maintain the historic integrity of the District. Therefore, a building permit will be required in the Historic District for the items referenced above."

(F) Section 105.3.1 of the Building Code is amended by the addition of the following sentence at the end of the paragraph:

"No permit for new construction or any major renovation, as determined by the Building Official, shall be issued, however, until the Fire Code Official has reviewed the application and found that the proposed work is in conformance with the requirements of the Fire Code as adopted by the City."

(G) Section 108.6 of the Building Code is amended to read in its entirety as follows:

"The City Council shall establish a refund policy."

(H) Section 1612.3 of the Building Code is amended by the insertion of the words "the City of Idaho Springs" and the date "May 1978."

(I) Section 3202.2, of the Building Code is amended by changing the last sentence to read as follows:

"Doors and windows shall not open or project into the public right-of way except in the Idaho Springs Historic District; and there only if it is determined by the Building Official that the use of power-operated doors and their guide rails which project more than 1 foot beyond the property line will not be more hazardous based on life safety than the existing building. Upon such determination, the Building Official may approve the use of such doors."

(J) Section G102.2, Appendix Chapter G, of the Building Code is amended by insertion of the date "June 12, 1989."

(K) Section G103.8, Appendix Chapter G, of the Building Code is amended by removing the words "building official" and inserting the word "City."

(L) Section G104.2, Appendix Chapter G, of the Building Code is amended by removing the words "building official" and inserting the word "City" in the first sentence.

(M) Section G105.1, Appendix Chapter G, of the Building Code is amended to read in its entirety as follows:

"The City Council shall hear and decide the appeal of any decision of the building official. The City Council shall base its determination on technical justifications, and has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Appendix and Section 1612."

(N) Appendix Chapter G of the Building Code is amended by replacing the term "board of appeals" with the term "City Council" throughout.
(Ord. 8 §1, 2006; Ord. 4 §2, 2008)

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

(A) The following sections of the Mechanical Code are deleted in their entirety:

- (1) Section 103, Department of Mechanical Inspection; and
- (2) Section 109, Means of Appeal.

(B) Section 101.1 of the Mechanical Code is amended by inserting "the City of Idaho Springs" within the brackets and removing the brackets.

(C) Section 102.8 of the Mechanical Code is amended by deleting the words "codes and" from the first sentence.

(D) Section 104.8 of the Mechanical Code is amended to read in its entirety as follows:

"The City shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records."

(E) Section 106.5.3 of the Mechanical Code is amended to read in its entirety as follows:

"The City Council shall establish a refund policy."

(F) Section 108.4 of the Mechanical Code is amended to read in its entirety as follows:

"Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Section 1-8 of the Idaho Springs Municipal Code."

(G) Section 108.5 of the Mechanical Code is amended by replacing the last sentence with the following:

"Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties as set forth in Section 1-8 of the Idaho Springs Municipal Code."

(H) Section 309.1 of the Mechanical Code is amended by inserting the words "and 2 feet from exterior walls in all habitable rooms" between the words "floor" and "on" in the first sentence.

(I) The term "code official" shall be replaced by the term "Building Official" throughout.
(Ord. 8 §1, 2006)

Sec. 19-14. Amendments to the International Fuel Gas Code.

(A) The following sections of the Fuel Gas Code are deleted in their entirety:

(1) Section 103, Department of Inspection; and

(2) Section 109, Means of Appeal.

(B) Section 101.1 of the Fuel Gas Code is amended by inserting "the City of Idaho Springs" within the brackets and removing the brackets.

(C) Section 102.8 of the Fuel Gas Code is amended by deleting the words "codes and" from the first sentence.

(D) Section 104.8 of the Fuel Gas Code is amended to read in its entirety as follows:

"The City shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records."

(E) Section 106.5.3 of the Fuel Gas Code is amended to read in its entirety as follows:

"The City Council shall establish a refund policy."

(F) Section 108.4 of the Fuel Gas Code is amended to read in its entirety as follows:

"Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or

directive of the building official or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Section 1-8 of the Idaho Springs Municipal Code."

(G) Section 108.5 of the Fuel Gas Code is amended by replacing the last sentence with the following:

"Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties as set forth in Section 1-8 of the Idaho Springs Municipal Code."

(H) The term "code official" shall be replaced by the term "Building Official" throughout.
(Ord. 8 §1, 2006)

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

(A) The following sections of the Plumbing Code are deleted in their entirety:

- (1) Section 103, Department of Plumbing Inspection; and
- (2) Section 109, Means of Appeal.

(B) Section 101.1 of the Plumbing Code is amended by inserting "the City of Idaho Springs" within the brackets and removing the brackets.

(C) Section 102.8 of the Plumbing Code is amended by deleting the words "codes and" from the first sentence.

(D) Section 104.8 of the Plumbing Code is amended to read in its entirety as follows:

"The City shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records."

(E) Section 106.6.3 of the Plumbing Code is amended to read in its entirety as follows:

"The City Council shall establish a refund policy."

(F) Section 108.4 of the Plumbing Code is amended to read in its entirety as follows:

"Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Section 1-8 of the Idaho Springs Municipal Code."

(G) Section 108.5 of the Plumbing Code is amended by replacing the last sentence with the following:

"Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties as set forth in Section 1-8 of the Idaho Springs Municipal Code."

(H) The term "code official" shall be replaced by the term "Building Official" throughout.
(Ord. 8 §1, 2006)

Sec. 19-16. Amendments to International Existing Building Code.

(A) The following sections of the Existing Building Code are deleted in their entirety:

- (1) Section 103, Department of Building Safety; and
- (2) Section 112, Board of Appeals.

(B) Section 101.1 of the Existing Building Code is amended by inserting "the City of Idaho Springs" within the brackets and removing the brackets.

(C) Section 101.7 of the Existing Building Code is amended by deletion of the last sentence.

(D) Section 102.4 of the Existing Building Code is amended by deleting the words "codes and" from the first and second sentences.

(E) Section 104.7 of the Existing Building Code is amended to read in its entirety as follows:

"The City shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records."

(F) Section 105.2 of the Existing Building Code is amended by deleting paragraph 1 (concerning walks and driveways) and by adding thereto a new unnumbered paragraph immediately following paragraph 6, to read in its entirety as follows:

"The exemption stated in number 5 above regarding window awnings shall not apply within the Idaho Springs Historic District in order to maintain the historic integrity of the District. Therefore, a building permit will be required in the Historic District for the item referenced above."

(G) Section 108.6 of the Existing Building Code is amended to read in its entirety as follows:

"The City Council shall establish a refund policy."

(H) The term "code official" shall be replaced by the term "Building Official" throughout.
(Ord. 8 §1, 2006)

Sec. 19-17. Amendments to the International Residential Code.

(A) The following sections of the Residential Code are deleted in their entirety:

- (1) Section 103, Department of Building Safety; and
- (2) Section 112, Board of Appeals.

(B) Section 101.1 of the Residential Code is amended by inserting "the City of Idaho Springs" within the brackets and removing the brackets.

(C) Section 101.7 of the Residential Code is amended by the insertion of the words "and condominiums" after "townhouses" within the parentheses.

(D) Section 102.4 of the Residential Code is amended by deleting the words "codes and" from the first and second sentences.

(E) Section 104.7 of the Residential Code is amended to read in its entirety as follows:

"The City shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records."

(F) Section 105.2 of the Residential Code is amended by changing, in paragraph 1, "200" to "120"; deleting paragraph 5 (concerning walks and driveways); and by adding thereto a new unnumbered paragraph immediately following paragraph 9, to read in its entirety as follows:

"The exemptions stated in number 1 above regarding one-story detached accessory buildings, number 2 above regarding fences not over six (6) feet high, number 3 regarding retaining walls not over four (4) feet high and number 9 regarding window awnings shall not apply within the Idaho Springs Historic District in order to maintain the historic integrity of the District. Therefore, a building permit will be required in the Historic District for the items referenced above."

(G) Section 108.5 of the Residential Code is amended to read in its entirety as follows:

"The City Council shall establish a refund policy."

(H) Table R302.1.2(1) of the Residential Code is amended as follows:

"Snow load is 55 psf; Wind speed is 90 mph; Seismic design category is Class C; Weathering is severe; Frost line depth is 36"; Termite is slight to moderate; Decay is none to slight; Winter design temperature is 1°F; Ice shield underlayment required is Yes; Flood Hazard shall be based on the City of Idaho Springs Flood Insurance Rate Map (FIRM) dated 1978; Air freezing index is >2000-3000; and Mean annual temperature is 40°F."

(Ord. 8 §1, 2006)

Sec. 19-18. Amendments to Energy Code.

(A) The following are exempt from the provisions of the Energy Code:

- (1) Any building that is otherwise exempt from the provisions of the Building Code and buildings that do not contain a conditioned space.
- (2) Any building that does not use either electricity or fossil fuels for comfort heating. A building will be presumed to be heated by electricity even in the absence of equipment used for electric comfort heating if the building is provided with electrical service in excess of one hundred (100) amps, unless the Building Official determines that the electrical service is necessary for a purpose other than for providing electric comfort heating.
- (3) Historic buildings that are listed on the National Register of Historic Places or the Colorado State Register of Historic Properties and buildings that have been designated as historically significant or that have been deemed eligible for designation by the City Council.
- (4) Any building that is exempt pursuant to the Energy Code.

(B) Table 301.1, at page 11 of the Energy Code, is amended by adding "All locations within the City of Idaho Springs below an elevation of 7900 feet" to the list of Colorado counties in Climate Zone 5.

(Ord. 4 §3, 2008)

Sec. 19-19—19-30. Reserved.