

ORDINANCE NO.1162

AN ORDINANCE OF THE TOWN OF BERTHOUD REPEALING AND REENACTING CERTAIN PROVISIONS OF CHAPTER 11 OF THE TOWN OF BERTHOUD MUNICIPAL CODE; REPEALING TOWN OF BERTHOUD ORDINANCE NO. 1119 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH AND ADOPTING BY REFERENCE THE INTERNATIONAL BUILDING CODE OF THE INTERNATIONAL CODE COUNCIL, 2012 EDITION; THE INTERNATIONAL RESIDENTIAL CODE OF THE INTERNATIONAL CODE COUNCIL, 2012 EDITION; THE INTERNATIONAL PLUMBING CODE OF THE INTERNATIONAL CODE COUNCIL, 2012 EDITION; THE INTERNATIONAL MECHANICAL CODE OF THE INTERNATIONAL CODE COUNCIL, 2012 EDITION; THE INTERNATIONAL FUEL GAS CODE OF THE INTERNATIONAL CODE COUNCIL, 2012 EDITION; THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF THE INTERNATIONAL CODE COUNCIL, 2012 EDITION; THE INTERNATIONAL ENERGY CONSERVATION CODE OF THE INTERNATIONAL CODE COUNCIL, 2006 EDITION AND THE NATIONAL ELECTRICAL CODE OF THE NATIONAL FIRE PROTECTION ASSOCIATION, 2011 EDITION.

WHEREAS, the Board of Trustees has heard testimony regarding adoption of the 2012 Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, and Property Maintenance Codes; and the 2006 International Energy Conservation Code; as well as testimony regarding adoption of the 2011 National Electrical Code and,

WHEREAS, the Board of Trustees, after reviewing these documents in a Public Hearing and hearing all comments, believes it is in the best interests of the Town that the 2012 and 2006 Editions of these International Codes, and the 2011 Edition of the National Electrical Code be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 1. Adoption.

The Town Board of Trustees, in recognition of changes in building and construction methods and to help bring the Berthoud community more in line with current Code enforcement regulations and procedures nationwide finds that adoption of the 2012 Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, and Property Maintenance Codes; the 2006 International Energy Conservation Code; and the 2011 Edition of the National Electrical Code is in support of the general welfare of the Berthoud community, and said Codes are adopted by reference with the following amendments:

A. International Building Code

The International Building Code, 2012 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478. Chapters 1 through 35 inclusive and Appendix Chapter I, is hereby adopted by

reference as the Town of Berthoud Building Code as if fully set out in this ordinance with additions, deletions, insertions and changes as follows.

- (1) IBC Section 101.1** IBC Section 101.1 (Title) is amended by the addition of the term "Town of Berthoud" where indicated.
- (2) IBC Section 101.4.3** IBC Section 101.4.3 (Plumbing) is amended by deletion of the last sentence.
- (3) IBC Section 101.4.5.** IBC Section 101.4.5 (Fire prevention) is amended by replacing "International Fire Code" with "adopted fire code".
- (4) IBC Section 101.4.6** IBC Section 101.4.6 (Energy) is amended by replacing the language "International Energy Conservation Code" to 2006 International Energy Conservation Code".
- (5) IBC Section 105.1** IBC Section 105.1 (Required) is amended by replacing the words "building official" with "Town".
- (6) IBC Section 105.2** IBC Section 105.2 (Work exempt from permit) is amended as follows:

Exception #1 under the subcategory "Building" is revised to read as follows: "One-Story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof peak height does not exceed 15 feet above existing grade."

Exception #2 under subcategory "Building" is revised to read as follows: "Fences not over 6 feet high."

A new Exception #14 is added under the subcategory "Building" to read as follows: "Shingle repair or replacement work not exceeding one hundred (100) square feet in area of covering per building."

- (7) IBC Section 109.4.** IBC Section 109.4 (Work commencing before permit issuance) is revised to read as follows: "Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an investigation fee established by the Town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be accessed for the specific type of construction activity, with any such investigation fee being *in addition to* all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued."

- (8) IBC Section 109.6** IBC Section 109.6 (Refunds) is revised to read "Refunds are at the discretion of Town Staff and will be handled on a case by case basis."

(9) IBC Section 111.3. IBC Section 111.3 (Temporary occupancy) is amended by replacing the words "building official" in the first and second sentence with the word "Town".

(10) IBC Section 113.1 IBC Section 113.1 (General) is revised to read as follows: "In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment."

(11) IBC Section 113.3 IBC Section 113.3 (Qualifications) is amended by deleting the section in its entirety.

(12) IBC Section 114.2 IBC Section 114.2 (Notice of Violation) is amended by addition of the following language to the end of the paragraph: "Notice of Violations shall be delivered in accordance with section 107 of the IPMC."

(13) IBC Section 202. IBC Section 202 (Definitions) is amended by the addition of the following definition:

"Sleeping Room" (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IBC Section 1208 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet, and contains a code compliant egress.

(14) IBC Section 1301.1.1 IBC Section 1301.1.1 (Criteria) is amended by replacing "International Energy Conversation Code" with the "2006 International Energy Conservation Code".

(15) IBC Section 1612.3 IBC Section 1612.3 (Establishment of flood hazard areas) is amended with the insertion of: Section 30-2-130: Floodplain Regulations where indicated in in "The Flood Insurance Study for Larimer County, Colorado and Incorporated Areas dated February 16, 2013 or other applicable studies".

B. International Residential Code

Pursuant to Title 31 Article 16, Part 2, C.R.S., The International Residential Code, 2012 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 43 inclusive and Appendix Chapters G and H, is hereby adopted by reference as the Town of Berthoud Residential Building Code as if fully set out in this ordinance with additions, deletions, insertions and changes as follows.

(1) IRC Section R101.1 IRC Section 101.1 (Title) is amended by the addition of the term “Town of Berthoud” where indicated.

(2) IRC Section R105.1. Section R105.1 (Required) is amended by replacing the words “building official” with “Town”.

(3) IRC Section R105.2 IRC Section R105.2 (Work Exempt from Permit) is amended with the following:

Exception #1 under the subcategory “Building” is revised to read as follows: “One-Story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet and the roof peak height does not exceed 15 feet above grade.”

Exception #2 under subcategory “Building” is deleted in its entirety.

Exception #10 under the subcategory “Building” is deleted in its entirety and revised to read as follows: “Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building.”

(4) IRC Section R108.5 IRC Section R108.5 (Refunds) is revised to read “Refunds are at the discretion of Town Staff and handled on a case by case basis.”

(5) IRC Section R109.1.5. IRC Section R109.1.5 (Other inspections) is amended by the addition of a new subsection R109.1.5 to read as follows: “Insulation inspections are required before wall covering is applied on additions, remodels, and basement finishes.”

(6) IRC Section R110.4 Section R110.4 (Temporary occupancy) is amended by replacing the words “building official” in the first and second sentence with the word “Town”.

(7) IRC Section R112.1 IRC Section R112.1 (General) is revised to read as follows: “In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.”

(8) IRC Section R112.3 IRC Section 112.3 (Qualifications) is amended by deleting this section in its entirety.

(9) IRC Section R113.2 IRC Section R113.2 (Notice of Violation) is amended by addition of the following language to the end of the paragraph: “Notice of Violations shall be delivered in accordance with section 107 of the IPMC.”

(10) IRC Section R202 IRC Section R202 (Definitions) is amended by the addition of the following:

“Sleeping Room” (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC Sections R304 and R305 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet and contains a compliant egress.

(11) IRC Table R301.2 (1). IRC Table R301.2 (1) is amended to add the following requirements:

Table R301.2 (1)
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice barrier Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
	Speed (mph)	Topographic effects		Weathering	Frost Line Depth	Termite					
30 psf	90 B 110mph 3 sec. gust	No	B	Severe	30 in.	Slight to Moderate	1	NO	Per town ordinance	1000	45°F

(12) IRC Section R302.1 IRC Section R302.1 (Exterior walls) is revised to read as follows: “Construction, projections, openings and penetration of exterior walls of dwellings and accessory buildings shall comply with Table R302.1 (1).”

(13) IRC Table R302.1 (2). IRC Table R302.1 (2) is deleted in its entirety.

(14) IRC Section R302.2 IRC Section R302.2 (Townhouses) is amended by replacing the language “1-Hour fire resistance-rated wall” with “2-Hour fire resistance-rated wall.”

(15) IRC Section R302.3. IRC Section R302.3 (Two-family dwelling) is amended by replacing the language “1-Hour fire-resistance rating” with “2-Hour fire-resistance rating.”

(16) IRC Section R303.4 IRC Section R303.4 (Mechanical Ventilation) is amended by replacing the language “5 air changes per hour” with “7 air changes per hour” and replacing the language “in accordance with section N1102.4.1.2” with “in accordance with section 403.5 of the International Energy Conservation Code 2006 Edition.”

(17) IRC Section R309.5 IRC Section R309.5 (Fire sprinklers) is amended by the deletion of this section in its entirety.

(18) IRC Section R310.2 IRC Section R310.2 (Window wells) is amended by adding the language “below grade window wells in existing dwellings with a minimum horizontal projection and width of 24” shall be allowed for emergency escape and egress.”

(19) IRC Section R310.2.1 IRC Section R310.2.1 (Ladder and steps) is amended by the addition of the following exception to read as follows: Exception: “Only one window well ladder shall be required in an unfinished basement.”

(20) IRC Section R313 IRC Section R313 (Automatic Fire Sprinkler Systems) is amended by the deletion of this section in its entirety.

(21)IRC Section R401.2. Section R401.2 (Requirements) is amended by the addition of the following language to the end of the paragraph:

“Foundations shall be designed and the construction drawings stamped by a Colorado registered design professional. The foundation design must be based on an engineer’s geotechnical report. The foundation drawings shall include T.O.F. (top of foundation) and a site drainage and grading certificate is required prior to issuance of the certificate of occupancy.”

(22) IRC Section R501.3 IRC Section R501.3 (Fire protection of floors) is amended by the deletion of this section in its entirety.

(23) IRC Chapter 11. IRC Chapter 11 (Energy Efficiency) is deleted in its entirety and replaced with the 2006 International Energy Conservation Code.

(24) IRC Section G2415.12. IRC Section G2415.12 (Minimum burial depth) is amended by the addition of the following language at the end of the paragraph: “Plastic fuel gas piping shall be installed a minimum of 18 inches below grade and have a tracer wire.”

(25) IRC Section G2415.12.1 IRC Section 2415.12.1 (Individual outside appliances) is deleted in its entirety.

(26) IRC Section G2417.4.1 IRC Section G2417.4.1 (Test pressure) is amended by replacing the requirement of “3 psig” with “10 psig.”

(27) IRC Section G2417.4.2. IRC Section G2417.4.2 (Test Duration) is amended by replacing the language “10 Minutes” with “15 Minutes.”

(28) IRC Section P2503.5.1 IRC P2503.5.1. The first paragraph (Rough plumbing) is revised to read as follows: “DWV systems shall be tested on completion of the rough piping installation by water or air with no evidence of leakage.”

(29) IRC Section P2603.5.1 IRC Section P2603.5.1 (Sewer depth) is amended by filling in both areas where indicated to read "12 inches".

(30) IRC Section P3103.1 IRC Section P3103.1 (Roof extension) is amended by replacing the language "6 inches" with "12 inches".

C. International Mechanical Code

Pursuant to Title 31, Article 16, Part 2, C.R.S., The International Mechanical Code, 2012 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town Berthoud Mechanical Code as if fully set out in this ordinance with additions, deletions, insertions and changes as follows.

(1) IMC Section 101.1 IMC Section 101.1 (Title) is amended by the addition of the term "Town of Berthoud" where indicated.

D. International Fuel Gas Code

Pursuant to Title 31, Article 16, Part 2, C.R.S. The International Fuel Gas Code, 2012 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Berthoud Fuel Gas Code as if fully set out in this ordinance with additions, deletions, insertions and changes as follows.

(1) IFGC Section 101.1 IFGC Section 101.1 (Title) is amended by the addition of the term "Town of Berthoud" where indicated.

(2) IFGC Section 404.12 Section 404.12 (Minimal burial depth) is amended by the addition of the following language to the end of the paragraph: Plastic fuel gas piping shall be installed a minimum of 18 inches below grade with a tracer wire.

(3) IFGC Section 406.4.1. IFGC Section 406.4.1 (Test pressure) is amended by changing the requirement of "3 psig" with "10 psig".

E. International Plumbing Code

Pursuant to Title 31, Article 16, Part 2, C.R.S. The International Plumbing Code, 2012 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 13 inclusive, is hereby adopted by reference as the Town of Berthoud Plumbing Code as if fully set out in this ordinance with additions, deletions, insertions and changes as follows.

- (1) IPC Section 101.1.** IPC Section 101.1 (Title) is amended by the addition of the term "Town of Berthoud" where indicated.
- (2) IPC Section 305.4.1** IPC Section 305.4.1 (Sewer depth) is amended by filling in both areas where indicated to read "12 inches".
- (3) IPC Section 312.3** IPC Section 312.3 (Drainage and vent air test) is amended by deletion of the first sentence.
- (4) IPC Section 903.1** IPC Section 903.1 (Roof extension) is amended by inserting the number "12" where indicated in the second sentence.

F. International Energy Conservation Code

Pursuant to Title 31, Article 16, Part 2 C.R.S., The International Energy Conservation Code, 2006 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 5 inclusive, is hereby adopted by reference as the Town of Berthoud Energy Conservation Code as if fully set out in this ordinance with additions, deletions, insertions and changes as follows.

- (1) IECC Section C101.1** IECC Section C101.1 (Title) is amended by the addition of the term "Town of Berthoud" where indicated.
- (2) IECC Section 109.1** IECC Section 109.1 (General) is revised to read as follows:

General. "In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment."

G. International Property Maintenance Code

Pursuant to Title 31, Article 16, Part 2, C.R.S., The International Property Maintenance Code, 2012 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 8 inclusive, is hereby adopted by reference as the Town of Berthoud Property Maintenance Code as if fully set out in this ordinance with additions, deletions, insertions and changes as follows.

- (1) IPMC Section 101.1** IPMC Section 101.1 (Title) is amended by the addition of the term "Town of Berthoud" where indicated.
- (2) IPMC Section 102.3** IPMC 102.3 (Application of Other Codes) is amended by the deletion of the last sentence.

(3) IPMC Section 103.5 IPMC Section 103.5 (Fees) is amended by deleting the section in its entirety.

(4) IPMC Section 111.2. IPMC Section 111.2 (Membership of board) is amended by deletion of this section in its entirety and insertion of the following language:

“The members of the Board of Appeals shall be comprised of the members of the Town Board of Adjustment.”

The following sections shall be deleted in their entirety:
111.2.1-111.4, 302.3, 302.4, 302.8, 304.14, 308, 309, & 604.2

H. International Existing Building Code

Pursuant to Title 31, Article 16, Part 2, C.R.S., The International Existing Building Code, 2012 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, Chapters 1 through 15 inclusive, is hereby adopted by reference as the Town of Berthoud Existing Building Code as if fully set out in this ordinance with additions, deletions, insertions and changes as follows.

The International Existing Building Code, 2012 Edition, as adopted herein is hereby amended by replacing all references to “ICC Electrical Code” with “Electrical Code adopted by the State of Colorado” and further modified by the following additions, deletions, insertions and changes as follows:

(1) IEBC Section 101.1 IEBC Section 101.1 (Title) is amended by the addition of the term “Town of Berthoud” where indicated.

I. National Electrical Code

The National Electrical Code 2011 Edition, Copyright 2010, National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts is adopted in its entirety with no additions, amendments, or deletions.

Section 2: General Provisions.

a. This Chapter 11 including all codes herein adopted, as amended or modified, may be cited as the "Town of Berthoud Building Code" or "Building Code."

b. At least one (1) copy of each of the codes adopted by the Town and included within this Chapter 11 shall be on file in the office of the Town Clerk and available for inspection during regular business hours.

c. References to public officials or departments. Whenever there are any references in the Building Code to public officials by title of office held or to particular departments, boards, commissions, bureaus or other agencies of the

Town, such references shall be taken to refer to the appropriate public officials of the Town holding comparable or similar offices in said Town, although not designated by the same official title. In any event, the Town Administrator is authorized to designate and determine the department, public official or agency or other entity having jurisdiction and authority to enforce or to administer this Building Code or any particular part thereof, unless otherwise clearly provided by law or ordinance.

Whenever a reference is made to the Building Department, the same shall be taken to mean the Planning and Police Departments which have the responsibility for administration of code enforcement, including, but not limited to, building inspection, plan review, contractor licensing, environmental control and permit issuance. Whenever the words "Building Official" are used, said words shall mean the manager of the Building Department.

d. General application. Unless otherwise specified herein, the provisions of this Chapter 11 related to such matters as permits, licensing and appeals, shall be generally applicable to each of the individual codes adopted herein.

e. Compliance. Any person receiving a building permit to perform work under the provisions of this Chapter 11 must comply with all Town ordinances and regulations relating to construction or to construction related activities.

f. Penalties. It shall be unlawful to fail to comply with the requirements of the Codes adopted by reference in this Ordinance and each violation and each day of a continuing violation shall subject the violator to a penalty of a fine of not more than \$300.00 or up to ninety days in jail or both such fine and detention.

g. Purpose. The purpose of the 2012 Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, and Property Maintenance Codes; the 2006 Edition of the International Energy Conservation Code, and the purpose of the 2011 Edition of the National Electrical Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town and certain equipment specifically regulated in this code.

Section 3. Effective Date.

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

At its meeting on August 13, 2013 this Ordinance was introduced and a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held after public notice of the adopting ordinance is published twice, once at least fifteen days preceding the hearing and once at least eight days preceding the hearing. At its meeting

on September 10, 2013 this Ordinance was read, passed and ordered published by the Board of Trustees.

PASSED AND ADOPTED, SIGNED AND APPROVED, following public hearing this 10th day of September 2013.

ATTESTED:

TOWN OF BERTHOUD, COLORADO

Mary K. Cowdin
Mary K. Cowdin, Town Clerk

JD
Jan Dowker, Mayor Pro-Tem

APPROVE AS TO FORM

Gregory S. Bell
Gregory S. Bell, Town Attorney

Publish: 9-19-13