

ORDINANCE NO. 024, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE II, DIVISION 2 OF THE CODE OF THE
CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2018
INTERNATIONAL EXISTING BUILDING CODE AND ADOPTING THE 2021
INTERNATIONAL EXISTING BUILDING CODE, WITH AMENDMENTS

WHEREAS, since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times; and

WHEREAS, upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align nine interconnected basic construction codes under one publication year; and

WHEREAS, the nine interconnected basic construction codes are the *International Building Code*, *International Residential Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Energy Conservation Code*, *International Property Maintenance Code*, *International Swimming Pool and Spa Code*, *International Existing Building Code*, and the *International Plumbing Code*, to the extent adopted by the *Colorado Plumbing Code*; and

WHEREAS, the City Council has determined that the 2021 publication year of the nine interconnected basic construction codes ought to be adopted and that any counterpart *International* codes previously adopted should be repealed, both to align the publication years of the codes and because the 2021 publications contain improvements in construction code regulation; and

WHEREAS, City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals; and

WHEREAS, the adoption of the nine interconnected basic construction codes has been presented to community groups and feedback has been received from the Water Commission, Energy Board, Commission on Disability, Natural Resources Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board; and

WHEREAS, the City Council has determined that it is in the best interests of the health, safety and welfare of the City and its residents that the *2021 International Existing Building Code* be adopted, with local amendments as set forth in this Ordinance; and

WHEREAS, pursuant to the City Charter, Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in the newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing; and

WHEREAS, in compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2021 International Codes on January 30, 2022, and February 6, 2022; and

WHEREAS, attached as Exhibit "A" and incorporated herein by reference is the Notice of Public Hearing dated January 24, 2022, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. The City Council hereby repeals the 2018 *International Existing Building Code* ("IEBC") and hereby adopts the 2021 IEBC as amended by this Ordinance.

Section 3. That Section 5-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 5-32. – Adoption of standards.

Pursuant to the power and authority conferred on the City Council by C.R.S. § 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the 2021 *International Existing Building Code*, published by the International Code Council, as amended by the City, which shall have the same force and effect as though set forth in full herein. The subject matter of the 2021 *International Existing Building Code* includes comprehensive provisions and standards regulating and controlling the repair, alteration, change of occupancy, addition to and relocation of existing buildings for the purposes of protecting public health, safety and general welfare.

Section 4. That Section 5-33 of the Code of the City of Fort Collins is hereby repealed and re-enacted to read as follows:

Sec. 5-33. - Amendments and deletions to the 2021 International Existing Building Code.

The 2021 *INTERNATIONAL EXISTING BUILDING CODE* adopted herein is hereby amended in the following respects:

1. **Section 101.1 Title** is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Existing Building Code* of the City of Fort Collins, hereinafter referred to as "this code."

2. **Section 103.1 Creation of agency** is hereby deleted in its entirety and replaced with the following:

103.1 Entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code*, entitled “Code Administration.”

3. **Section 104.10.1 Flood hazard areas** is hereby deleted in its entirety and replaced with the following:

104.10.1 Flood hazard areas. For *existing buildings or structures* regulated under the scope of this code that are in whole or in part located in *flood hazard areas*, construction documents shall be submitted as established in accordance with the Code of the City, Chapter 10, entitled “Flood Prevention and Protection.”

4. **Section 105.3.2 Time limitation of application** is hereby amended to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

6. **Section 108.1 Payment of Fees** is hereby deleted in its entirety and replaced with the following:

108.1 Payment of fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code*, entitled “Fees.”

7. **Section 108.4 Work commencing before permit issuance** is hereby deleted in its entirety and replaced with the following:

108.4 Work commencing before permit issuance. Requirements shall be as determined in accordance with Section 109.2 of the adopted *International Building Code*, as amended.

8. **Section 112 MEANS OF APPEALS** is hereby deleted in its entirety and replaced with the following:

SECTION 112 MEANS OF APPEALS

Requirements shall be as determined in accordance with Section 113 of the adopted *International Building Code*, as amended.

9. **Section 113.4 Violation Penalties**, is hereby deleted in its entirety and replaced with the following:

113.4 Violation penalties. Requirements shall be as determined in accordance with Section 114.4 of the adopted *International Building Code*, as amended.

10. **Section 703.1 Fire Protection-General** is hereby amended to read as follows:

703.1 General. *Alterations* shall be done in a manner that maintains the level of fire protection required.

11. **Section 708.1 Minimum requirements** is hereby deleted in its entirety and replaced with the following:

708.1 Minimum requirements. The scope of work in Level 1 *alterations* shall conform to the energy requirements of the *International Energy Conservation Code*, as amended. *Existing building* area not affected by the alteration is not required to comply with the energy requirements of the *International Energy Conservation Code* except where the space undergoes a change of occupancy that would result in an increase in demand for either fossil fuel or electrical energy per *International Energy Conservation Code* Sections C505 or R505.

12. **Section 809.1 Minimum requirements** is hereby deleted in its entirety and replaced with the following:

809.1 Minimum requirements. The scope of work in Level 2 *alterations* shall conform to the energy requirements of the *International Energy Conservation Code*, as amended. *Existing building* area not affected by the alteration is not required to comply with the energy requirements of the *International Energy Conservation Code* except where the space undergoes a change of occupancy that would result in an increase in demand for either fossil fuel or electrical energy per *International Energy Conservation Code* Sections C505 or R505.

13. **Section 907.1 Minimum requirements** is hereby deleted in its entirety and replaced with the following:

907.1 Minimum requirements. The scope of work in Level 3 *alterations* shall conform to the energy requirements of the *International Energy Conservation Code*, as amended. *Existing building* area not affected by the alteration is not required to comply with the energy requirements of the *International Energy Conservation Code* except where the space undergoes a change of occupancy that would result in an increase in demand for either fossil fuel or electrical energy per *International Energy Conservation Code* Sections C505 or R505.

14. **Section 1103.3 Flood hazard areas** is hereby deleted in its entirety and replaced with the following:

1103.3 Flood hazard areas. For *buildings* or structures regulated under the scope of this code that are in whole or in part located in *flood hazard areas*, construction documents shall be submitted as established in accordance with Chapter 10 of the City Code, entitled "Flood Prevention and Protection."

Section 5. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading, and ordered published this 15th day of February, A.D. 2022, and to be presented for final passage on the 5th day of April, A.D. 2022.



Mayor

A handwritten signature in blue ink, appearing to read "Juli Drot".

ATTEST:

A handwritten signature in blue ink, appearing to read "City Clerk".

Passed and adopted on final reading on this 5th day of April, A.D. 2022.



Mayor

A handwritten signature in blue ink, appearing to read "Juli Drot".

ATTEST:

A handwritten signature in blue ink, appearing to read "City Clerk".

NOTICE OF PUBLIC HEARING

EXHIBIT A

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 15th day of February, A.D., 2022 at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2021 International Building Code*, *2021 International Residential Code*, *2021 International Energy Conservation Code*, *2021 International Mechanical Code*, *2021 International Fuel Gas Code*, *2021 International Existing Building Code*, *2021 International Swimming Pool and Spa Code*, *2021 International Property Maintenance Code* and the *International Plumbing Code*, each promulgated by the International Code Council, and the *Colorado Plumbing Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, the *International Property Maintenance Code*, and the *Colorado Plumbing Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at <https://zoom.us/j/98241416497>. (The link and instructions are also posted at www.fcgov.com/councilcomments.) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 24th day of January, A.D. 2022.



City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.