

ORDINANCE NO. 1866

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE BUILDING REGULATIONS TO ADOPT THE 1997 UNIFORM BUILDING CODE

WHEREAS, the City of Montrose seeks to adopt the 1997 Uniform Building Code in order to update its Building Regulations and to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, AS FOLLOWS:

Section 1. Section 4-1-1 is hereby amended to read as follows

4-1-1 ADOPTION AND APPLICATION OF CODES

- (A) There is hereby adopted for the purpose of providing minimum standards to protect persons and property, The Uniform Building Code, 1991⁷ Edition, Volumes 1, 2, and 3 including the following portions of the Appendix: Division 1 of Chapter 1, Chapters 7, 10, 29, 35, 38, 49 and 55, and Divisions 1 and II of Chapter 12 Chapter 3, Division I and IV; all of Chapter; Chapter 12, Division I and II; all of Chapter 29; and Chapter 31, Division I, II, and III, as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California; the subject matter of which is comprehensive regulations, regulating the design, construction, and quality of materials, use and occupancy, location and maintenance of building and structures within the City and certain equipment. (Ord. 1505, 4-7-94)

~~There is hereby adopted for the purpose of proving minimum standards to protect persons and property, The Uniform Building Code Standards, 1991 Edition, as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California; the subject matter of which is comprehensive national test, material and special design standards. (Ord. 1505, 4-7-94)~~

- (B) There is hereby adopted for the purpose of providing minimum standards to protect persons and property, The Uniform Mechanical Code, 1991⁷ Edition, including Appendix Chapters A, B, and C and D as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California; the subject matter of which is

comprehensive requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems. (Ord.1505,4-94)

(C) (Rep. by Ord. 1505, 4-7-94)

(D) The Colorado Plumbing Code, as adopted by the State Examining Board of Plumbers and amended from time to time pursuant to C.R.S. 12-58-104.5 shall apply to all plumbing work within the City. (Ord. 1505,4-7-94)

(E) ~~There is hereby adopted for the purpose of achieving effective use of energy in building construction The Model Energy Code, 1983 Edition, published by The Council of American Building Officials, 1201 One Skyline Place, 5105 Leesburg Pike, Falls Church, Virginia; the subject matter of which is regulations for the design of building envelop to achieve adequate thermal resistance and low air leakages and for the design of mechanical electrical, service, water heating and illumination systems and equipment.~~ The State of Colorado Examining Board of Plumbers has approved use of Studor air admittance valves under Colorado Plumbing Code Section 301.2, as an alternate material and/or method based upon the Colorado Court of Appeals decision in Case No. 99 CA0996. Therefore, the City of Montrose will permit the installation of Studor vents under the conditions provided hereinbelow. Studor vents may be used as single fixture, branch, or stack-type air admittance valves. This applies only to Studor products and does not apply to any other manufacturer's air admittance valves. Studor Mini-vents and Studor Maxi-vents must be installed in accordance with the manufacturer's installation instructions, and meet the following requirements:

(1) Studor vents shall be located a minimum of four (4) inches above the weir of the fixture trap.

(2) Each Studor vent shall be accessible for service, repair, or replacement.

(3) Studor vents shall be located to allow adequate air to enter the valve. When located in a wall space or attic, ventilation openings to the space shall be provided. The location of a Studor Mini-vent in a vanity or sink cabinet is acceptable.

(4) Studor vents shall be installed in a vertical upright position. Maximum offset from vertical shall not be in excess of fifteen (15) degrees.

(5) Vents shall connect to drains with vertical connections to maintain an unblocked opening in the piping to Studor vents.

(6) A minimum of one standard plumbing vent shall extend outdoors to the open air for every building plumbing drainage system. For drainage systems connected to private sewage disposal systems, the vent shall be located as close as possible to the connection between the building drain and building sewer.

(7) Use of Studor vents as stack-type air admittance valves shall be acceptable only in engineered drainage systems. Studor vents shall be installed six (6) inches above the highest flood level rim of the fixtures being vented in stack applications.

(8) Studor vents installed in an attic area shall be located a minimum of six (6) inches above ceiling insulation, and shall be installed only after all insulation is installed.

(9) Studor Maxi-vents shall have the inner lip of their gaskets cut off and removed where used on connections to four-inch (4") vents.

(10) When a horizontal branch connects to a stack more than four (4) branch intervals from the top of the stack, a relief vent shall be provided. The relief vent shall be located between the connection of the branch to the stack and the first fixture connecting to the branch. The relief vent may also serve as a vent for a fixture. The relief vent shall connect to the vent stack, stack vent, or extend outdoors to the open air.

(11) Studor vents shall be installed after the drainage system rough-in test.

(12) Where located in areas subject to freezing temperatures, Studor vents shall have the packing containers installed over the top of the valves.

(13) Studor vents shall not be installed as vent terminals for any sump vents.

(14) Studor vents shall not be used to vent special waste or chemical waste systems.

(15) Studor vents shall not be located in supply or return air systems.

(16) The maximum height of drainage stack being vented by a stack-type air admittance valve shall be six (6) branch intervals.

- (F) ~~Compliance with the requirements of The One and Two Family Dwelling Code, 1991 Edition, as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, and others, shall be prima facie evidence of compliance with The Uniform Building Code, Uniform Plumbing Code and Uniform Mechanical Code. The City shall also make available for purchase as a guide to builders Dwelling Construction Under The Uniform Building Code, 1991 Edition, as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California. (Ord. 1505, 4-7-94)~~

There is hereby adopted for the purpose of providing minimum standards to protect persons and property and to promote accessibility, The "ADA Accessibility Guidelines for Buildings and Facilities" including its appendix as published by the Architectural and Transportation Barriers Compliance Board in the Federal Register on July 26, 1991, the subject matter of which is building and site design standards and regulations to promote accessibility. (Ord. 1505, 4-7-94) **The provisions of Chapter 11 contained in Volume 1 of the Uniform Building Code, 1997 Edition, shall not apply.**

- (G) One copy of each of the above codes are on file in the office of the City Clerk and may be inspected during regular business hours. Additional copies are available for purchase. (Ord.1505, 4-7-94)

Section 2. Section 4-1-2 is hereby amended to read as follows

4-1-2 ADMINISTRATION

- (A) The City Manager shall be responsible for the enforcement of this Chapter and the Codes adopted herein by reference. He may appoint a Building Official or one or more inspectors who shall enforce, interpret and administer the provisions of this Chapter, The Colorado Plumbing Code and the codes adopted herein by reference.
- (B) Whenever, in any of the codes adopted or applied in this Chapter, it is

provided that anything must be done, subject to the approval or discretion of any inspector or official, this shall be construed to give such official or inspector only the discretion to determine whether the rules or standards established by such codes have been complied with, and no such provisions shall be construed as giving any official or inspector any arbitrary or discretionary power to require conditions not prescribed by said codes or to enforce the codes in an arbitrary or discriminatory manner.

- (C) The City Manager and his designated representatives shall have the right of entry to inspect and enforce the provisions of this Chapter, The Colorado Plumbing Code, and any of the Codes adopted herein by reference in accordance with the procedures and provisions of Section 202104 of The Uniform Building Code, in addition to any other provisions provided by law. (Ord. 1505, 4-7-94)
- (D) The owner, lessee, manager, sublessee and occupant of property shall be jointly and severally responsible and liable for compliance with the provisions of this Chapter and the codes adopted by reference herein, notwithstanding any lease or agreement among them.

The City Manager is hereby authorized to adopt additional regulations for the interpretation, administration and enforcement of this Chapter and any other codes adopted by reference herein.

Section 3. Section 4-1-3 is hereby amended to read as follows

4-1-3 DELETIONS AND EXCEPTIONS TO THE CODES ADOPTED BY REFERENCE

- (A) Notwithstanding anything to the contrary contained in The Uniform Building Code, ~~The Uniform Building Code Standards~~, The Uniform Mechanical Code, or other codes adopted by the City, the entire City of Montrose shall be designated as Fire Zone III.
- (B) Notwithstanding anything to the contrary contained in The Uniform Building Code, ~~The Uniform Building Code Standard~~ The Uniform Mechanical Code, or other codes adopted by the City all buildings and structures subject to said codes shall be insulated in accordance with the following minimum requirements:

- (1) Ceilings: R-30

(2) Walls: R-19

(3) Crawl Space or Foundation: R-11

(C) (Rep by Ord. 1505, 4-7-94)

(D) ~~Foundations shall, at a minimum, comply with the requirements illustrated in Figure 4-1-3(D), notwithstanding any conflict between such Figure and the Codes adopted by this Chapter. All foundations submitted for habitable structures shall be stamped and signed by an engineer registered in the State of Colorado. One Story detached accessory sue structures less than 500 square feet in floor area need only comply with the requirements illustrated in Figure 4-1-3(D).~~

(E) (Rep By Ord. 1505, 4-7-94)

(F) Section 20.3 of The Uniform Plumbing Code is hereby deleted and superseded by Subsection 4-1-7(C) of this Code.

(G) Notwithstanding anything to the contrary provided in The Colorado Plumbing Code, plumbing permit fees shall be charged as follows:

(1) Residential Permit ~~\$25.00~~50.00

(2) Non-Residential Permit ~~\$75.00~~100.00

(H) Notwithstanding anything to the contrary in any of the codes adopted by this Chapter, gas permit fees shall be as follows:

(1) Residential Permit ~~\$25.00~~50.00

(2) Non-Residential Permit ~~\$75.00~~100.00

(I) ~~Notwithstanding anything in The Uniform Building Code to the contrary self-closing devices are not required on doors to any attached garage.~~Swing and Opening force. Exit doors serving an occupant load of 10 or more shall be of the pivoted, balanced, or side-hinged swinging type. Exit doors shall swing in the direction of the path of exit travel. The door shall swing to the fully open position when an opening force not to exceed thirty (30) pounds (133.45 N) is applied to the latch side. Doors shall not project over public sidewalks.

(J) A second point of emergency exit meeting the requirements of Subsection

~~1204~~310.4 of The Uniform Building Code shall be provided in all basements at the time of initial construction of the basement.

- (K) ~~The second sentence of the first paragraph of Subsection 202(f) of The Uniform Building Code is hereby deleted.~~Subsection 1701.1 regarding special instructions is amended to read as follows: General. In addition to the inspections required by Section 108, the City building inspector may employ one or more special inspectors who shall provide inspections during construction on the types of work listed under Section 1701.5.

- (L) ~~The second sentence of Section 201(h) of the Uniform Mechanical Code is hereby deleted.~~The first sentence in Section 608.2 of the 1997 Uniform Plumbing Code is amended to read as follows: Excessive Water Pressure. For all new construction with water services, a water pressure regulator preceded by an adequate strainer shall be installed to reduce the static pressure to eighty (80) pounds per square inch (552kPa) or less.

- (M) ~~Chapter 31 of The Uniform Building Code is hereby deleted.~~

- (N) Subsections ~~104(e)~~3103 and 3404 of the Uniform Building Code ~~is~~are amended to read as follows:

MOVED BUILDINGS AND TEMPORARY BUILDINGS:

- (1) Buildings or structures moved into or within the City shall comply with the provisions of this code for new buildings or structures, except as otherwise provided herein.
- (2) Temporary structures such as reviewing stands and fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this code. Such temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.
- (3) (a) Temporary permits may be issued for certain structures and mobile homes which meet the criteria of this paragraph ~~104(e)(3)~~3403.5(3), subject to the conditions and criteria set out herein.

- (b) The maximum period of any temporary permit unless otherwise authorized by a City Council approved permit, shall be the lesser of the following:

Six months within any calendar year; six continuous months including time within a prior calendar year; or a number of months so that the total number of months for all temporary structures on the premises in any calendar year does not exceed six months. At the end of the permitted period, the entire structure must be removed from the premises or taken down and properly stored out of view.

- (c) Unless otherwise authorized by a City Council approved permit, the use of any structure permitted herein is limited to use for retail sales, storage, pool or tennis court covers or accessory uses to residences. These structures shall not be permitted for manufacturing, repair, welding, painting or workshop uses.
- (d) All structures shall comply with all applicable provisions of City ordinances and regulations and state and federal law, including but not limited to building setback, off-street parking and other provisions of City sign, zoning and land use regulations, the Colorado Plumbing Code, State Electrical Code and Uniform Fire Code and City Sales and Use Tax Regulations. Provided however, temporary off-street parking spaces need not be paved.
- (e) Any manufactured structure shall be erected and maintained in accordance with the manufacture's recommendations and instructions. All temporary structures shall be constructed, erected and maintained in a good and workmanlike manner, in a good and safe condition and shall create no fire or safety hazard, or nuisance.
- (f) When required by applicable laws, permanent restrooms shall be available complying with applicable laws. If water and sewer is provided, nonrefundable purchase of taps with payment of system investment and connection charges is required.
- (g) Applications for temporary permits shall be submitted on

forms provided by the City, which may require all information necessary and convenient for the administration of these provisions including a Site Plan and Construction Plans, and shall be accompanied by an application fee in the amount of \$50.00 and payment of City sales and use tax due on the structure, and any equipment or taxable personal property to be used on the premises. The permit shall be issued subject to conditions necessary to insure compliance with all applicable laws and this Paragraph (3). No use or occupancy shall be made of the structure until it has been inspected and an Occupancy Permit issued as being in apparent compliance with terms and conditions of the permit. Permits may be revoked following reasonable notice and hearing by the City Manager on account of a failure to comply with the conditions of the permit, this paragraph (3) or any applicable laws. Following revocation of any permit, no similar permit shall be issued to the Permittee, or for the affected premises for a period of three years.

- (h) The Building Official may issue permits pursuant to this section except when Council approval is also required as set out herein above. Council approved permits are limited to temporary uses incidental to construction projects and the uses set out above.
- (4) Factory manufactured structures less than 120 square feet in ~~roof~~^{floor} area, erected and maintained in accordance with the manufacturer's instructions and not occupied by people on a regular basis, may be erected and used without a building permit.
- (5) Tents and fabric canopies, erected for less than five days, or with less than 120 square feet of roof area, may be erected and used without a permit.

(See following page for diagram 4-1-3(D))

Figures 4-1-3(E)(1) and 4-1-3(E)(2) Repealed by Ord. 1505

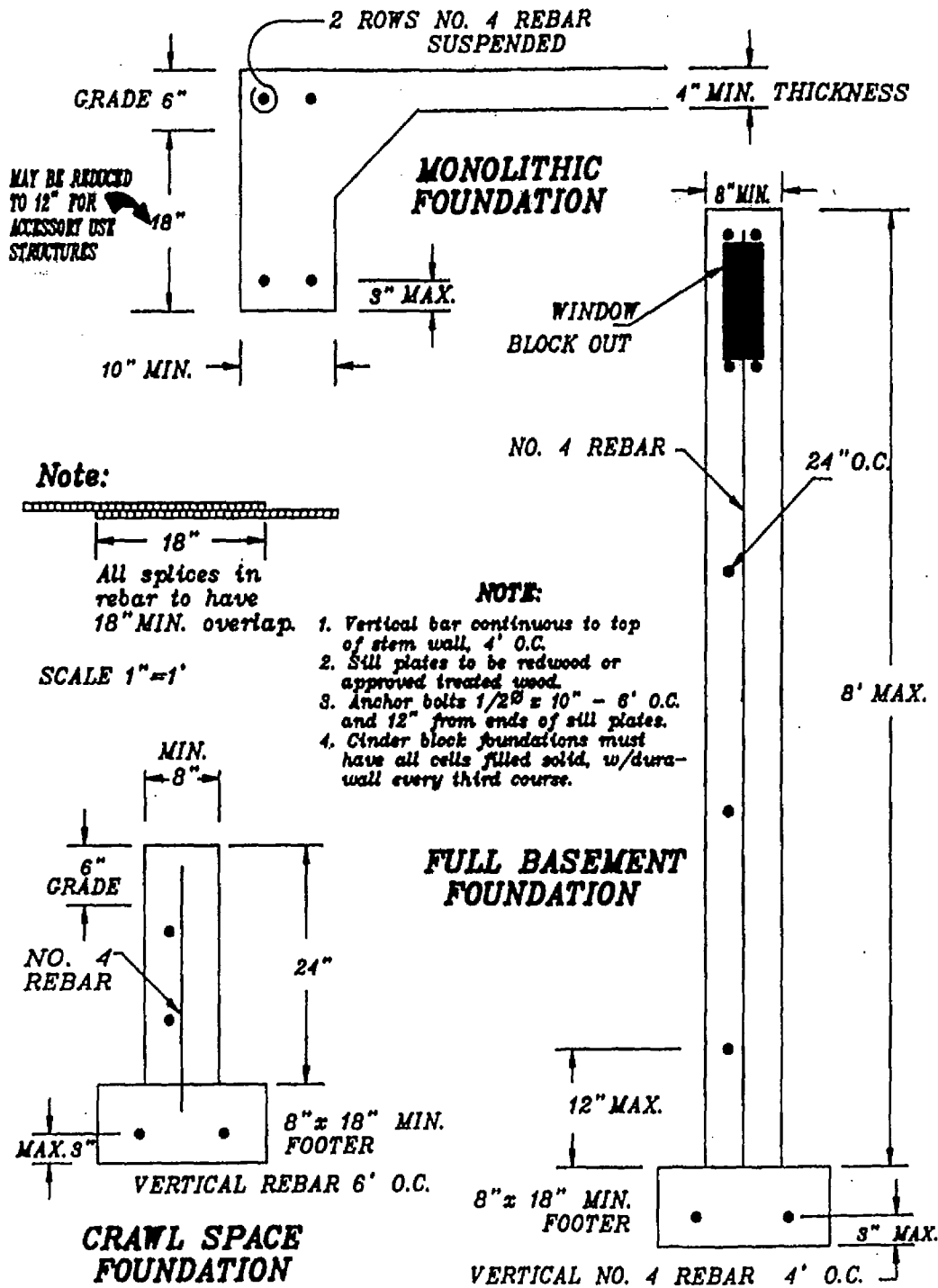


FIGURE 4-1-3 (D)

Section 4. Section 4-1-4 is hereby amended to read as follows

4-1-4 LICENSES

(A) Gas fitters' license:

- (1) It shall be unlawful for any person to construct, install, extend, repair, or improve any gas appliance, facility or piping unless he has a current gas fitters' license issued by the City.
- (2) All licenses issued shall expire on December 31, of each year and must be renewed each year.
- (3) No license shall be granted until the applicant has:
 - (a) Submitted an application and ~~ten~~twenty-five dollars ~~(\$10.00)~~ (\$25.00) annual fee. (Ord. 926, 4-7-77)
 - (b) (Rep. by Ord. 1292, 1-9-86)
 - (c) Filed proof of an adequate current liability insurance policy, approved by the City Clerk, in the minimum amounts of twenty five thousand dollars (\$25,000.00) personal injury, fifty thousand dollars (\$50,000.00) per occurrence and fifteen thousand dollars (\$15,000.00) property damage.
 - (d) Presented proof of possessing a current Master Plumber's License issued by the State of Colorado or, alternatively, passed an examination as to his competence and skill given by the City. A ~~ten~~twenty-five dollar ~~(\$10.00)~~ (\$25.00) fee must be paid to take the exam. A re-exam will not be required for the holder of a previous license, unless such license was not renewed for two (2) years. An applicant failing the exam may not retake the exam for a period of three (3) months. (Ord 1768, 05-04-2000)

(B) Plumbers' License:

- (1) It shall be unlawful for any person to construct, install, extend, repair or improve any drain or plumbing fixtures, piping or appliances except upon a persons' own residence unless he has a current plumbers' license issued by the City. A person may make only

minor repairs upon his own property, other than his residence, without a license.

(2) All licenses issued shall expire on December 31 of each year and must be renewed each year.

(3) No license shall be granted until the applicant has:

(a) Submitted an application and twenty five dollar (\$25.00) annual license fee.

(b) Provided proof that he holds a valid State plumber' s license.

(C) Any license or permit issued pursuant to this Chapter may be revoked or suspended by the City Council following notice and a hearing, for failure of the holder to comply with the provisions of this Chapter on the codes adopted herein by reference. (Ord. 926, 4-7-77)

Section 5. Section 4-1-7 is hereby amended to read as follows

4-1-7 VIOLATIONS AND PENALTIES

(A) The following penalty clause, as contained in The Uniform Building Code, 1991~~17~~ Edition, is hereby set forth in full and adopted:

Section 205~~103~~. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause or permit the same to be done, in violation of this Code. (Ord. 1505, 4-7-94)

(B) The following penalty clause contained in The Uniform Mechanical Code, 1991~~17~~ Edition, is hereby set forth, in full, and adopted:

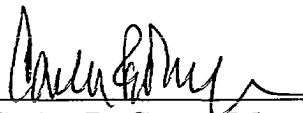
Section 204~~111.1~~. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain mechanical systems or equipment, or cause or permit the same to be done, in violation of this Code. (Ord. 1505, 4-7-94)

(C) It shall be unlawful to violate any provision of this Chapter of The Colorado Plumbing Code, or of any of the Codes adopted by references

herein. Any person convicted of such a violation shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one (1) year or by both fine and imprisonment; provided, however, no person under the age of eighteen (18) years shall be sentenced to any term of imprisonment except for contempt of Court. Each day during which any violation is committed or permitted to continue shall be considered a separate offense. Violations of The Colorado Plumbing Code may also be prosecuted under State law. (Ord. 1614, 12-19-96)

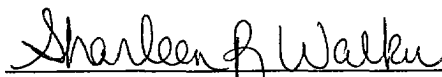
- (D) Any violation of the provisions of this Chapter, of the Codes adopted herein by reference, or of The Colorado Plumbing Code is hereby declared to be a nuisance and may be abated in accordance with law.
- (E) In addition to any other remedy the City may have, it may maintain an action in a Court of competent jurisdiction to enjoin any violation of any provision of this Chapter, of The Colorado Plumbing Code, or of the codes adopted hereby by reference.
- (F) The City may refuse to issue any permits required by this Chapter, The Colorado Plumbing Code, or by the Codes adopted herein by reference if the applicant is in violation of any provisions of this Chapter, The Colorado Plumbing Code, or of the Codes adopted herein by reference. (Ord. 1257, 11-15-84)

INTRODUCED, READ and PASSED on first reading this 2nd day of August, 2001.



Carlos R. Guara, Mayor

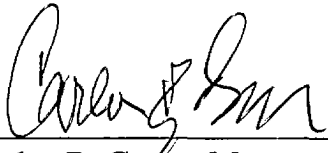
ATTEST:



Sharleen R. Walker, Deputy City Clerk

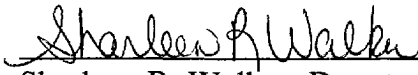
You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Thursday the 16th, day of August, 2001, at the hour of 7:00 p.m. at Montrose City Hall in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 16th day of August, 2001.



Carlos R. Guara, Mayor

ATTEST:



Sharleen R. Walker, Deputy City Clerk