

ORDINANCE NO. 10468

AN ORDINANCE AMENDING CHAPTER 6 OF TITLE IV OF THE PUEBLO MUNICIPAL CODE RELATING TO BUILDING REGULATIONS AND ADOPTING THE 2021 INTERNATIONAL RESIDENTIAL CODE RELATING TO BUILDING REGULATIONS FOR ONE- AND TWO-FAMILY DWELLINGS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., AND PROVIDING PENALTIES AND REMEDIES FOR THE VIOLATION THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 1 of Chapter 6, Title IV of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 4-6-1. International Residential Code; adoption by reference.

(a) The International Residential Code, 20~~[15]~~ 21 Edition, promulgated and published by the International Code Council, Inc., 4051 [West] Flossmoor Road, Country Club Hills, IL 60478, together with the following Appendix Chapters: Appendix ~~A~~H, (Patio Covers), ~~[and]~~ Appendix AJ (Existing Buildings and Structures), Appendix AQ, entitled "Tiny Houses", Appendix AR, entitled "Light-Straw Clay Construction, Appendix AS, entitled "Strawbale Construction" and Appendix AU, entitled "Cob Construction (Monolithic Adobe)" hereinafter collectively referred to as the "I.R.C." or "International Residential Code," as amended by this Chapter ~~[~~, together with the minor code, entitled, International Energy Conservation Code, 2015 Edition, promulgated and published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, hereinafter referred to as the "I.E.C.C.," ~~]~~ are hereby adopted by reference; provided, however that the following portions of the I.R.C. are not adopted and are expressly deleted:

~~[(1)~~ Part VII, entitled "Plumbing." ~~]~~

~~[(2)~~ 1) Part VIII, entitled "Electrical."

~~[(3)~~ All Appendices (except Appendix H and Appendix J), provided however that the following portions of Appendix J are not adopted and are expressly deleted: AJ301.1.2 entitled "Plumbing materials and supplies," AJ301.2 entitled "Water closets," AJ301.3 entitled "Electrical," and AJ501.5 entitled "Electrical equipment and wiring," which includes AJ501.5.1 through AJ501.5.3.5. ~~]~~

(2) Chapter 25, entitled "Plumbing Administration," Chapter 26, entitled "General Plumbing Requirements," Chapter 27, entitled "Plumbing Fixtures", and Chapter 28, entitled "Water Heaters.", Chapter 3, entitled "Sanitary Drainage", Chapter 31, entitled "Vents", Chapter 32, entitled "Traps".

(3) Sections P2901 through and including P2903.11 and sections P2905 through and including P2913.4.2 of Chapter 29, entitled "Water supply and distribution."

(4) Sections AJ107.1.2, entitled "Plumbing materials and supplies, AJ107.2, entitled "Water Closets", AJ107.3 entitled "Electrical", AJ109.5., entitled "Electrical Equipment and Wiring" and all subsections of AJ109.5.

(b) Copies of the I.R.C. [and I.E.C.C.] are available in the office of the Pueblo Regional Building Department for distribution and sale to the public. The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures regulated by the International Residential Code within the City shall be in compliance with the terms and provisions of this Chapter and the I.R.C.

SECTION 2.

Section 2 of Chapter 6, Title IV of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 4-6-2. Amendments.

(a) Section R103 of the I.R.C., entitled "Department of Building Safety," is amended to read as follows:

"R103 Pueblo Regional Building Department - Enforcement Agency.

"Administration and enforcement of this Code and all related and secondary codes are hereby delegated to the Pueblo Regional Building Department. Wherever in this Code the phrase 'building official' appears, it shall be construed to refer to the Director or the Building Official of the Pueblo Regional Building Department or the [Director's] Building Official's designated representative. The building official, the building official's designated representatives, and such building inspectors as the building official may appoint, shall be vested with the authority of a law enforcement officer with respect to enforcing this Code and Chapter 6 of Title IV of the Pueblo Municipal Code, including the authority to issue summons and complaints for the violation thereof."

(b) Section R103.1, entitled "Creation of enforcement agency," Section R103.2, entitled "Appointment," and Section R103.3, entitled "Deputies," are deleted.

(c) Subsection R105.2 of the I.R.C., entitled "Work exempt from permit," number 7., is amended to read as follows:

"7. Prefabricated swimming pools accessory to a Group R-3 occupancy, which are installed entirely above ground."

(d) Section R105 of the I.R.C., entitled "Permits," is amended by the addition of Subsection R105.10, entitled "Issuance of permit," to read as follows:

"R105.10[.] Issuance of permit. A building permit shall be issued only to the contractor performing the work covered by the contract between the owner and the contractor. Such permit shall be delivered only to the contractor or the contractor's authorized representative(s). Should any portion of the work be excluded from the contract, the application or permit shall state the portions so excluded. Should the contractor be discharged or abandon the work, the contractor shall immediately notify the building official in writing. No further work shall be performed until a successor contractor has been selected who shall notify the building official in writing of the contractor's selection to complete the work."

(e) Subsection R106.1 of the I.R.C., entitled "Submittal documents," is amended to read as follows:

"Construction documents will also include all plans and specifications, drawings, diagrams, calculations, computations, reports, specifications and other necessary data to complete the habitable structure, along with the necessary code study to compare and delineate the occupancy use and fire-resistive type of construction within the I.R.C. Each set of plans and specifications shall bear the stamp or seal and signature of an engineer or architect licensed under Title 12 of Colorado Revised Statutes and in accordance with Sections **[12-25-117]12-120-216** and **[12-4-116]12-120-417**, C.R.S., respectively."

(f) Subsection R108.2 of the I.R.C., entitled "Schedule of permit fees," is amended **by the addition of two new subsections, R108.2.1 and R108.2.2,** to read as follows:

"R108.2.1 Permit fees. The fee for each permit shall be as established in the fee schedule adopted by the City Council by resolution."

"R108.2.2 Plan review fees. Plan review fees shall be as established in the fee schedule adopted by the City Council by resolution."

(g) Section R110.**3.1** of the I.R.C., entitled "Certificate **[of Occupancy]** **issued,**" is **[readopted without changes]** **amended to add a new subsection R110.3.1** to read as follows:

"R110.3.1 Public improvement requirements for a certificate of occupancy. Applications for building permits for buildings or structures **[classified in occupancy Groups R-3]** **for one- and two- family dwelling units and town homes** shall be accompanied by a set of plans or a drawing which shows all existing and proposed public improvements required by the ordinances of the City. **Foundation plans and soils report** shall be prepared by and bear the seal of an architect or engineer licensed to

practice in Colorado. **Accessory structures shall have plot plans showing all existing and proposed public improvements required by ordinances of the city.**

["] Before any building permit is issued, all applications for building permits and accompanying plans or drawings shall be reviewed by the Director of Public Works to determine whether the proposed construction will require the installation or reconstruction of public improvements. For purposes of this Section, public improvements shall include, but not be limited to, street paving, curbs, gutters, sidewalks, drainage facilities and the dedication of land for such purposes. Upon request, the Director of Public Works shall provide a written statement of the public improvements that will be required as a condition for the issuance of a building permit and a certificate of occupancy. No certificate of occupancy shall be issued for any structure or building until all public improvements required by the ordinances of the City shall be constructed in full compliance with City engineering regulations, design standards and construction specifications as adopted by resolution of the City Council. Acceptance of required public improvements shall be completed upon written notification signed by the Director of Public Works.

["] If it is determined by the Director of Public Works that any such public improvements are necessitated by the proposed construction, a condition shall be inserted in any building permit to be issued for such proposed construction, which shall require the dedication of such land and improvements to the City. The applicant for such building permits, if not the owner, shall notify the owner of the requirements to dedicate to the City such public improvements. The cost of any such improvements shall be borne by the owner, and the construction shall be subject to the provisions of all applicable City ordinances, resolutions, regulations and policies.

["] Failure to comply with the provisions for public improvements required by this Section shall be deemed a violation of the Building Code and shall constitute grounds for applicable penalties as provided in Titles IV and [IX] XII of the Pueblo Municipal Code and for revocation of any issued certificate of occupancy or temporary certificate of occupancy."

(h) Subsection R113.4 of the I.R.C., entitled "Violation penalties," is amended to read as follows:

"R113.4 Violation penalties. Any person, firm or corporation violating any of the provisions of this Code, upon conviction thereof, shall be punished as provided in Section 4-6-6 of the Pueblo Municipal Code. The application of any such penalty shall not be held to prevent the enforced removal of prohibited conditions."

[(i) Table R301.2(1) of the I.R.C., entitled "Climatic and Geographic Design Criteria," is amended to read as follows:

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

			Subject to Damage From								
Ground Snow Load	Wind Speed (MPH)	Seismic Design Category	Weathering	Frost	Termite	Decay	Winter	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
CS	115	B	Severe	26"	None		0	No		500	52.3"]

([j]) i) Subsection R301.2, entitled "Climatic and Geographic Design Criteria," is amended by the addition of Table R301.2([4]5), entitled "Pueblo County Ground Snow Loads," to read as follows:

"Table R301.2([4]5) Pueblo County Snow Loads

Elevation (asl)	Ground Snow Load (PSF)
5,300	20
5,550	23
5,800	25
6,050	27
6,300	30
6,550	33
6,800	35
7,050	38
7,300	40
7,550	41
7,800	43
8,050	44
8,300	45
8,550	46
8,800	48
9,050	49
9,300	50
9,550	51
9,800	52
10,050	54
10,300	55
10,550	56
10,800	58
11,050	59
11,300	60"

([k]) i) Subsection R302.5.1, Opening protection, of the I.R.C., is amended by deleting the words "equipped with a self-closing **or automatic closing** device" at the end of the second sentence.

(k) Subsection R309.1 of the I.R.C., entitled "Floor surface", is amended by adding Exception 1 to read as follows:

Exception 1. The floor surface shall not be required to slope when the foundation is for enclosed non habitable accessory structure.

(l) Subsection R311.3.2 of the I.R.C., entitled "Floor elevation at other exterior doors", Exception is amended to read as follows:

Exception: When more than two rises are required, landing length at the exterior door may be reduced to 18" provided the door does not swing over stairs. Maximum height of landing shall not exceed 30" above adjacent grade.

(m) Subsection R313.1 of the I.R.C., entitled "Townhouse automatic fire sprinkler systems," Exception is amended to read as follows:

Exception #1 An automatic sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic sprinkler system installed.

Exception #2 An automatic sprinkler system shall not be required with four or less attached dwelling units when separated in accordance with Section R302.2.2 item 2.

([I] n) Subsection R313.2 of the I.R.C., entitled "One- and two-family dwellings automatic fire systems," [and Subsection R313.2.1 of the I.R.C., entitled "Design and Installation," are] is deleted.

[(m) Subsection R3142.2 entitled "Alterations, repairs and additions," is amended by deleting Exception #2.]

[(n) Subsection R315.2.2 of the I.R.C. entitled "Alterations, repairs and additions," is amended by deleting Exception #2.]

[(o) Section N1102 (R402) entitled "Building Thermal Envelope" of the IRC is amended for a period of time expiring March 1, 2017, by deletion of Subsection N1102.4.4 (R402.4.4) and revisions to Table N1102.1.2 (R402.1.2) and Subsection N1102.4.1.2 (R402.4.1.2) as follows:

1. Table N1102.1.2 (R402.1.2) entitled "Insulation and Fenestration Requirements by Component" is amended by deleting the numbers "15/19" and inserting the numbers "10/13" in the column labeled "Basement Wall R-Value" and applicable to Climate Zone 5 and Marine 4.

**2. Subsection N1102.4.1.2 ((R402.4.1.2) entitled "Testing" is amended by revising the first sentence to read as follows:
"The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding five air changes per hour in Climate Zones 1 and 2, and five air changes per hour in Climate Zones 3 through 8."**

3. Subsection N1102.4.4 (R402.4.4) entitled "Rooms containing fuel-burning appliances" is deleted in its entirety.
After March 1, 2017, Section N1102 (R402) shall be effective without regard to the amendments contained immediately above.】

【(p) Subsection N1103.3.5 (R403.3.5) entitled “Building cavities (Mandatory)” of the I.R.C., is amended to read as follows:

“N1103.35(R403.3.5 Building cavities (Mandatory). Building framing cavities shall not be used as supply ducts.”】

(o) Table R1102.1.2 (R402.1.2), entitled “Maximum Assembly U-Factors and Fenestration Requirements” is amended to read as follows:

CLIMATE ZONE	FENESTRATION U-FACTOR f	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC d,e	CEILING U-FACTOR	WOOD FRAME WALL U-FACTOR	MASS WALL U-FACTOR b	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
5 and MARINE 4	0.32	0.55	0.40	0.026	0.06	0.082	0.033	0.050	0.055

Footnotes

a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source

b. Mass wall shall be in accordance with Section 402.2.5 where more than half of the insulation is on the interior, the mass wall U-factors shall not exceed 0.065 in Climate Zone 5 and Marine 4.

d. The SHCG column applies to all glazed fenestration.

f. A maximum U-factor of 0.32 shall apply in Climate Zone 5-8 to vertical fenestration products installed in buildings located above 4,000 feet in elevation above sea level.

(p) Table N1102.1.3 (R402.1.3), entitled “Insulation Minimum R-Values and Fenestration

Requirements by Components” a is amended to read as follows:

CLIMATE ZONE	FENESTRATION U-FACTOR b, i	SKYLIGHT U-FACTOR b	GLAZED FENESTRATION SHGC b,e	CEILING U-FACTOR	WOOD FRAME WALL U-FACTOR g	MASS WALL U-FACTOR h	FLOOR U-FACTOR	BASEMENT WALL R-VALUE c,g	SLABd R-VALUE & DEPTH	CRAWL SPACE WALL U-FACTOR c,g
5 and MARINE 4	0.32	0.55	0.40	49	20 h or 13+5ci h	13/17	30	15ci or 19 or 13&5ci	10ci 2f	15ci or 19 or 13&5ci

Footnotes

a. Nonfenestration U -factors shall be obtained from measurement, calculation or an approved source.

b. The fenestration U -factor columns excludes skylights. The SHGC applies to all glazed fenestration.

c. "5ci or 13" means R-5 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "10ci or 13" means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "15ci or 19 or 13&5ci" means R-15 continuous insulation (ci) on the interior or exterior surface of the wall; or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior surface of the wall.

d. R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R -value for slabs, as indicated in the table. The slab-edge insulation for heated slabs shall not be required to extend below the slab.

g. The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, "13&5" means R-13 cavity insulation plus R-5 continuous insulation.

h. Mass walls shall be in accordance with Section R402.2.5. The second R -value applies where more than half of the insulation is on the interior of the mass wall.

i. A maximum U -factor of 0.32 shall apply in Climate Zones 3 through 8 to vertical fenestration products installed in buildings located above 4,000 feet in elevation.

(q) Section N1104.1 (R404.1) of the I.R.C., entitled "Lighting equipment" is amended to read as follows:

"Not less than 90% of all permanently installed lighting fixtures, excluding kitchen appliance lighting fixtures, shall contain high-efficiency lighting sources."

([q] r) Subsection M1305.1.[4]3 of the I.R.C., entitled, "Appliances under floors," is amended by the addition of a sentence after the Exceptions which reads as follows:
"All access openings to underfloor furnaces shall be provided with a permanent ladder for equipment access."

([r] s) Subsection M1401.3 of the I.R.C., entitled, "Equipment and appliance sizing," is amended by adding a third exception which reads as follows:

"3. Additions that are 600 square feet or less."

SECTION 3.

A public hearing to consider the adoption of the International Residential Code, 2021 Edition, with modifications, shall be held in the Council Chambers, City Hall, 1 City Hall Place, Pueblo, Colorado at 7:00 p.m. on May 22, 2023. The City Clerk is directed to publish notice of such hearing pursuant to Section 1-1-7 of the Pueblo Municipal Code.

SECTION 4.

The adoption of this Ordinance and the 2021 International Residential Code shall not create any duty to any person, firm, corporation, or other entity with regard to the enforcement or nonenforcement of this Ordinance or said code. No person, firm, corporation, or other entity shall have any private right of action, claim, or civil liability remedy against the City of Pueblo or Pueblo Regional Building Department, or their officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement, or nonenforcement of this Ordinance or said code. Nothing in the Ordinance or in said code shall be construed to create any liability, or to waive any of the immunities, limitations on liability, or other provisions of the Governmental Immunity Act, Section 24-10-101, C.R.S. et seq., or to waive any immunities or limitation on liability otherwise available to the City of Pueblo or the Pueblo Regional Building Department, or their officers, employees or agents.

SECTION 5.

If any part, section, subsection, sentence, clause or phrase of this Ordinance or the adopted 2021 International Residential Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or of the 2021 International Residential Code.

SECTION 6.

The Council finds and declares that a certified true copy of the International Residential Code, 2021 Edition, has been on file in the office of the City Clerk of the City of Pueblo for not less than 15 days preceding the public hearing referred to in Section 3 of this Ordinance, and shall remain in said office for public inspection. After adoption of the Ordinance, a copy of the 2021 International Residential Code shall be kept in the office of the Pueblo Regional Building Department, 830 N. Main Street, Suite 100, Pueblo, Colorado 81003. Copies of the 2021 International Residential Code shall be available through the Pueblo Regional Building Department for purchase by the public at a moderate price.

SECTION 7.

This Ordinance shall become effective June 29, 2023 after final action by Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on May 08, 2023.

Final adoption of Ordinance by City Council on May 22, 2023.



President of City Council

Action by the Mayor:

☒ Approved on May 24, 2023.

☐ Disapproved on _____ based on the following objections:



Mayor

Action by City Council After Disapproval by the Mayor:

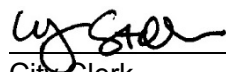
☐ Council did not act to override the Mayor's veto.

☐ Ordinance re-adopted on a vote of _____, on _____

☐ Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST



City Clerk

