

BY AUTHORITY

ORDINANCE NO. 38\_\_\_\_  
SERIES OF 2017

COUNCIL BILL NO. 38  
INTRODUCED BY COUNCIL  
MEMBER YATES

**AN ORDINANCE CONCERNING THE AMENDMENT OF TITLE 8, CHAPTER 2, ARTICLE A, OF THE ENGLEWOOD MUNICIPAL CODE, IN CONNECTION WITH ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2015 EDITION, AND SUCH AMENDMENTS AS SET FORTH HEREIN, ALL WITHIN THE CITY OF ENGLEWOOD, ARAPAHOE COUNTY, COLORADO.**

WHEREAS, the City of Englewood has adopted Uniform Building Codes, and subsequent updates as promulgated by the publisher, as the model construction codes for the City since 1971;

WHEREAS, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees within one (1) year of the Effective Date of this Agreement to adopt the 2015 International Building and Fires Codes and to adopt any subsequent versions of the building and fire codes within six (6) months of Denver's adoption of said subsequent versions of said codes";

WHEREAS, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees not to adopt any laws or amendments to said codes that conflict with or are materially inconsistent with the applicable uniform building and fire codes without obtaining the prior, written approval of the Denver Fire Chief (which approval will not be unreasonably withheld);

WHEREAS, the Chief Building Official for the City of Englewood has determined that none of the proposed amendments to the International Building Code, 2015, conflict with or are materially inconsistent with the applicable uniform building and fire codes;

WHEREAS, in the spirit of interlocal cooperation, Englewood's proposed modifications to the Building and associated safety codes have been provided to the Denver Fire Chief; and

WHEREAS, the Chief Building Official for the City of Englewood has thoroughly reviewed the International Building Code 2015 and recommends adoption thereof subject to certain exceptions, modifications and amendments as set forth herein.

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

Section 1. Adoption of the International Building Code, 2015 Edition, as the Building Code, with certain additions and deletions. There is hereby adopted by reference by the

City of Englewood, Colorado, for the purpose of establishing standards for the safety, health, and public welfare, the International Building Code, 2015 Edition, as the Building Code, as published by the International Code Council, 4051 Flossmoor Road Country Club Hills, IL 60478, and such amendments and appendices as set forth as set forth below.

Title 8, Chapter 2, Article A shall be amended as follows:

**8-2A-1: CODE ADOPTED:**

There is hereby adopted, by reference thereto, the International Building Code 2015 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2A-2 of this Article. The City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

**8-2A-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:**

The following specific changes, modifications and amendments are hereby made to the provisions of the International Building Code 2015, hereinabove adopted:

**A. CHAPTER 1. ADMINISTRATION.**

- 1. 101.1 Title.** (Add the following)  
These regulations shall be known as the Building Code of the City of Englewood, hereinafter referred to as "this Code".
- 2. 105.2 Work Exempt from Permit.**  
**Building:** (Delete sections 2 and 4 and substitute the following section 2 and 4)
  - 2. Refer to Section 16-2-9 of the Englewood Municipal Code for Zoning Site Plan Review requirements.**
  - 4. Refer to Section 16-2-9 for Zoning Site Plan Review requirement.**
- 3. 109.2 Schedule of Permit Fees.** (Add the following)  
These fees shall be determined by the City Council and set by resolution.
- 4. 109.3 Building Permit Valuations.** (Add the following sentence)  
The Chief Building Official may also utilize Building Valuation Data published in the ICC Building Safety Journal as a guideline to establish valuation.
- 5. 109.6 Fee Refunds.** (Delete in its entirety and substitute the following)  
The Chief Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Chief Building official may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

The Chief Building Official may authorize not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Chief Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of the fee payment.

6. **110.7 Reinspections.** (Add the following new section)

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete; the corrections called for are not made; the inspection record card is not posted or otherwise available on the work site; the approved plans are not readily available to the inspector; no access is provided to the site or for deviating from plans requiring approval of the chief building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purposed and pay the reinspection fee in accordance with Table 1.

In instances where reinspection fees have been assessed, no additional inspections of the work will be performed until the reinspection fees have been paid.

7. **111.3.1 Temporary Occupancy Fee.** (Add the following new section)

The fee for a Temporary Certificate of Occupancy is as set forth in Section 109.2 of this Chapter.

8. **113 Board of Appeals.** (Delete in its entirety and substitute the following)

Refer to Section 8-1-7 of the Englewood Municipal Code for the requirements of this section.

9. **1608.2 Ground Snow Loads.** (Add the following sentence to the end of this section)

Ground snow load as determined by Case Study shall be 30 lb/sq ft.

10. **1612.3 Establishment of Flood Hazard Areas.** (Insert the following)

To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Englewood, dated November 1, 2010, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

11. **2111.1.1 Fireplace Restrictions.** (Add the following new section)

Fireplaces shall comply with Sections 16-1-11 and 16-1-12 of the Englewood Municipal Code.

**B. CHAPTER 35 – REFERENCED STANDARDS.** (Delete 2008 and substitute 2011)

**1. A18.1 2008 2011 Safety Standard for Platform Lifts and Stairway Chairlifts.**

**Section 2. Severability.** If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

**Section 3. Inconsistent Ordinances.** All other Codes, Ordinances, or portions, thereof inconsistent or conflicting with this Ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

**Section 4. Effect of repeal or modification.** The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 5. Safety Clauses.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

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Introduced, read in full, and passed on first reading on the 19th day of June, 2017.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 22nd day of June, 2017.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of June, 2017 for thirty (30) days.

Read by Title and passed on final reading on the 3rd day of July, 2017.

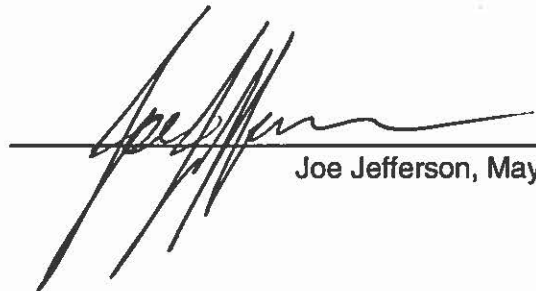
Published by Title in the City's official newspaper as Ordinance No. 38, Series of 2017, on the 6th day of July, 2017.

Published by title on the City's official website beginning on the 5th day of July, 2017 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

ATTEST:

  
Stephanie Carlile, Acting City Clerk

  
Joe Jefferson, Mayor

I, Stephanie Carlile, Acting City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by Title as Ordinance No. 38, Series of 2017.

  
Stephanie Carlile