

ORDINANCE NO. 17
Series 2002

October 15, 2002: Introduced as Council Bill No. 12 , Series No. 2002 by John Love, seconded by Viola Lahana, and considered by the title only on first reading. Passed with a vote of 5 yes and 1 no.

November 19, 2020: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 17, Series 2002.

A BILL FOR AN ORDINANCE REPEALING AND REENACTING
TITLE 5, CHAPTER 1, SECTIONS 1-9 REGARDING BUILDING CODES

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 2000 family of International Codes and the 2001 National Electric Code into the Cherry Hills Village City Code.

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

Section 1.

That Title 5, Chapter 1, Sections 1 through 9 be repealed and replaced with Sections 2 through 3 contained herein.

Section 2.

Title 5, Building Codes

Subject	Chapter
Building Codes Adopted	1
Deletions, Additions and Modifications to the International Building Code, 2000	2
Deletions, Additions and Modifications to the International Residential Code, 2000	3
Deletions, Additions and Modifications to the International Mechanical Code, 2000	4
Deletions, Additions and Modifications to the International Plumbing Code, 2000	5
Deletions, Additions and Modifications to the International Fuel Gas Code, 2000	6
Deletions, Additions and Modifications to the International Energy Conservation Code, 2000	7
Deletions, Additions and Modifications to the National Electric Code, 2002	8
Deletions, Additions and Modifications to the International Fire Code, 2000	9
Violations & Enforcement	10
Construction Noise	11

5-1: CODES ADOPTED:

BUILDING CODES: Pursuant to Colorado law, there is hereby adopted by reference the "2000 International Building Code", as published by the International Code Conference, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401 except that portion of the 2000 International Building Code entitled "2000 International Property Maintenance Code" and that portion entitled "ICC Electrical Code" which are not adopted by this ordinance. One copy of such code and other codes adopted by reference in the International Building Code shall be maintained at the office of the Building Department and may be inspected during regular business hours, the same being adopted as if set out at length herewith. The subject matter of these Codes includes comprehensive provisions and safety standards for the 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 for the purpose of protecting the public health, safety and general welfare.

ELECTRICAL CODE: Pursuant to Colorado law, there is hereby adopted by reference the "2002 National Electrical Code", as published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02269. One copy of such code and other codes adopted by reference in the National Electrical Code shall be maintained at the office of the City Clerk and may be inspected during regular business hours, the same being adopted as if set out at length herewith. The subject matter of the codes includes comprehensive provisions and safety standards for the electrical construction, alteration, repair, removal, demolition, and equipment, within buildings and structures for the purpose of protecting the public health, safety and general welfare.

5-2: DELETIONS, ADDITIONS AND MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE:

1. Amend Section 101.1 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 101.4.5 Property Maintenance is hereby stricken and specifically not adopted by the City of Cherry Hills Village.

3. Amend Section 105.2, "Building", 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 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 the are:
 1. More than thirty inches (30") above grade,
 2. Located over any basement or constructed space, or
 3. If the driveway does not provide access to a garage used for the storage of automobiles.
 5. Painting, papering, tiling, carpeting, cabinets, counter tops 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 105.3.2 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.
 5. Section 105.5 is hereby amended to read as follows:

105.5 Expiration. 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 current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with §108.6.

6. A new Section 105.5.1 is hereby added 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

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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 pay a fee calculated as follows:

- 1. **1st Extension:** A fee equal to twenty percent (20%) of the original permit fee, or twice the regular building permit fee based on the project's remaining valuation whichever is higher.
- 2. **2nd Extension:** A fee equal to forty percent (40%) of the original permit fee, or twice the regular building permit fee based on the project's remaining valuation whichever is higher.

7. Amend Section 106.2 by adding a sentence to the paragraph to read as follows:

106.2 Site Plan. Three 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.

In the case of demolition, three 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.

8. Amend Section 106.5, Retention of Construction Documents, to read as follows:

106.5 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.

9. Amend Section 107.1, Temporary Structures and Uses, to read as follows:

107.1 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.

10. Add a new Section 108.2.1 Fee Schedules as follows:

108.2.1 Fee Schedules. Permit Fees shall be as outlined in Tables 1-A through 1-F as follows:

Table 1-A--Building Permit Fees

Total Valuation	Fees
\$1.00 to \$2,000.00	\$20.00
\$2,001.00 and up	1% of valuation

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**Table 1-B---Electrical Permit Fees
For Non-Residential Buildings and Residential
Alteration or Additions**

Project Valuation	Fees
Up to \$300.00	\$50.00
\$300.01 to \$2,000.00	\$55.00
\$2,001.00 to \$50,000.00	\$21.75 per \$1,000.00 or fraction thereof of the total valuation
\$50,001.00 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**

Building Area	Fees
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 Fees

Project Type	Fee
Nonresidential structures including: Churches, Schools, and Non-Profit Recreational Facilities	Minimum \$1,000 for first 10 hours—additional plan review at \$100/hour
New Home/Scrape and Rebuild > 50% of Existing Square Footage	\$600.00
Additions/Scrape and Rebuild < 50% of Existing Square Footage	\$300.00
Remodel With No New Square Footage	\$150.00
Accessory and Recreational Structures	\$150.00
Additional Plan Review	\$100.00 per hour, minimum 1 hour
Investigation Fee (per Section 108.4)	Same fee as building permit fee or \$100.00 whichever is more
Reinspection Fee	\$50.00

Table 1-E---Elevator Inspection Fees

Annual Certificates of Inspection	
For each elevator	\$150.00
For each escalator or moving walk	\$150.00
For each dumbwaiter	\$150.00

11. Section 108.3 is hereby amended to read as follows:
- 108.3 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.

12. Strike Section 108.4 relating to "Work Commencing Before Permit Issuance" is amended to read as follows:

108.4 Work Commencing Before Permit Issuance: Violation of this code shall be governed by Section 10, Title 5 of the Cherry Hills Village Municipal Code.

13. Amend Section 108.6 so the section will read as follows:

108.6 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 twenty-five dollar (\$25) 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 re-inspection fees, mileage, staff time, supplies and building overhead.
4. The full amount of the plan review fee paid hereunder less a twenty-five dollar (\$25) 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 112.3 which relates to the Board of Appeals member qualifications is hereby amended to read as follows:

112.3 Qualifications: The Board of Appeals shall consist of the same members as the Board of Adjustments 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 3-2 of Title 6 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

15. Section 113 relating to "Violations" is hereby amended to read as follows:

113.1 General: Violations of this code shall be governed by Title 5, Section 10 of the Cherry Hills Village Municipal Code.

16. Section 114 relating to "Stop Work Orders" is hereby amended to read as follows:

114.1 General: Violations of this code shall be governed by Title 5, Section 10 of the Cherry Hills Village Municipal Code.

17. Amend Section 1612.3 to insert "The City of Cherry Hills Village", dated August, 1995", so that the section will 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 by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Cherry Hills Village" dated August 1995 as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and the related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

18. Insert a new Section 3007 as follows:

**SECTION 3007
EXISTING ELEVATORS AND ESCALATORS**

3007.1 Scope. This section shall apply to existing installations of elevators, dumbwaiters, escalators and moving walks, providing for the inspection and maintenance of such conveyances.

EXCEPTION: Conveyances located within a dwelling unit.

3007.2 - Certificates of inspection required. It shall be unlawful to operate any

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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 ANSI 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.

3007.3 Application for certificates of inspection. The owner of an elevator shall make application for an annual certificate of inspection, dumbwaiter, escalator or moving walk. Fees for certificates of inspection shall be as specified in this section.

3007.3.1 Fees. A fee for each permit or certificate of inspection shall be paid to the building department as follows:

Annual Certificates of Inspection	
For each elevator	\$150.00
For each escalator or moving walk	\$150.00
For each commercial dumbwaiter	\$150.00

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

3007.4 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.

3007.5 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.

3007.5.1 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.

19. Amend Section 3409.2 to insert the effective date of this ordinance.

20. The following Appendix Chapters are hereby adopted:
Appendix C – Group U - Agricultural Buildings
Appendix I - Patio Covers

5-3: DELETIONS, ADDITIONS AND MODIFICATIONS TO THE INTERNATIONAL RESIDENTIAL CODE:

- 1. Amend Section R101.1 to insert “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. Amend Section R105.2, “Building” 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.
 - 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 providing access to a garage which are not more than thirty inches (30") above grade

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and not over any basement or story below and which are not part of an accessible route.

5. Painting, papering, tiling, carpeting, cabinets, counter tops 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.

3. 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.

4. Section R105.5 is hereby amended to read as follows:

R105.5 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 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 current fee calculation methods.

5. A new Section R105.5.1 is hereby added 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 pay a fee calculated as follows:

1. **1st Extension:** A fee equal to twenty percent (20%) of the original permit fee or twice the regular building permit fee based on the project's remaining valuation whichever is higher.
2. **2nd Extension:** A fee equal to forty percent (40%) 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.

6. Amend Section R106.2 by adding a sentence to the paragraph to read as follows:

R106.2 Site Plan. Three 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.

In the case of demolition, three 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.

7. Amend Section R106.5, Retention of Construction Documents, to read as follows:

R106.5 Retention of Construction Documents. One set of approved construction documents shall be retained th 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 of local laws.

8. Amend Section R107.1, Temporary Structures and Uses, 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.

9. Add a new section R108.2.1 to insert Tables 1-A through 1-E of the International Building Code, as amended herein, to read as follows:

R108.2.1 Fee Schedule. The fees for residential work shall be as indicated in the following schedule:

Table 1-A through 1-E of the International Building Codes as adopted herein.

10. 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.

11. Amend Section R108.5 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 twenty-five dollar (\$25) 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 re-inspection fees, mileage, staff time, supplies and building overhead.
4. The full amount of the plan review fee paid hereunder less a twenty-five dollar (\$25) 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.

12. Section 112.3 which relates to the Board of Appeals member qualifications is hereby amended to read as follows:

112.3 Qualifications: The Board of Appeals shall consist of the same members as the Board of Adjustments 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 3-2 of Title 6 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

13. Section 113 relating to "Violations" is hereby amended to read as follows:

113.1 General: Violations of this code shall be governed by Title 5, Section 10 of the Cherry Hills Village Municipal Code.

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14. Section 114 relating to "Stop Work Orders" is hereby amended to read as follows:
114.1 General: Violations of this code shall be governed by Title 5, Section 10 of the Cherry Hills Village Municipal Code.

15. Amend Table R301.2 (1) to read as follows:

Roof Snow Load	Wind	Seismic Design Group	Subject to Damage from				Winter Design Temp	Flood Hazards
	Speed (mph)		Weathering	Frost line depth	Termite	Decay		
30 psf	90	B	Severe	30 in.	Slight/ Moderate	None/ Slight	1	8/95

16. Revise the first sentence of Section R310.1 to read as follows:
"Basements and every sleeping room shall have at least one operable emergency escape and rescue window or door opening for emergency escape and rescue."
17. Revise Section R316. by deleting the last sentence:
"Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect."
18. Add a new Section R1006, Pollution Control, as follows:
R1006 Pollution Control. R1006.1 Any new or remodeled fireplace to be 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 Commission.

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5-4: DELETIONS, ADDITIONS AND MODIFICATIONS TO THE INTERNATIONAL MECHANICAL CODE:

1. Amend Section 101.1 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 *International Mechanical Code of the City of Cherry Hills Village*, hereinafter referred to as "this code."
2. Amend Section 106.4.3 to read as follows
106.4.3 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 current fee calculation methods.
3. Add a new Section 106.4.7 to read as follows:
106.4.7 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to and additional fee equal to one hundred dollars (\$100) or the value of the permit whichever is greater.
4. Amend Section 106.5.2 to insert Tables 1-A through 1-E of the International Building Code as amended herein, so the section will read as follows:
106.5.2 Fee Schedule. The fees for mechanical work shall be as indicated in the following schedule:
Table 1-A through 1-E of the International Building Codes as adopted herein
5. Amend Section 106.5.3 so the section will read as follows:
106.5.3 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;

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2. The full amount of any building permit fee paid hereunder less a twenty five dollar (\$25) 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 re-inspection fees, mileage, staff time, supplies and building overhead.
 4. The full amount of the plan review fee paid hereunder less a twenty-five dollar (\$25) 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. Sections 108.1 through 108.6 relating to "Violations" are hereby amended to read as follows:
108.1 General: Violations of this code shall be governed by Title 5, Section 10 of the Cherry Hills Village Municipal Code.
7. Section 109.2 which relates to the Board of Appeals membership 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 Adjustments 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 3-2 of Title 6 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.
8. Section 109.2.1, which relates to the Board of Appeals qualifications, is hereby repealed.
9. Section 109.7, "Court Review", is hereby amended as follows:
109.7 Court Review. Any party to an issue before the Board of Appeals shall have the right to appeal to the appropriate court.

5-5: DELETIONS, ADDITIONS AND MODIFICATIONS TO THE INTERNATIONAL PLUMBING CODE:

1. Amend Section 101.1 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 *International Plumbing Code* of the City of Cherry Hills Village, hereinafter referred to as "this code."
2. Amend Section 106.5.3 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 current fee calculation methods.
3. Amend Section 106.6.2 to insert Tables 1-A through 1-E of the International Building Code as amended herein, so the section will read as follows:
106.6.2 Fee Schedule. The fees for plumbing work shall be as indicated in the following schedule:
Table 1-A through 1-E of the International Building Codes as adopted herein.
4. Amend Section 106.6.3 so the section will 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 twenty five dollar (\$25) 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 re-inspection

fees, mileage, staff time, supplies and building overhead;

4. The full amount of the plan review fee paid hereunder less a twenty-five dollar (\$25) 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.
5. Sections 108.1 through 108.6 relating to "Violations" are hereby amended to read as follows:
108.1 General: Violations of this code shall be governed by Title 5, Section 10 of the Cherry Hills Village Municipal Code.
6. Section 109.2 which relates to the Board of Appeals membership 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 Adjustments 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 3-2 of Title 6 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.
7. Section 109.2.1 that relates to the Board of Appeals qualifications is hereby repealed.
8. Section 109.7, "Court Review", is hereby amended as follows:
109.7 Court Review. Any party to an issue before the Board of Appeals shall have the right to appeal to the appropriate court.
9. Amend Section 305.6.1 regarding Protection of Pipes and Plumbing System Components 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. Amend Section 904.1 regarding Vent Terminals 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.

5-6: DELETIONS, ADDITIONS AND MODIFICATIONS TO THE INTERNATIONAL FUEL GAS CODE:

1. Amend Section 101.1 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 *Fuel Gas Code* of the City of Cherry Hills Village, hereinafter referred to as "this code."
2. Amend Section 106.4.3 to read as follows:
106.4.3 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 current fee calculation methods.
3. Amend Section 106.5.2 to insert Tables 1-A through 1-E of the International Building Code as amended herein, so the section will read as follows:
106.5.2 Fee Schedule. The fees for work performed under this code shall be as indicated in the following schedule:
 Table 1-A through 1-E of the International Building Codes as adopted herein
4. Sections 108.1 through 108.6 relating to "Violations" are hereby amended to read as follows:
108.1 General: Violations of this code shall be governed by Title 5, Section 10 of the Cherry Hills Village Municipal Code.

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5. Section 109.2 which relates to the Board of Appeals membership 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 Adjustments 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 3-2 of Title 6 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

6. Section 109.2.1 that relates to the Board of Appeals qualifications is hereby stricken.

7. Section 109.7, "Court Review", is hereby amended as follows:

109.7 Court Review. Any party to an issue before the Board of Appeals shall have the right to appeal to the appropriate court.

8. Amend Section 106.5.3 so the section will read as follows:

106.5.3 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 twenty five dollar (\$25) 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 re-inspection fees, mileage, staff time, supplies and building overhead;
4. The full amount of the plan review fee paid hereunder less a twenty-five dollar (\$25) 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.

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5-7: DELETIONS, ADDITIONS AND MODIFICATIONS TO THE INTERNATIONAL ENERGY CONSERVATION CODE:

1. Amend Section 101.1 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 *International Energy Conservation Code* of the City of Cherry Hills Village, hereinafter referred to as "this code."

5-8: DELETIONS, ADDITIONS AND MODIFICATIONS TO THE NATIONAL ELECTRICAL CODE:

1. Revise Section 80.13 (13) 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.
2. Section 80.15 regarding the Electrical Board is repealed and reenacted as follows:
 - (A) **Board of Appeals.** Appeals to the National Electrical Code shall be heard by the Cherry Hills Village Board of Adjustment and Appeals whose members shall be appointed and serve in a manner specified by the City Charter for the City of Cherry Hills Village.
 - (B) **Appeals:**
 1. Review of Decisions. Any person, firm or corporation may register an appeal with the Board for a review of any decision of the Building Official or their designee, provided that such appeal is made in writing within fifteen (15) days after such person, firm or corporation shall have been notified. Upon receipt of such appeal, said Board shall, if requested by the person making the appeal, hold a public hearing and proceed to determine whether the appeal has merit.
 2. Conditions. Any person shall be permitted to appeal a decision of the authority having jurisdiction to the Board when it is claimed that any one or more of the following conditions exist:

- a. The true intent of the codes or ordinances described in this Code has been incorrectly interpreted.
 - b. The provisions of the codes or ordinances do not fully apply.
 - c. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.
3. Submission of Appeals. A written appeal, outlining the Code provision from which relief is sought and the remedy proposed, shall be submitted to the authority having jurisdiction within fifteen (15) calendar days of notification of violation.

3. Revise Section 80.19 (F) (3) as follows:

- 3. When any portion of the electrical installation within the jurisdiction of an 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.

4. Amend Section 80.19 (H) regarding Applications and Extensions to read as follows:

- 1. Applications for permits shall be made to the authority having jurisdiction on forms provided by the jurisdiction 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 authority having jurisdiction, such as plans and specifications, location, and so forth. Fees shall be determined as required by local laws.
- 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 authority having jurisdiction shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the authority having jurisdiction, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction 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 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 current fee calculation methods.

5. Sections 80.23 (A & B) relating to "Violations" and "Penalties" are hereby amended to read as follows:

80.23 (A) Violations: Violations of this code shall be governed by Title 5, Section 10 of the Cherry Hills Village Municipal Code.

80.23 (B) Penalties: Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant to this code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction and incorporated herein at Title 5, Section 10 of the Cherry Hills Village Municipal Code.

6. Delete Section 80.27 regarding Inspector's Qualifications in its entirety.

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7. Revise Section 80.29 regarding Liability of Damages 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.

5-9: DELETIONS, ADDITIONS AND MODIFICATIONS TO THE INTERNATIONAL FIRE CODE:

1. Section 101.1 is hereby amended to insert the following:

The City of Cherry Hills Village

2. Section 108.1 refers to the Cherry Hills Village City Code, Title 6, Chapter 3, Board of Adjustment and Appeals.

3. Section 109.3 is hereby amended to read as follows:

109.3 Violations Penalties. Violations of this code shall be governed by Title 5, Section 10-1 of the Cherry Hills Village Municipal Code.

4. Section 111.4 is hereby amended to read as follows:

111.4 Failure to Comply. Any person who shall continue work after having been served with at stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 or more than \$1,000.

5-10: VIOLATIONS & ENFORCEMENT:

1. **Unlawful Actions** It shall be unlawful and a violation of this code for any property owner, permit holder, or any other person:

1. To authorize the performance or to perform any work or activity for which a permit is required by this code without first securing or obtaining all City-issued permits in accordance with this code necessary to commence and perform such work or activity.
2. Following issuance of a Stop Work Order, to authorize the performance or to perform any work or activity other than work or activity deemed by the code official as necessary to remedy the violation(s) or condition(s) cited in the Stop Work Order.
3. To authorize the performance or to perform any work that fails to comply with the requirements of this code.
4. Following the effective date of this code, to allow any structure, building, improvement, or condition to exist upon property that was installed, constructed, erected, or created in violation of this code.
5. Remove, move, cover, obscure, damage, destroy, or alter a posted Stop Work Order.
6. Interfere with or otherwise impede or impair the lawful actions of the code official.

2. **Violations.** Persons who shall violate a provision of this Title or any provision of any code adopted within this chapter, or who shall erect, install, alter or repair a structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor.

1. Misdemeanors are punishable by a fine of not more than one thousand dollars (\$1,000) for any one offense, each day after a ticket is given constituting a separate offense, or
2. By imprisonment in the County jail for a period of not more than ninety (90) days or by both such fine and imprisonment.

3. **Stop Work Orders and Notices.** The code official is authorized to issue a notice, order, and demand to immediately cease work or any other action found by the code official to be in violation of this Title or any code or codes either currently adopted or subsequently adopted by the City of Cherry Hills Village.

1. A Stop Work Order or other notice shall be made in writing and signed by the code official. The Stop Work Order shall identify with reasonable specificity the activity found by the code official to be in violation of this code or conducted in an unsafe or dangerous manner. Whenever possible, the Order shall cite the applicable provision(s) of the code. The Order shall identify the conditions necessary to remedy the violation and permit the continuation of the work authorized under the permit.
2. A Stop Work Order shall be deemed issued and effective when posted in a conspicuous place at the site described in the application for permit. The code official shall endeavor to mail or otherwise deliver a copy of the Stop Work Order to the permit holder, the owner of the property, and/or to person(s) engaged in the

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performance of the work authorized by the permit. Provided that the Stop Work Order is properly posted in accordance with this section, failure to deliver a copy of the Order to the permit holder, the property owner, or any other person shall not invalidate or render ineffective the Order.

3. Upon correction or remedy of the violation(s) cited in a Stop Work Order, the code official shall issue a written order rescinding the Stop Work Order.

4. **Abatement of Violations.**

The imposition of the penalties herein prescribed shall not preclude the City Attorney for the City of Cherry Hills Village or their designee from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the property, the structure or any mechanical, plumbing or other system on or about any premises.

5-11: **CONSTRUCTION PRACTICES:**

Each building permit recipient shall conduct and carry out construction work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. Construction work may be performed with the following restrictions:

1. **Construction Times**

1. Construction work may be performed between the hours of seven o'clock (7:00) a.m. and six o'clock (6:00) p.m. during the weekdays—Monday through Friday.
2. Construction work may be performed between the hours of eight o'clock (8:00) a.m. and four o'clock (4:00) p.m. on weekends or holidays.
3. Construction vehicles or delivery trucks may not park and leave their engines idling between the hours of six o'clock (6:00) p.m. and eight o'clock (8:00) a.m.

2. **Work in the Right-of-Way**

1. Contractors and persons holding permits ("Permittees") to perform work authorized under this Title are required to maintain a neat and orderly construction site including the public right-of-way adjacent to the project site. In order to insure that this goal is met, the City hereby adopts the following policy and practice:

1. The term "construction site" shall include all of the property bounded by the property lines and any public right-of-way adjacent to the property.
2. The permittee is required to make sure that the construction site is free from any debris, garbage, junk, trash, mud, gravel, or any other foreign substance produced as a result of the construction project.
3. In order to insure that the provisions of this section of the code are observed, a deposit equal to \$500 will be due at the time the permit is issued.
4. The City will establish an escrow account where the money will be held without interest for the duration of the construction permit.
5. Upon complaint or observation by the City of a violation of this section of the code, the City will provide written notice to the contractor, homeowner or person doing the work on site requiring clean up the construction site within twenty-four hours.
6. In the event the required clean up is not accomplished, the City may—at its discretion—perform the clean up work in the right-of-way and charge the cost of the work to the escrow account.
7. In the event the clean up work is not accomplished on the property, the City may—at its discretion—deem the property a nuisance and pursue compliance according to Title 4 of the Cherry Hills Village Municipal Code.
8. The minimum cost for the City to perform the clean up work will be two hundred and fifty dollars (\$250). The City may charge extra for vehicle or equipment time.
9. Notice will be given by the City to the permittee when an escrow deposit account balance equals, or is approaching zero.
10. If the escrow account is not replenished by the permittee within seven days of the request for additional funds, the Building Official will issue a stop work order that will be lifted once the escrow account is funded again.
11. If a stop work order is issued, the permittee has thirty (30) days to fund the escrow account, or the permit will expire.
12. A new permit may be obtained upon application and the payment of the building permit fee calculated on the valuation of the remaining work.
13. Upon completion of the project—evidenced by the issuance of a certificate of occupancy, or other final inspection report as may be required by the Building Official—any money remaining in the account will be returned to the Permittee in such manner and time as are consistent with the City's normal business practices.

2. Permits issued for work authorized under the following codes shall not be required to pay

the escrow deposit:

1. International Mechanical Code
2. International Plumbing Code
3. International Fuel Gas Code
4. National Electric Code

3. Nothing in this section shall be construed as a waiver of a Permittee's responsibility to maintain a neat and orderly construction site including any adjacent public right of way.

Section 3

The effective date of this ordinance shall be January 1, 2003. Projects currently in plan review, or Permittees currently holding valid permits as of the effective date of this ordinance shall be reviewed under the building codes in effect prior to approval of this ordinance.

Section 4.

Should any sentence, section or part of this ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect or impair or invalidate the ordinance as a whole or any part thereof not so declared to be unconstitutional or invalid.

Adopted as Ordinance No. 17, Series 2002, by the City Council of the City of Cherry Hills Village, Colorado, and signed and approved by its Mayor and Presiding Officer this 19th day of November, 2002.



Douglas Scott, Mayor

ATTEST:



Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:



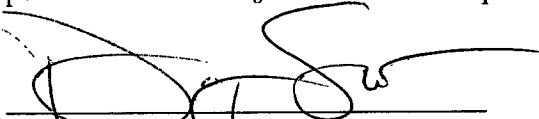
Robert C. Widner, City Attorney

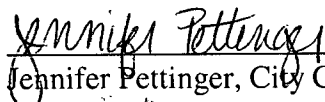
CERTIFICATION

The undersigned hereby certifies that the attached:

International Building Code, 2000
International Residential Code, 2000
International Mechanical Code, 2000
International Plumbing Code, 2000
International Fuel Gas Code, 2000
International Energy Conservation Code, 2000
National Electric Code, 2000
International Fire Code, 2000

are the true and correct copies to be presented to the City Council for adoption by reference pursuant to C.R.S. § 31-16-201 et seq.



Doug Scott, Mayor, Cherry Hills Village

Jennifer Pettinger, City Clerk, Cherry Hills Village