

ORDINANCE NO. 2022-09

AN ORDINANCE FOR THE PROVISION OF MINIMUM STANDARDS TO SAFEGUARD LIFE, HEALTH, PROPERTY AND PUBLIC WELFARE BY THE REGULATION AND CONTROL OF THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES WITHIN THE CITY OF DURANGO AND CERTAIN EQUIPMENT SPECIFICALLY REGULATED HEREIN, ADOPTING BY REFERENCE THE "2018 EDITION OF THE INTERNATIONAL BUILDING CODE" PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Durango is authorized to adopt uniform codes by reference pursuant to C.R.S., §31-16-201, *et. seq.*; and

WHEREAS, a public hearing has heretofore been held before the City Council of the City of Durango pursuant to notice duly published; and

WHEREAS, the Council has determined, subsequent to said public hearing, that the best interests of the public would be served through the adoption of the 2018 Edition of the International Building Code; excluding therefrom, however, provisions pertaining to the ICC Electrical Code, the International Property Maintenance Code, and the International Existing Building Code.

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. That Section 6-16 of Article II of Chapter 6 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

Sec. 6-16. Adopted.

Pursuant to C.R.S., §31-16-201, *et. seq.*, there is hereby adopted for the purpose of regulating the construction, alteration, moving, demolition, enlargement, improvement, repair, and use of any building or structure within the City, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this Code, and hydraulic flood control structures, the International Building Code, 2018 Edition, excluding those sections hereinafter specifically omitted, as published by the International Code Council, Inc. One (1) copy of the Code is on file in the office of the City Clerk and may be inspected during regular business hours.

The following portions of the 2018 International Building Code are specifically omitted from this adopting ordinance and not adopted, at this time, as part of the 2018 International Building Code:

- (a) All references to the ICC Electrical Code shall be construed to refer to the latest edition of the National Electrical Code as adopted by the State of Colorado.
- (b) All references to the International Property Maintenance Code shall be deleted in their entirety.

(c) All references to the International Existing Building Code shall be deleted in their entirety except where referenced within the previously adopted Chapter 34 of the 2012 International Building Code as referenced in 6-20 XIV.

Section 2. That Section 6-20 of Article II of Chapter 6 of the Code of Ordinances of the City of Durango should be and the same is hereby amended in its entirety to read as follows:

Sec. 6-20. Amendments.

The following amendments to the 2018 International Building Code are hereby adopted:

I. **Section 105.2 Work exempt from permit** is amended to delete 105.2(4)

II. **Section 109.2** is amended to read as follows:

Section 109.2 Schedule of Permit Fees. Building permit fees shall be established by resolution of the City Council.

III. **Section 109.4** is amended to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, gas, mechanical or plumbing system before obtaining the necessary permit or permits shall pay a fee equal to three (3) times the permit fee that would otherwise be applicable if the permit was secured prior to commencement of the work.

IV. **Section 109.6** is amended to read as follows:

109.6 Refunds. The code official shall authorize the refunding of fees, where appropriate. Refunds may be up to but shall not exceed eighty percent (80%) of the amount paid, except in cases where a permit was applied for or issued erroneously, in which event a full refund shall be allowed. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

V. **Section 109.7** is added to read as follows:

Section 109.7 Plan Review Fees. When third party plan checks are required by the building official then payment of the actual fees incurred for such review shall be made under separate contract directly to the plan check agency by the permit applicant, agent or owner.

VI. **Section 113.1** is amended to read as follow:

113.1 Board of Appeals General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals. Unless otherwise provided by separate action of the City Council, the members of the board of appeals created herein shall be the same as the members of the Durango Board of Adjustment appointed by the City Council under the terms of the City Charter and the City

Land Use and Development Code and they shall serve in that capacity at the pleasure of the City Council. The board shall adopt rules of procedure for conducting its business.

VII. **114.4** is amended to read as follows:

Section 114.4 Violation penalties. 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 provided by Section 1-16 of the City of Durango Municipal Code.

VIII. **310.4 Residential Group R-3** is amended to read as follows:

310.4 Residential Group-R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Boarding houses (nontransient) with 16 or fewer occupants

Boarding houses (transient) with 10 or fewer occupants

Care facilities that provide accommodations for five or fewer persons receiving care

Congregate living facilities (nontransient) with 16 or fewer occupants

IX. **Section 903.2.7** is amended to read as follows:

903.2.7 Group M an *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

- 1) A Group M *fire area* exceeds 12,000 square feet (1115 m²).
- 2) Groups M *fire area* is located more than three stories above *grade plane*.
- 3) The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230m²).
- 4) A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds a fire area of 5,000 square feet (464 m²).

X. **Section 903.2.8** is amended to read as follows:

903.2.8 Group R. An *automatic sprinkler systems* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. Exception: Buildings which contain two (2) or fewer R-3 dwelling units in mixed use facilities that do not contain Assembly Group A, Factory Industrial Group F, High Hazard Group H, and Storage Group S. Other provisions in this Code may still require these uses to have automatic sprinkler systems.

XI. **Chapter 13 Energy Efficiency** is deleted. The provisions are replaced with the International Energy Conservation Code as adopted by the City.

XII. **Appendix B Board of Appeals** is deleted.

XIII. **Chapter 34 of the IBC** is amended in its entirety with the inclusion of the provisions of Chapter 34 of the 2012 IBC in its current form as previously adopted with the following amendments:

Section 3410 is amended, in its entirety, to read as follows:

3410.1 Conformance. Before any building or structure may be moved within or into the jurisdiction, the building inspector shall first approve such action and shall estimate the

amount of money to be expended to make the building comply with all requirements for new buildings within the jurisdiction and before such building may be moved, the owner thereof shall furnish a surety bond to the city in an amount equal to one and one-half (1½) times the aforementioned estimated cost of compliance as determined by the building inspector. The owner shall be allowed a period of six (6) months after the building has been moved within which to bring the building into compliance with the aforementioned requirements; provided, however, if the requirements are not met within six (6) months after the building has been moved, the city may call upon the surety to pay the expenses of bringing such building into compliance with the existing requirements for new buildings within the jurisdiction.

Section 3412.2 is amended, in its entirety, to read as follows:

3412.2 Applicability. Structures existing prior to January 1, 2016, in which there is work involving additions, alterations or changes of occupancy after January 1, 2016, shall be made to conform to the requirements of this section or the provisions of §§3403 through 3409. The provisions in §§3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings within occupancies in Group H or I.

Section 3. Validity.

If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 4. Repeal.

Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

Section 5. Publication.

The City Clerk shall certify to the passage of this ordinance, cause notice of its contents and passage to be published or posted and make not less than one (1) copy of the adopted Code available for inspection by the public during regular business hours.

Section 6. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.



CITY COUNCIL OF THE CITY OF
DURANGO

Kim Baxter
Mayor

STATE OF COLORADO)

) ss.

COUNTY OF LA PLATA)

I, Amy Phillips, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2022-09 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 2nd day of March, 2022, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 5th day of March, 2022, prior to its final consideration by the City Council.

Faye Hoerner
City Clerk

I further certify that said Ordinance No. O-2022-09 was duly adopted by the Durango City Council on the 15th day of March, 2022, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the 19th day of March, 2022

Faye Hoerner
City Clerk