

## ORDINANCE NO. 21

## Series 2010

July 20, 2010: Introduced as Council Bill 20, Series 2010 by Councilor Harriet Crittenden LaMair, seconded by Councilor Scott Roswell, and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

August 17, 2010: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE  
OF THE CITY OF CHERRY HILLS VILLAGE**

**REPEALING AND RE-ENACTING ARTICLES I THROUGH VIII OF CHAPTER 18 OF THE  
CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING BUILDING REGULATIONS;  
ADOPTING BY REFERENCE, WITH CERTAIN AMENDMENTS, THE 2009 INTERNATIONAL  
BUILDING CODE, THE 2009 INTERNATIONAL RESIDENTIAL CODE, THE 2009  
INTERNATIONAL MECHANICAL CODE, THE 2009 INTERNATIONAL PLUMBING CODE,  
THE 2009 INTERNATIONAL FUEL GAS CODE, THE 2009 INTERNATIONAL ENERGY  
CONSERVATION CODE, THE 2008 NATIONAL ELECTRICAL CODE, AND THE 2009  
INTERNATIONAL FIRE CODE; REPEALING ALL ORDINANCES IN CONFLICT  
THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City of Cherry Hills Village is authorized to adopt and enforce police power regulations in furtherance of the health, safety and welfare of its citizens.

WHEREAS, periodically it is necessary for the City to update those building codes which are adopted by reference in order to remain technically current; and

WHEREAS, the City Council desires to incorporate the 2009 editions of the International Building, Residential, Mechanical, Plumbing, Fuel Gas, Energy Conservation and Fire Codes and the 2008 National Electric Code into the Cherry Hills Village Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILAGE, COLORADO, ORDAINS THAT:

**Section 1.** Article I, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Building Code," is hereby repealed and re-enacted to read as follows:

**ARTICLE I**

**International Building Code**

**Sec. 18-1-10. Adoption.**

Pursuant to state law, there is hereby adopted by reference the 2009 *International Building Code*, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771, except that portion of the 2009 *International Building Code* entitled "2009 International Property Maintenance Code" and that portion entitled "ICC Electrical Code," which are not adopted by the ordinance codified herein. One (1) copy of such code and other codes adopted by reference in the 2009 *International Building Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and standards regulating the construction, alteration, moving, demolition, occupancy, use, height, area and maintenance of all buildings or structures within the City for the purpose of protecting the public health, safety and general welfare.

**Sec. 18-1-20. Amendments.**

The code adopted herein is hereby modified by the following amendments:

(1) Section 101.1 is hereby amended to insert "the City of Cherry Hills Village," so the section will read as follows:

**101.1 Title.** These regulations shall be known as the 'Building Code of the City of Cherry Hills Village,' hereinafter referred to as 'this code.' "

(2) Section 101.4.4 is hereby deleted and specifically not adopted by the City.

(3) Section 105.2 is hereby amended to read as follows:

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached, prefabricated storage sheds that do not exceed 120 square feet that are located within the building envelope as defined by the appropriate setbacks required for the zone district.
2. Fences, walls and berms three feet (3') or less in height measured from natural grade.
3. Retaining walls, which are not over 4 feet in height, measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding Class I, II or III-A liquid
4. Sidewalks not over six feet (6') in width and driveways. For purposes of this code the term 'driveways' shall mean an access route, paved or unpaved, that provides access to a garage structure. Permits are required for driveways if they are:
  - a. More than thirty inches (30") above grade,
  - b. Located over any basement or constructed space, or
  - c. Such as do not provide access to a garage used for the storage of automobiles.
5. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
6. Swings and other playground equipment accessory to single-family dwellings.
7. Movable cases, counters and partitions not over six feet (6') in height."

(4) Section 105.3(6) is hereby amended to read as follows:

6. Be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application.

(5) Section 105.3.2 is hereby amended to read as follows:

**105.3.2 Time limitation of permit application.** An application for a permit for any proposed work shall be deemed to have been abandoned ninety (90) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed ninety (90) days. The extension shall be requested in writing and justifiable cause demonstrated."

(6) Section 105.5 is hereby amended to read as follows:

**105.5 Expiration.** Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within ninety (90) days after its issuance or, if so commenced, the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced.

In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's

then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6."

(7) A new Section 105.5.1 is hereby added and shall read as follows:

**105.5.1 Project completion.** If the construction described in any building permit has not been completed to the point where a certificate of occupancy may be issued – or a final building inspection performed in cases where no certificate of occupancy is required – within eighteen (18) months of the date of issuance thereof, said building permit shall expire and be deemed canceled by the building official. Written notice thereof shall be given to the applicant, together with notice that further construction as described in the canceled permit shall not proceed unless and until a new building permit has been obtained and all fees have been paid.

The building official may authorize up to two four-month extensions of a permit, provided that the applicant pays a fee calculated as follows:

1. 1<sup>st</sup> Extension: A fee equal to twenty-five percent (25%) of the original permit fee or twice the regular building permit fee based on the project's remaining valuation, whichever is higher.
2. 2<sup>nd</sup> Extension: A fee equal to fifty percent (50%) of the original permit fee or twice the regular building permit fee based on the project's remaining valuation, whichever is higher."

(8) Section 107.2.5 is hereby amended by adding the following to the end of the paragraph:

Two sets of construction documents shall be submitted with the application for permit. Each set shall be accompanied by a site plan, drawn to scale and in accordance with an accurate survey, including the following information:

1. The size and location of new construction and existing structures on the site.
2. Setback distances from lot lines appropriate for the parcel's zoning.
3. The established street grades and the proposed finished grades.
4. Existing contours in one-foot (1') intervals in U.S.G.S. datum.
5. Location of designated 100-year floodplain boundary.
6. For all new residences and proposals to increase the square footage of a residence by 50% or more, the proposed contours and drainage plan required by the Arapahoe County Stormwater Management Manual, as the same may be amended from time to time. A copy of the manual is on file in the Community Development Department.

In the case of demolition, two sets of a site plan shall be submitted with the demolition application, showing:

1. Construction to be demolished.
2. The location and size of existing structures and construction that are to remain on the site.
3. Existing contours in one-foot (1') intervals in U.S.G.S. datum.

A site plan is required for projects such as, but not limited to, the addition of new square footage or a change in the use of existing square footage. Site plans are not required in most cases for electrical, plumbing or mechanical work.

The Community Development Coordinator is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted."

(9) Section 107.5 is hereby amended to read as follows:

**107.5 Retention of construction documents.** One set of approved construction documents shall be retained by the City for a period of not less than ninety (90) days from the date of issuance of a certificate of occupancy, or the date of the final building inspection, or as required by state or local laws."

(10) Section 108.1 is hereby amended to read as follows:

**108.1 General.** The building official is authorized to issue a permit for only such temporary structures and temporary uses that are allowed by the City of Cherry Hills Village Municipal Code. Such permits shall conform to the rules and regulations adopted by the City of Cherry Hills Village regarding temporary structures and uses."

(11) A new Section 109.2.1 is hereby added and shall read as follows:

**109.2.1 Fee schedules.** Permit fees shall be as outlined in Tables 1-A through 1-E below.

**"Table 1-A  
Building Permit Fees**

<b>"TOTAL VALUATION</b>	<b>FEES</b>
\$1.00 to \$2,000.00	\$20.00
\$2,001.00 and up	1% of valuation

**"Table 1-B  
Electrical Permit Fees for Nonresidential Buildings  
and Residential Alteration or Additions**

<b>"PROJECT VALUATION</b>	<b>FEES</b>
Up to \$300.00	\$50.00
To \$2,000.00	\$55.00
To \$50,000.00	\$21.75 per \$1,000.00 or fraction thereof of the total valuation
To \$500,000.00	\$20.50 per \$1,000.00 or fraction thereof of the total valuation plus \$57.50
Over \$500,000.00	\$19.50 per \$1,000.00 or fraction thereof of the total valuation plus \$632.50

**"Table 1-C  
Electrical Permit Fees for New Residential Buildings**

<b>"BUILDING AREA</b>	<b>FEES</b>
Not more than 1,000 sq. ft.	\$51.75
Over 1,000 sq. ft. and not more than 1,500 sq. ft.	\$69.00
Over 1,500 sq. ft. and not more than 2,000 sq. ft.	\$86.25
Over 2,000 sq. ft.	\$4.60 per 100 sq. ft. in excess of 2,000 sq. ft.

**"Table 1-D  
Plan Review and Other Fees**

<b>"PROJECT TYPE</b>	<b>FEES</b>
Nonresidential Structures Including: Churches, Schools, Nonprofit Recreational and Commercial Facilities	Minimum \$1,500 for first 10 hours – additional plan review at \$150.00 per hour
New Home/Scrape and Rebuild – more than 50% of Existing Square Footage	\$900.00
Additions/Scrape and Rebuild – less than 50% of Existing Square Footage	\$450.00
Remodel With No New Square Footage	\$250.00
Accessory and Recreational Structures	\$200.00
Additional Plan Review	\$150.00 per hour, minimum 1 hour
Investigation Fee	Same fee as building permit fee or \$150.00, whichever is more
Reinspection Fee	\$100.00
Duplicate Inspection Record Card	\$50.00
Drainage Review	\$150.00 per hour, minimum 1 hour
Engineering Review — for review of all lots located within the designated 100-year floodplain and for review of drainage plans as required for all new structures and additions that increase square footage by more than 50%	\$150.00 per hour, minimum 1 hour

**"Table 1-E**

Elevator Inspection Fees

<b>"ANNUAL CERTIFICATES OF INSPECTION</b>	<b>FEES</b>
For each elevator	\$200.00
For each escalator or moving walk	\$200.00
For each dumbwaiter	\$200.00"

(12) Section 109.3 is hereby amended to read as follows:

**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. For the purpose of determining the valuation for new construction, the building official for the City of Cherry Hills Village will use the value provided by the permit applicant or the most recent Building Valuation Data table published by the International Code Council, whichever is higher.

(13) Section 109.4 is hereby amended to read as follows:

**109.4 Work commencing before permit issuance.** Violation of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(14) Section 109.6 is hereby amended to read as follows:

**109.6 Fee refunds.** The City of Cherry Hills Village shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;
2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.
4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

(15) Section 113.3 is hereby amended to read as follows:

**113.3 Qualifications.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(16) Section 114 is hereby amended to read in its entirety as follows:

**114.1 General.** Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(17) Section 115 is hereby amended to read in its entirety as follows:

**115.1 General.** The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-9-30 of the Cherry Hills Village Municipal Code."

(18) Section 903.2.7 is hereby amended to read in its entirety 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 m<sup>2</sup>).

2. A Group 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 (2230 m<sup>2</sup>).
4. A Group M occupancy is used for the display and sale of upholstered furniture where the fire area exceeds 5,000 square feet (454m<sup>2</sup>).

(19) Section 1013.2 is hereby amended to read as follows:

**1013.2 Height.** Required guards shall be not less than 42 inches (1067 mm) high, measured vertically above the adjacent walking surfaces or the line connecting the leading edges of the treads.

(Exceptions to remain unchanged)

(20) Section 1612.3 is hereby amended to read as follows:

**1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the governing body 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 in Subsection 16-17-40(b) of the Cherry Hills Village Municipal Code. Said areas of special flood hazard are hereby adopted by reference and declared to be part of this section."

(21) A new Section 3009 is hereby added and shall read as follows:

**"Section 3009**  
**Existing Elevators and Escalators**

**3009.1 Scope.** This section shall apply to existing installations of elevators, dumbwaiters, escalators and moving walks and provides for the inspection and maintenance of such conveyances.

**Exception:** Conveyances located within a dwelling unit.

**3009.2 Certificates of inspection required.** It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by the building official. Such certificate shall be issued upon payment of prescribed fees and the presentation of a valid inspection report indicating that the conveyance is safe and that the inspections and tests have been performed in accordance with Part X of the ASME code. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3015.

**Exception:** Certificates of inspection shall not be required for conveyances within a dwelling unit.

**3009.3 Application for certificates of inspection.** The owner of an elevator, dumbwaiter, escalator or moving walk shall make application for an annual certificate of inspection. Fees for certificates of inspection shall be as specified in this section.

**3009.3.1 Fees.** A fee for each permit or certificate of inspection shall be paid to the Building Department as contained in Table 1-E in Appendix A to the Cherry Hills Village Municipal Code.

(Each escalator or moving walk unit powered by one motor shall be considered as a separate escalator or moving walk.)

**3009.4 Referenced standards.** Existing elevators and escalators shall conform to ASME A17.3, Safety Code for Existing Elevators and Escalators, published by the American Society of Mechanical Engineers.

**3009.5 Requirements for operation and maintenance.** The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator or moving walk installation and shall cause periodic inspections, tests and maintenance to be made on such conveyances as required in this section.

**3009.5.1 Periodic inspections and tests.** Routine and periodic inspections and tests shall be made as required by Part X of the ASME code. The owner shall pay all costs of

such inspections and tests. A full and correct report of such inspection shall be filed with the building official after each required inspection."

(22) Section 3412.2 is hereby amended by inserting the effective date of the ordinance codified herein.

(23) The following Appendix Chapters are hereby adopted:

Appendix C — Group U - Agricultural Buildings  
Appendix I — Patio Covers

**Section 2.** Article II, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Residential Code," is hereby repealed and re-enacted to read as follows:

## ARTICLE II

### International Residential Code

#### Sec. 18-2-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the 2009 *International Residential Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the 2009 *International Residential Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes the design and construction of one- and two-family dwellings and townhomes in the City for the purpose of protecting the public health, safety and general welfare.

#### Sec. 18-2-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) Section R101.1 is hereby amended by inserting "City of Cherry Hills Village," to read as follows:

**R101.1 Title.** These regulations shall be known as the *International Residential Code for One- and Two-Family Dwellings of the City of Cherry Hills Village*, hereinafter referred to as 'this code.'

(2) Section 101.2 is hereby amended to read as follows:

**R101.2 Scope.** The provisions of the International Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

(3) Section 105.3(6) is hereby amended to read as follows:

6. Be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application.

(4) Section R105.2 is hereby amended to read as follows:

**R105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached, prefabricated storage sheds that do not exceed 120 square feet that are located within the building envelope as defined by the appropriate setbacks required for the zone district.
2. Fences, walls and berms three feet (3') or less in height, measured from natural grade.
3. Retaining walls that are not over 4 feet in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
4. Sidewalks not over six feet (6') in width and driveways. For purposes of this code, the term 'driveways' shall mean an access route, paved or unpaved, that provides access to a garage structure. Permits are required for driveways if they are:
  - a. More than thirty inches (30") above grade,
  - b. Located over any basement or constructed space, or
  - c. Such as do not provide access to a garage used for the storage of automobiles.
5. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
6. Swings and other playground equipment accessory to single-family dwellings.
7. Movable cases, counters and partitions not over six feet (6') in height."

(5) Section R105.3.2 is hereby amended to read as follows:

**R105.3.2 Time limitation of permit application.** An application for a permit for any proposed work shall be deemed to have been abandoned ninety (90) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed ninety (90) days. The extension shall be requested in writing and justifiable cause demonstrated."

(6) Section R105.5 is hereby amended to read as follows:

**R105.5 Expiration of permits.** Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within ninety (90) days after its issuance or, if so commenced, if the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *International Building Code*, as adopted herein."

(7) A new Section R105.5.1 is hereby added and shall read as follows:

**R105.5.1 Project completion.** If the construction described in any building permit has not been completed to the point where a certificate of occupancy may be issued – or a final building inspection performed in cases where no certificate of occupancy is required – within eighteen (18) months of the date of issuance thereof, said building permit shall expire and be deemed canceled by the building official. Written notice thereof shall be given to the applicant, together with notice that further construction as described in the canceled permit shall not proceed unless and until a new building permit has been obtained and all fees have been paid.

The building official may authorize up to two four-month extensions of a permit, provided that the applicant pays a fee calculated as follows:

1. 1<sup>st</sup> Extension: A fee equal to twenty-five percent (25%) of the original permit fee or twice the regular building permit fee based on the project's remaining valuation, whichever is higher.
2. 2<sup>nd</sup> Extension: A fee equal to fifty percent (50%) of the original permit fee for the second extension or twice the regular building permit fee based on the project's remaining valuation, whichever is higher."

(8) Section R106.2 is hereby amended by adding the following to the end of the section:

Two sets of construction documents shall be submitted with the application for permit. Each set shall be accompanied by a site plan, drawn to scale and in accordance with an accurate survey including the following information:

1. The size and location of new construction and existing structures on the site,
2. Setback distances from lot lines appropriate for the parcel's zoning,
3. The established street grades and the proposed finished grades,
4. Existing contours in one-foot (1') intervals in U.S.G.S. datum.
5. Location of designated 100-year floodplain boundary on subject property.
6. For all new residences and proposals to increase the square footage of a residence by 50% or more, the proposed contours and drainage plan required by the Arapahoe County Stormwater Management Manual, as the same may be amended from time to time. A copy of the manual is on file in the Community Development Department.
7. For all new residences and proposals to increase the square footage of a residence by 50% or more, a site plan showing the proposed location of all outdoor light fixtures and a light fixture schedule.

In the case of demolition, two sets of a site plan shall be submitted with the demolition application, showing:

1. Construction to be demolished.
2. The location and size of existing structures and construction that are to remain on the site.
3. Existing contours in one-foot (1') intervals in U.S.G.S. datum.

A site plan is required for projects such as, but not limited to, the addition of new square footage or a change in the use of existing square footage. Site plans are not required in most cases for electrical, plumbing or mechanical work.

The Community Development Coordinator is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted."

(9) Section R106.5 is hereby amended to read as follows:

**R106.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building official for a period of not less than ninety (90) days from the date of completion of the permitted work, or as required by state or local laws."

(10) Section R107.1 is hereby amended to read as follows:

**R107.1 General.** The building official is authorized to issue a permit for only such temporary structures and temporary uses that are allowed by the City of Cherry Hills Village Municipal Code. Such permits shall conform to the rules and regulations adopted by the City of Cherry Hills Village regarding temporary structures and uses."

(11) A new Section R108.2.1, which inserts Tables 1-A through 1-E of the *International Building Code*, as amended herein, is hereby added and shall read as follows:

**R108.2.1 Fee schedule.** The fees for residential work shall be as indicated in Tables 1-A through 1-E located in Section 18-1-20(10) of the Cherry Hills Village Municipal Code."

(12) Section R108.3 is hereby amended to read as follows:

**R108.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. For the purpose of determining the valuation for new construction, the building official for the

City of Cherry Hills Village will use the value provided by the permit applicant or the most recent Building Valuation Data table in the *Building Standards Magazine* as published by the International Conference of Building Officials, whichever is higher. No regional modifier will be used in calculating the valuation of construction."

(13) Section R108.5 is hereby amended to read as follows:

**R108.5 Fee refunds.** The City of Cherry Hills Village shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;
2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.
4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

(14) Section R112.3 is hereby amended to read as follows:

**R112.3 Qualifications.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(15) Section R113 is hereby amended to read in its entirety as follows:

**R113.1 General.** Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(16) Section R114 is hereby amended to read in its entirety as follows:

**R114.1 General.** The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-9-30 of the Cherry Hills Village Municipal Code."

(17) The definition of *accessory structure* in Section R202 is hereby amended to read as follows:

**ACCESSORY STRUCTURE.** A structure not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot."

(18) Section 301.1 is hereby amended to add an exception as follows:

Exception: Greenhouse structures having a floor area of 200 square feet or less shall not be required to comply with the wind and snow load requirements of this code.

(19) Table R301.2 (1) is hereby amended to read as follows:

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			
	Speed (mph)	Topographic effects		Weathering	Frost Line Depth	Termites	Decay
30 psf	90	No	B	Severe	36 in.	Slight/ Moderate	None/ slight

WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
1 degree	Yes	8/95	726	49.5° F"

(20) Section 312.2 is hereby amended to read as follows:

**R312.2 Height.** Required guards at open-sided walking surfaces, including stairs, porches, balconies or landings, shall be not less than 36 inches (914 mm) high measured vertically above the adjacent walking surface or the line connecting the leading edges of the treads.

(Exceptions to remain unchanged)

(21) Section 313.2 is hereby deleted and replace with the following:

**R313.2 One- and two-family dwellings automatic fire systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

**R313.2.1 Design and installation.** Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

(22) Section R1001.10 is amended to read as follows:

**R1001.10 Hearth extension dimensions.** Hearth extensions shall extend at least 16 inches (406 mm) in front of and at least 8 inches (203 mm) beyond each side of the fireplace opening. Where the fireplace opening is 6 square feet (0.557 m<sup>2</sup>) or larger, the hearth extension shall extend at least 20 inches (508 mm) in front of and at least 12 inches (305 mm) beyond each side of the fireplace opening.

**Exception:** Masonry fireplaces containing a fuel-fired decorative appliance installed in accordance with Chapter 24 of this code."

(23) A new Section R1007 is hereby added and shall read as follows:

**"Section R1007  
Pollution Control**

**R1007.1. Fireplace pollution control.** Any new or remodeled fireplace installed in any dwelling shall be one of the following:

1. A gas appliance;
2. An electric device; or
3. A fireplace or fireplace insert that meets the most stringent emission standards for wood stoves established by the State of Colorado Regional Air Quality Control Commission; or
4. Any other clean-burning device approved by the State of Colorado Regional Air Quality Control Commission."

(24) A new Section G2432.3.1 (602.3.1) is hereby added and shall read as follows:

**G2432.3.1 Unvented decorative appliances.** Unvented decorative appliances shall not be installed within a dwelling unit."

(25) The following Appendix Chapters of the *International Residential Code* are hereby adopted:

- a. Appendix G — Swimming Pools, Spas and Hot Tubs.
- b. Appendix H — Patio Covers.

**Section 3.** Article III, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Mechanical Code," is hereby repealed and re-enacted to read as follows:

**ARTICLE III**  
**International Mechanical Code**

**Sec. 18-3-10. Adoption.**

Pursuant to state law, there is hereby adopted by reference the *2009 International Mechanical Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2009 International Mechanical Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the regulation and control of the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, comfort cooling and refrigeration systems, incinerators and other miscellaneous heat-producing appliances; construction, enlargement, alteration, repair, removal, demolition, equipment and use of buildings and structures and the standards for design and installation of heating, ventilation and air conditioning units; plumbing systems and fuel gas systems within buildings and structures within the City for the purpose of protecting the public health, safety and general welfare.

**Sec. 18-3-20. Amendments.**

The code adopted herein is hereby modified by the following amendments:

(1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

**101.1 Title.** These regulations shall be known as the *International Mechanical Code of the City of Cherry Hills Village*, hereinafter referred to as 'this code.'

(2) Section 106.3 is hereby amended to read as follows:

**106.3 Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

(3) Section 106.4.3 is hereby amended to read as follows:

**106.4.3 Expiration.** Every permit issued shall become invalid if the work on the site authorized by such permit is not commenced within ninety (90) days after its issuance or, if commenced, the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *International Building Code*, as adopted herein."

(4) Section 106.5.2 is hereby amended as follows:

**106.5.2 Fee schedule.** The fees for mechanical work shall be as indicated in Tables 1-A through 1-E located in Section 18-1-20(10) of the Cherry Hills Village Municipal Code."

(5) Section 106.5.3 is hereby amended to read as follows:

**106.5.3 Fee refunds.** The City of Cherry Hills Village shall authorize the refunding of fees as follows:

1

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;
2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.
4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

(6) Section 108 is hereby amended to read in its entirety as follows:

**108.1 General.** Violations of this code shall be governed by Section 18-9-20 of the Cherry Hills Village Municipal Code."

(7) Section 109.2 is hereby amended to read as follows:

**109.2 Membership of Board.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(8) Section 109.2.1 through 109.2.6 and 109.3 through 109.7 are hereby deleted.

**Section 4.** Article IV, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Plumbing Code," is hereby repealed and re-enacted to read as follows:

## ARTICLE IV

### International Plumbing Code

#### Sec. 18-4-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the 2009 *International Plumbing Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the 2009 *International Plumbing Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes minimum provisions and standards for the installation, alteration or repair of plumbing and drainage systems and equipment within or on public or private buildings or other structures in the City, and provides for the inspection thereof within the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

#### Sec. 18-4-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

**101.1 Title.** These regulations shall be known as the *International Plumbing Code of the City of Cherry Hills Village*, hereinafter referred to as 'this code.'

(2) Section 106.3 is hereby amended to read as follows:

**106.3 Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where

deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official."

(3) Section 106.5.3 is hereby amended to read as follows:

**106.5.3 Expiration of permits.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within ninety (90) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. In no event shall a permit remain active longer than two (2) years. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *International Building Code*, as adopted herein."

(4) Section 106.6.2 is hereby amended to read as follows:

**106.6.2 Fee schedule.** The fees for plumbing work shall be as indicated in Tables 1-A through 1-E located in Section 18-1-20(10) of the Cherry Hills Village Municipal Code."

(5) Section 106.6.3 is hereby amended to read as follows:

**106.6.3 Fee refunds.** The building official shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;
2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead;
4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

(6) Section 108.1 is hereby amended to read as follows, and Sections 108.2 through 108.6 are hereby deleted:

**108.1 General.** Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(7) Section 109.2 is hereby amended to read as follows:

**109.2 Membership of Board.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(8) Sections 109.2.1 through 109.2.6 and 109.3 through 109.7 are hereby deleted.

(9) Section 305.6.1 is hereby amended to read as follows:

**305.6.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of sixty inches (60") below finished grade at the point of septic tank connection. Building sewers shall be a minimum of sixty inches (60") below grade."

(10) Section 904.1 is hereby amended to read as follows:

**904.1 Roof extension.** All open vent pipes that extend through a roof shall be terminated at least twelve inches (12") above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (7') above the roof."

**Section 5.** Article V, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Fuel Gas Code," is hereby repealed and re-enacted to read as follows:

## ARTICLE V

### International Fuel Gas Code

#### Sec. 18-5-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the 2009 *International Fuel Gas Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the 2009 *International Fuel Gas Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes minimum provisions and safety standards for the regulations of fuel gas systems and gas-fired appliances within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

#### Sec. 18-5-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

**101.1 Title.** These regulations shall be known as the *Fuel Gas Code of the City of Cherry Hills Village*, hereinafter referred to as 'this code.'

(2) Section 106.3 is hereby amended to read as follows:

**106.3 Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

(3) Section 106.5.3 is hereby amended to read as follows:

**106.5.3 Expiration of permits.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within ninety (90) days after its issuance or if the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. In no event shall a permit remain active longer than two (2) years. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *International Building Code*, as adopted herein."

(4) Section 106.6.2 is hereby amended to read as follows:

**106.6.2 Fee schedule.** The fees for work performed under this code shall be as indicated in Tables 1-A through 1-E located in Section 18-1-20(10) of the Cherry Hills Village Municipal Code."

(5) Section 106.6.3 is hereby amended to read as follows:

**106.6.3 Fee refunds.** The building official shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;
2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead;
4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

(6) Section 108.1 is hereby amended to read as follows, and Sections 108.2 through 108.6 are hereby deleted:

**108.1 General.** Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(7) Section 109.2 is hereby amended to read as follows:

**109.2 Membership of Board.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(8) Sections 109.2.1 through 109.2.6 and 109.3 through 109.7 are hereby deleted

Section 6. Article VI, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Energy Conservation Code," is hereby repealed and re-enacted to read as follows:

## ARTICLE VI

### Sec. 18-6-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the 2009 *International Energy Conservation Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the 2009 *International Energy Conservation Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the design of energy-efficient buildings and energy-efficient mechanical, lighting and power systems within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

### Sec. 18-6-20. Amendment.

The code adopted herein is hereby modified by the following amendment:

(1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

**101.1 Title.** These regulations shall be known as the *International Energy Conservation Code of the City of Cherry Hills Village*, hereinafter referred to as 'this code.' "

Section 7. Article VII, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "National Electrical Code," is hereby repealed and re-enacted to read as follows:

**ARTICLE VII**  
**National Electrical Code**

**Sec. 18-7-10. Adoption.**

Pursuant to state law, there is hereby adopted by reference the *2008 National Electrical Code*, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02269, or any other electrical code revision approved by the State. One (1) copy of such code and other codes adopted by reference in the *2008 National Electrical Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the City Clerk and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the electrical construction, alteration, repair, removal and demolition of equipment within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

**Sec. 18-7-20. Amendments.**

The code adopted herein is hereby modified by the following amendments:

- (1) Annex H of the *2008 National Electric Code* is hereby adopted.
- (2) Annex H, Section 80.13(13), is hereby amended to read as follows:

(13) Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within three (3) days of such notification."

- (3) Annex H, Section 80.15, is hereby amended to read as follows:

(a) Board of Appeals. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

- (4) Annex H, Section 80.19(F)3., is hereby amended to read as follows:

3. When any portion of the electrical installation within the jurisdiction of the Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the progress of the work."

- (5) Annex H, Section 80.19(H), is hereby amended to read as follows:

1. Applications for permits shall be made to the City on forms provided by the City and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the City, such as plans and specifications, location and so forth. The fees for work performed under this code shall be as indicated in Tables 1-A through 1-E located in Section 18-1-20(10) of the Cherry Hills Village Municipal Code.

2. An application for a permit for any proposed work shall be deemed to have been abandoned ninety (90) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

3. The City shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the City, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the City shall not be issued unless proof of required financial responsibility is furnished.

4. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within ninety (90) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 108.6 of the *International Building Code*, as adopted herein."

(6) Annex H, Section 80.23(B), is hereby deleted, and Section 80.23(A) is hereby amended to read as follows:

**80.23(A) Violations.** Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(7) Annex H, Section 80.27, is hereby deleted in its entirety.

(8) Annex H, Section 80.29, is hereby amended to read as follows:

**80.29 Liability for damages.** Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Cherry Hills Village or any of its employees be held as assuming any such liability by reason of the inspection, reinspection or other examination authorized."

Section 8. Article VIII, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Fire Code," is hereby repealed and re-enacted to read as follows:

## ARTICLE VIII

### International Fire Code

#### Sec. 18-8-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the 2009 *International Fire Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the 2009 *International Fire Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for fire prevention generally and, specifically, the regulation of conditions hazardous to life and property from fire or explosion; and to provide for the issuance of permits for hazardous uses or operations within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

#### Sec. 18-8-20. Amendments.

The code adopted herein is hereby modified by the following amendments:

(1) Section 101.1 is hereby amended as follows:

**101.1 Title.** These regulations shall be known as the *Fire Code of the City of Cherry Hills Village*, hereinafter referred to as 'this code.'

(3) Section 103 is amended to read in its entirety as follows:

**103.1 General.** South Metro Fire Rescue provides fire protection services for the City. It operates under the direction of its fire chief (the 'fire code official'). South Metro Fire Rescue (the 'fire department'), working in conjunction with the City, is charged with the implementation, administration and enforcement of the provisions of this code."

(4) Section 108 is hereby amended by amending Section 108.1 to read as follows and by deleting Section 108.3:

**108.1 Board of Appeals.** The board of appeals shall hear and decide appeals or orders, decisions or determinations made by the fire code official or the City Manager or his or her designee relative to the application and interpretation of this code. The board

of appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

(5) Section 109 is hereby amended to read in its entirety as follows:

**109.1 Violations.** Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

(6) Section 111 is hereby amended to read in its entirety as follows

**111.1 General.** The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-9-30 of the Cherry Hills Village Municipal Code."

(8) Section 507.3 is hereby amended to read as follows:

**507.3 Fire flow.** Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B or by an approved method.

(9) Section 507.5 is hereby amended to read as follows:

**507.5 Fire hydrant systems.** Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C."

(10) Section 903.2.7 is hereby amended to read in its entirety 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 ( $1115\text{ m}^2$ ).
2. A Group 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 ( $2230\text{ m}^2$ ).
4. A Group M occupancy is used for the display and sale of upholstered furniture where the fire area exceeds 5,000 square feet ( $454\text{ m}^2$ ).

(11) Section 907.5.1 is hereby amended to read in its entirety as follows:

**907.5.1 Protection of fire alarm control unit.** In areas that are not continuously occupied, a single smoke detector shall be provided at the location of each fire alarm control unit, notification appliance circuit power extenders and supervising station transmitting equipment.

**Exceptions:**

1. Where ambient conditions prohibit installation of smoke detector, a heat detector shall be permitted.

(12) Section 3204.2.1 is hereby amended to read in its entirety as follows:

**3204.3.1.1 Location.** Stationary containers shall be located in accordance with Section 3203.1. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials."

(13) Section 3301.1.3 is hereby amended to read in its entirety as follows:

**3301.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

**Exceptions:**

1. The use of fireworks for display as allowed in Section 3308.

(14) Section 3404.2.9.6.1 is hereby amended to read as follows:

**3404.2.9.6.1 Locations of aboveground tanks.** Aboveground tanks shall be located in accordance with this section."

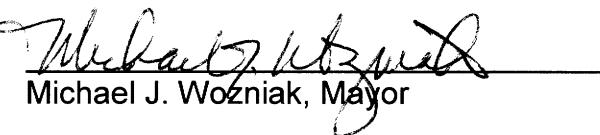
- (15) Section 3406.2.4.4 is hereby deleted in its entirety.
- (16) Section 3804.2 is hereby deleted in its entirety.
- (17) The following Appendix Chapters of this code are hereby adopted:
  - a. APPENDIX B — Fire-Flow Requirements for Buildings.
  - b. APPENDIX C — Fire Hydrant Locations and Distribution.
  - c. APPENDIX J – Emergency Responder Radio Coverage

Section 9. Repeal. Existing ordinances or parts thereof covering the same matters as embraced in this ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed provided, however, that the repeal of any ordinance or parts of ordinances of the City of Cherry Hills Village shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided 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 taking effect of this ordinance.

Section 10. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 11. Effective date and time. This Ordinance shall become effective at 12:00 a.m. on the eleventh (11<sup>th</sup>) day after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

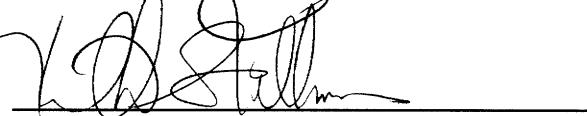
Adopted as Ordinance No. 21, Series 2010, by the City Council of the City of Cherry Hills Village, Colorado this 17th day of August, 2010.

  
Michael J. Wozniak, Mayor

ATTEST:

  
Laura Smith, City Clerk

APPROVED AS TO FORM:

  
Kenneth S. Fellman, City Attorney

CITY OF CHERRY HILLS VILLAGE  
ADOPTION OF ORDINANCE  
ORDINANCE 21, SERIES 2010

Published in *The Villager*  
Published 8/26/10  
Legal # 1717

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE REPEALING AND RE-ENACTING ARTICLES I THROUGH VII OF CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING BUILDING REGULATIONS; ADOPTING, BY REFERENCE, WITH CERTAIN AMENDMENTS, THE 2009 INTERNATIONAL BUILDING CODE, THE 2009 INTERNATIONAL RESIDENTIAL CODE, THE 2009 INTERNATIONAL MECHANICAL CODE, THE 2009 INTERNATIONAL PLUMBING CODE, THE 2009 INTERNATIONAL FUEL GAS CODE, THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2008 NATIONAL ELECTRICAL CODE, AND THE 2009 INTERNATIONAL FIRE CODE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

Published in *The Villager*  
Published: August 26, 2010  
Legal # 1717