



CITY COUNCIL AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Citizen Presentation to Police Officers
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
 - A. Financial Report for November 2006
 - B. Municipal Court Public Defender Services
 - C. 2007 Dell Server and Computer Replacement Purchases
 - D. Adams County Juvenile Assessment Center (The Link) Agreement
 - E. IGA between the City and WEDA re Westminster Center East Urban Renewal Area
 - F. Second Amendment to the "Orchard at Westminster" Final Development Agreement
 - G. Amended IGA with CDOT re 104th Avenue and Sheridan Boulevard Intersection
 - H. Construction Contract re 104th Avenue and Sheridan Boulevard Intersection Improvement Project
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing re Adoption of the 2006 International Building and Fire Codes
 - B. Councillor's Bill No. 72 re Sign Code Amendments
 - C. Councillor's Bill No. 73 re Supplemental Appropriation for Sheridan Boulevard
11. Old Business and Passage of Ordinances on Second Reading
 - A. Second Reading Councillor's Bill No. 69 re Adoption of the 2006 International Building and Fire Codes
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

WESTMINSTER HOUSING AUTHORITY MEETING (separate agenda)

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 18, 2006 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally led the Council, Staff, and audience in the Pledge of Allegiance.

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Carla Koeltzow, Deputy City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Price moved, seconded by Major, to approve the minutes of the regular meeting of December 11, 2006, as written and presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall advised that there would be a Westminster Economic Development Authority meeting and a Westminster Housing Authority meeting immediately following tonight's Council meeting, the last meeting for 2006. The City will be closed for the Christmas Holiday on December 25th and for the New Year's Holiday on January 1st. There will not be a Study Session on January 15th for the Martin Luther King Holiday. Since there are no pressing issues for Council to discuss, a Study Session will not be held on the fifth Monday of January 29th.

CITY COUNCIL COMMENTS

Councillor Price reminded citizens that registration for the 2007 Large Item Cleanup Program would begin January 2nd through February 16th, 2007.

PRESENTATIONS

Chief Montgomery introduced Mr. Ronald Nelson who presented a plaque, in a show of appreciation, to several Westminster Police Officers and Staff, to recognize his family's gratitude for handling an extremely difficult situation involving the death of his son, Austin. Sergeant Tim Read accepted the plaque and introduced those being recognized. The presentation was followed by a standing ovation for the Officers and Staff.

CITIZEN COMMENT

Jane Fancher, 7260 Lamar Court, stated that she opposed the use of revenue from the Utility Fund to pay for the unfunded portion of the Municipal Service Center Renovation Project.

W. J. Penniston, 10344 Meade Loop, expressed thanks for the creative City Hall Christmas lights display. He indicated that he was definitely in favor of the revisions to the sign law as long as enforcement is swift, equal and with meaningful consequences.

Michael Leeper, 10157 Owens Drive, appeared representing 1500 realtors as President of the North Metro Denver Realtor Association (NMDRA), to request that Council consider a sign ordinance allowing for off-site directional signs to be placed in the public right of way only during the times of an open house. Mr. Leeper read from a letter that was provided to all Councillors prior to the meeting for review.

Bill Greer, 3442 W. 109th Circle, also a realtor, indicated he was unaware of the current sign law and also requested that Council consider allowing real estate signs since they are temporary in nature.

George Kiefer, 1174 W. 124th Court, also a realtor, indicated he was unaware of the current sign law and also requested that open house signs be allowed since they are an excellent marketing tool.

Mary Toonberg (no address given) expressed that all signs should be allowed, campaign as well as real estate signs. She felt that the public needs to be informed and a second vote on the issue should be delayed until mid February.

Aaron Frey (no address given), a president of a home owner's association, indicated he was for banning all signs including political due to landscape damage and being an eyesore.

Randall Horton, 3720 W. 103rd Drive, has volunteered several times in the past to help clean up the City on Pride Day when all kinds of signs are found in ditches along roadways. He is in favor of the ban to help keep the City beautiful.

Lou Severson, 10474 Dale Circle, also a realtor, believes sales of homes in the north area may be down due to strict sign laws. He also indicated that City officials do not give realtors correct information about the current sign restrictions.

Sam Dixon, 11745 Decatur Street, voiced concerns about the cost of enforcing sign restrictions and if the law can't be enforced it should not be passed.

Herb Atchison, 10705 Yates Drive, also had concerns about sign code enforcement being equal across the board. He stated that there should be no exceptions unless indicated by state statutes.

Clerk's Note: The following is additional citizen comment, to be part of the record, submitted to Council via e-mail prior to the meeting. "Members of council – I will be unable to attend the council meeting on Monday night but I wanted to voice my opinion on two items: 10b: I want to express my support for this amendment, particularly if it includes removing the fee that has been assessed over the years. It's about time that we clean all the temporary signs of any nature out of our rights of way. You should all vote yes. 10c: I remain opposed to the project at 72nd and Sheridan. The city should not spend one cent to assist Wal-Mart in their development. I don't care if it's "cash-in-lieu" or whatever. If the road needs widened for the development then the developer should pay all the costs. I think that before monies are appropriated, that the final design with Arvada's approval and CDOT's approval (I believe a stipulated term in the ODP) should be finalized. Contrary to what many of you believe, this road widening and shift will hurt a lot of people, particularly those in Spanish Oaks. Thank you for accepting my comments and adding them to the record. Merry Christmas, Dino Valente"

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: accept the Financial Report for November as presented; based on the report and recommendation of the City Manager, determine that the public interest would be best served by renewing and amending the current agreement with Linda D. Lauchli for Municipal Court Public Defender services and authorize the City Manager to execute the amended agreement; find that the Western States Contracting Alliance pricing meets City Charter bidding requirements and authorize Staff to proceed with the 2007 calendar year purchases of desktop PCs, laptop PCs, storage hardware, computer servers, printers and software through Dell Computer Corporation in an amount not to exceed \$431,950; authorize the City Manager to enter into an agreement, as amended by the City Attorney, with other jurisdictions in Adams County to participate in "The Link," a community assessment and resource center, outlining their obligations in relation to the agreement, and to establish joint funding to enable The Link to continue to provide service to participating jurisdictions; authorize the Mayor to execute an IGA with WEDA resulting in the release of sales tax increment collected within the Westminster Center East Urban Renewal Area that is not necessary to cover any current or future obligations of the URA; authorize the City Manager to execute the Second Amendment to the Final Development Agreement with Forest City and WEDA; authorize the City Manager to execute an amendment to the current IGA with the Colorado Department of Transportation for the design and construction of the improvements to the 104th Avenue and Sheridan Boulevard intersection; and authorize the City Manager to award the 104th Avenue and Sheridan Boulevard Intersection Project and execute a construction contract with Castle Rock Construction Company of Colorado in the amount of \$2,114,053.86 with a project contingency in the amount of \$200,000.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. There was no request. It was moved by Councillor Major and seconded by Councillor Dittman to approve the consent agenda as presented. The motion passed unanimously.

PUBLIC HEARING RE ADOPTION OF THE 2006 INTERNATIONAL BUILDING AND FIRE CODES

At 7:48 p.m. a public hearing was opened to consider the adoption of the 2006 International Building and Fire Codes. Mr. McFall stated that Staff was available for any questions. No one spoke in favor or in opposition. The public hearing was declared closed at 7:49 p.m.

SECOND READING COUNCILLOR’S BILL NO. 69 RE 2006 INTERNATIONAL BUILDING AND FIRE CODES

Councillor Lindsey moved, seconded by Price to pass Councillor’s Bill No. 69 on second reading adopting the 2006 editions of the International Building and Fire Codes. At roll call the motion passed unanimously.

COUNCILLOR’S BILL NO. 72 RE SIGN CODE AMENDMENTS

Upon a motion by Councillor Dittman, seconded by Councillor Kaiser, the Council voted unanimously at roll call to pass Councillor’s Bill No. 72 making modifications to the Westminster Municipal Code regarding signage.

COUNCILLOR’S BILL NO. 73 RE SUPPLEMENTAL APPROPRIATION FOR SHERIDAN BOULEVARD

It was moved by Councillor Major, seconded by Dittman, to pass Councillor’s Bill No. 73 providing for supplementary appropriations to the 2006 budget of the Sheridan Boulevard at 72nd Avenue Project in the General Capital Improvement Fund. Upon roll call vote, the motion carried with a dissenting vote from Councillor Kaiser.

CITIZEN PRESENTATIONS

Sam Dixion, 11745 Decatur Street, wished Council a Merry Christmas and Happy New Year and thanked them for their time and work as Councillors.

Wendy Atkinson, 4280 W 105th Place, requested that in the future Council consider allowing signs that do not cause damage such as “A” frame signs and that sign owners have the opportunity to recover any signs picked up by the City.

Fred Kurshner, 9372 Gray Court, commented that “open houses” are a very important for selling homes in Westminster and would like Council to consider regulating signage and not completely restricting all signs.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 8:25 p.m.

ATTEST:

Mayor

Deputy City Clerk



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Citizen Presentation to Police Officers

Prepared By: Dan Montgomery, Chief of Police

Recommended City Council Action

Allow for Mr. Ronald Nelson to present plaques to several Westminster Officers to recognize his family's gratitude for handling an extremely difficult situation involving Mr. Nelson's son, Austin.

Summary Statement

On November 1, 2006, Westminster Police Officers responded to an address in the City of Westminster to provide a notification of death. After advising the family of the death of their son and sibling, the officers remained on scene to comfort the very distraught family members. Mr. Nelson and his family would like to attend City Council to present plaques to the officers for their assistance and to show their appreciation.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

On October 31, 2006, a metro-wide notification was sent from the Westminster Communications Center regarding a distraught missing juvenile. On November 1, 2006, officers received a call from the Northglenn Police Department to respond to a location in the City of Northglenn, on a report of a suicide of the reported missing juvenile, sent earlier from the City of Westminster. After positive identification of the victim, Sergeant Tim Read, Officer Sarah Kampf and a volunteer victim advocate from the department responded to an address in the City of Westminster to deliver the notification of death. After advising the family of the death, Sergeant Read and Officer Kampf remained on scene to comfort the family during this very traumatic time. Officer's Charles Gonzales, Timothy Halladay and Jeffrey Stovall were also requested to the scene to further assist in comforting the family.

Mr. Nelson and his family appreciated the efforts of the officers involved and would like to show their gratitude to the above mentioned officers.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Financial Report for November 2006

Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

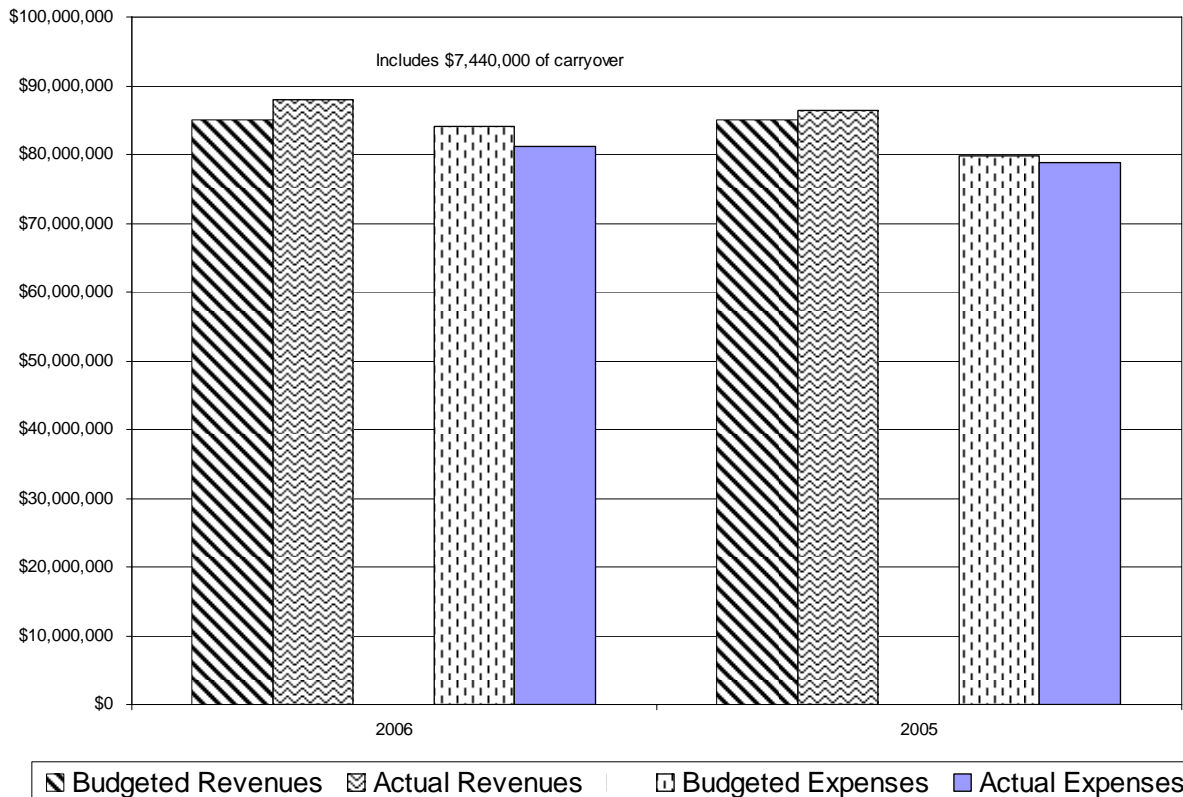
Accept the Financial Report for November as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, "budget" refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 5-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$6,787,000. The following graph represents Budget vs. Actual for 2005 – 2006.

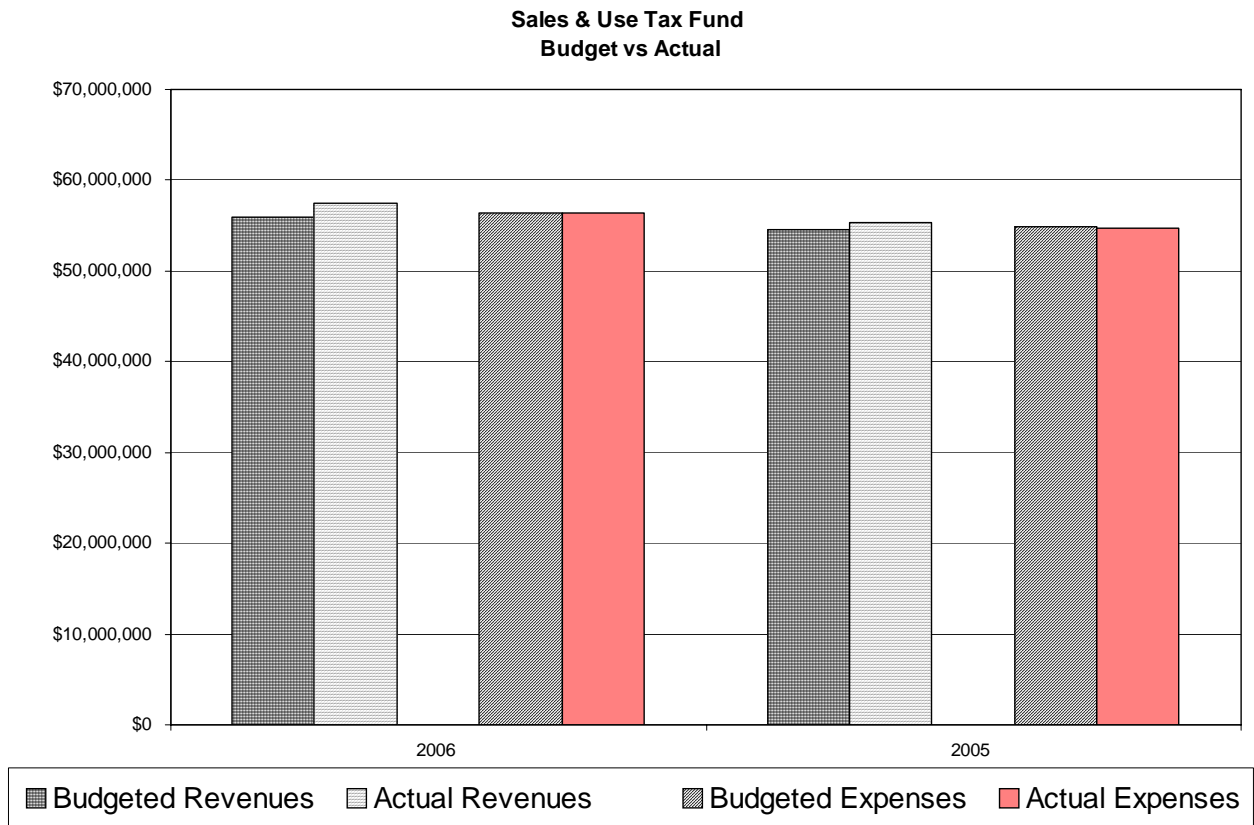
**General Fund
Budget vs Actual**



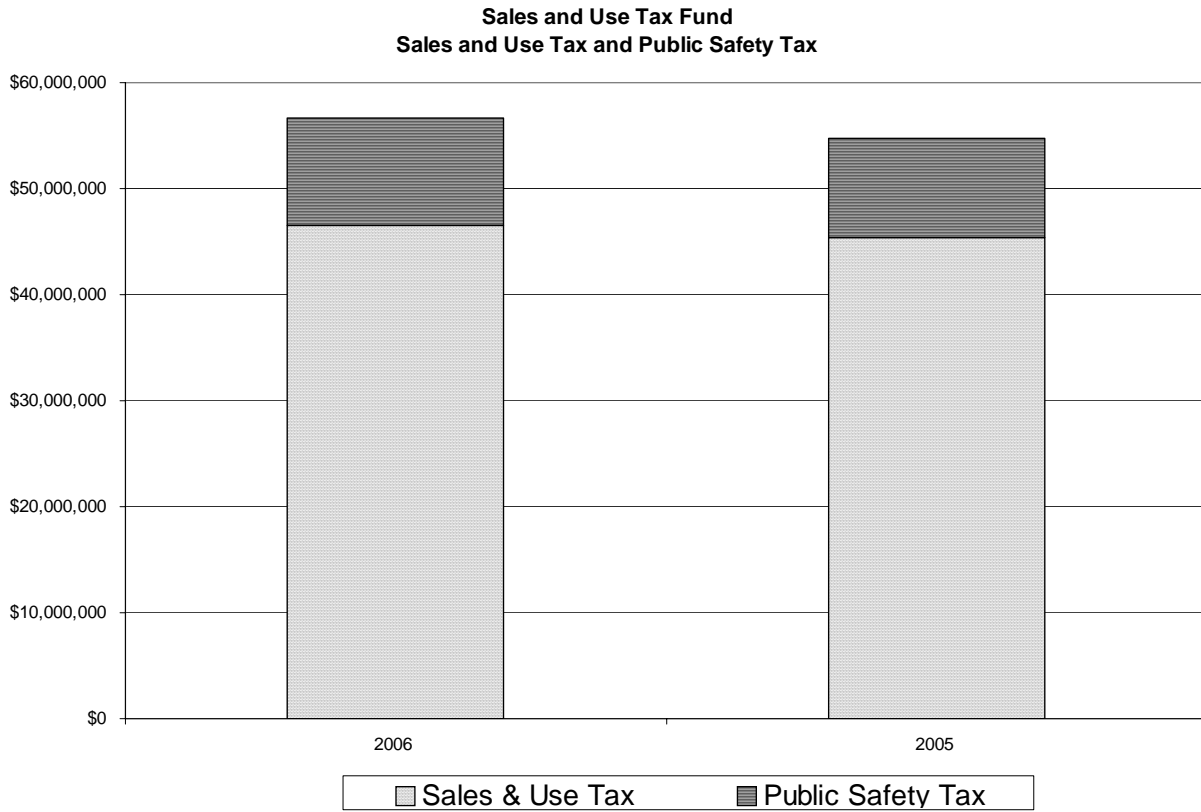
The Sales and Use Tax Fund’s revenues and carryover exceed expenditures by \$1,068,000

- On a year-to-date basis, sales & use tax returns are up 1.1%.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 2.8% from the prior years. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are up 1.2%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 2.0% after adjusting for one time audit revenue and Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 8% on a year-to-date basis.
- Building Use Tax is up 25.3% year-to-date over 2005.

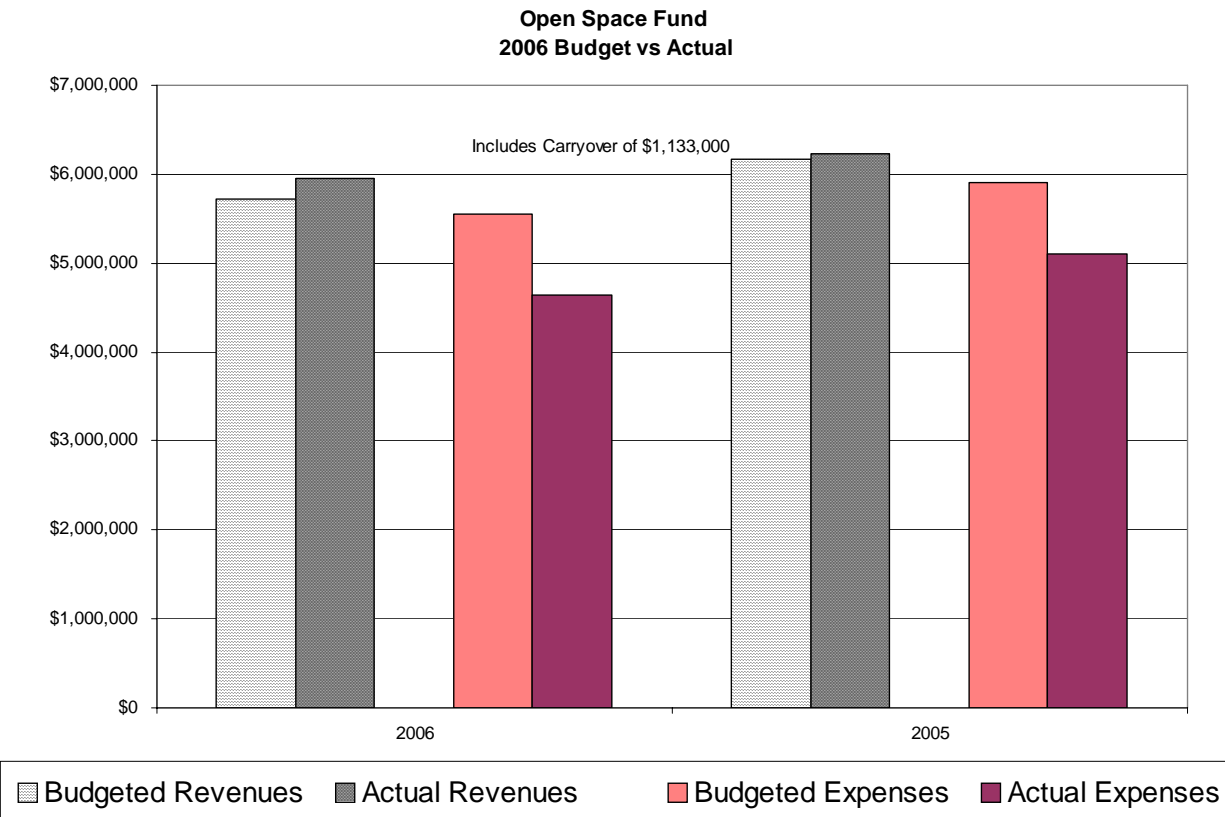
The numbers reflect less reliance on the top producers of sales tax and a diversification of and additional sales tax payers.



The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.

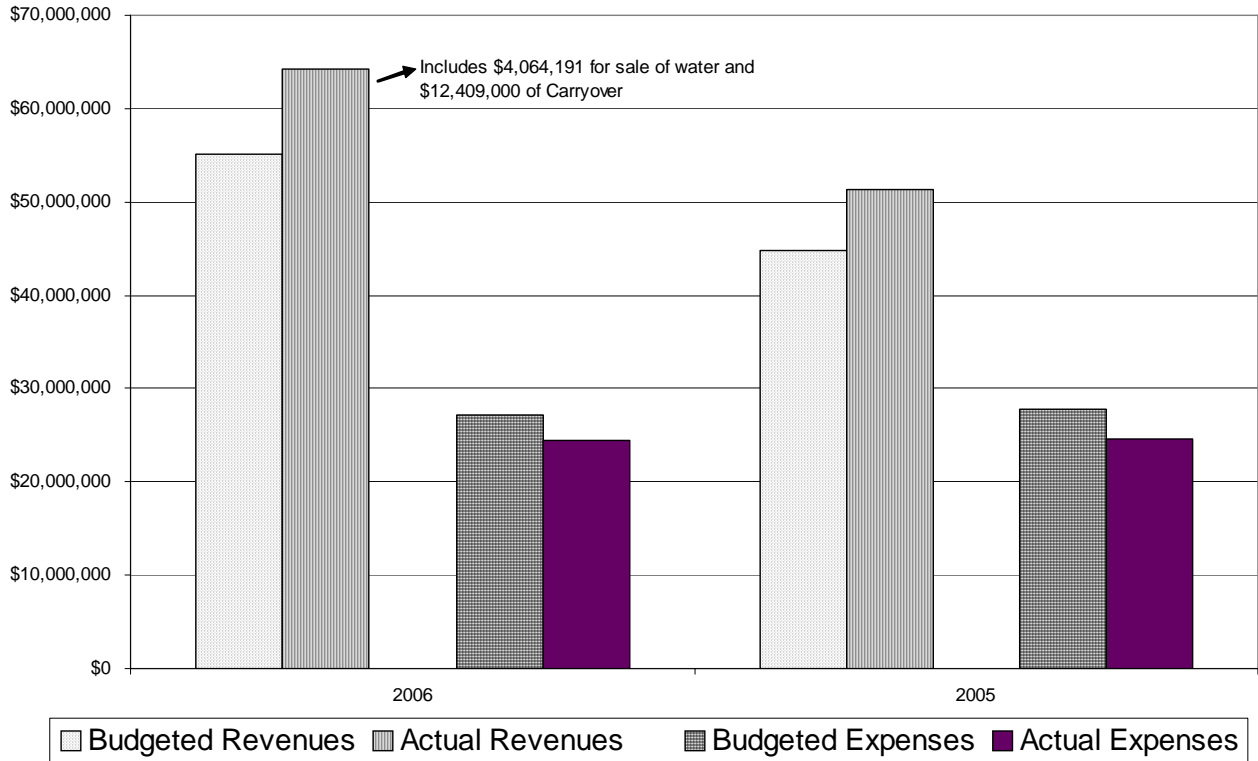


The Open Space Fund revenues exceed expenditures by \$1,309,000.



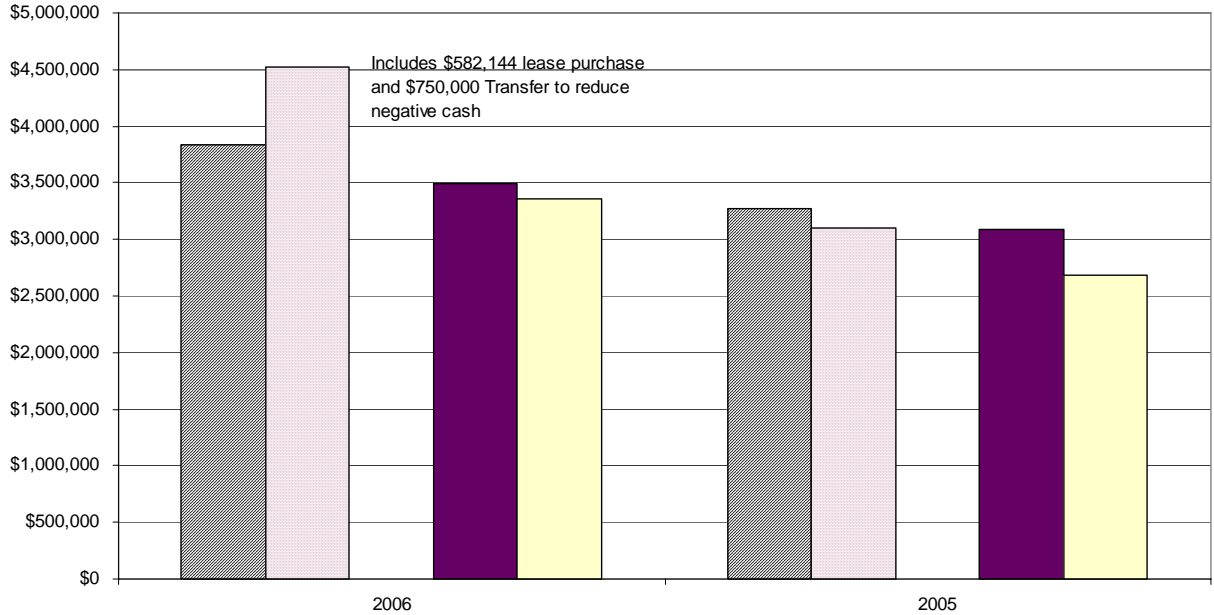
The combined Water & Wastewater Funds' revenues and carryover exceed expenses by \$39,844,000. \$24,001,000 is budgeted for capital projects. The City sold water to Southwest Adams Country Water and Sanitation District for \$4,064,000 in March. Central charges reflect a larger positive variance due to contingency funds. Tap Fees are currently \$4,116,000 over budget.

**Combined Water and Wastewater Funds
Budget vs Actual**



The combined Golf Course Funds' revenues exceed expenditures by \$1,165,000. This number includes a transfer of \$750,000 from the General fund to assist in decreasing the negative cash balance at year end. The \$750,000 was not budgeted in the golf course fund as it is not available to spend. The golf courses made a quarterly lease payment for golf carts and equipment in January. When comparing 2005 expenditures to 2006, the 2006 Heritage figures include a lease purchase, for golf carts and maintenance equipment, of \$582,144.

**Golf Course Enterprise
2006 Budget vs Actual**



■ Budgeted Revenues □ Actual Revenues | ■ Budgeted Expenses □ Actual Expenses

Policy Issue

A monthly review of the City’s financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

Alternative

Conduct a quarterly review. This is not recommended, as the City’s budget and financial position are large and complex, warranting a monthly review by the City Council.

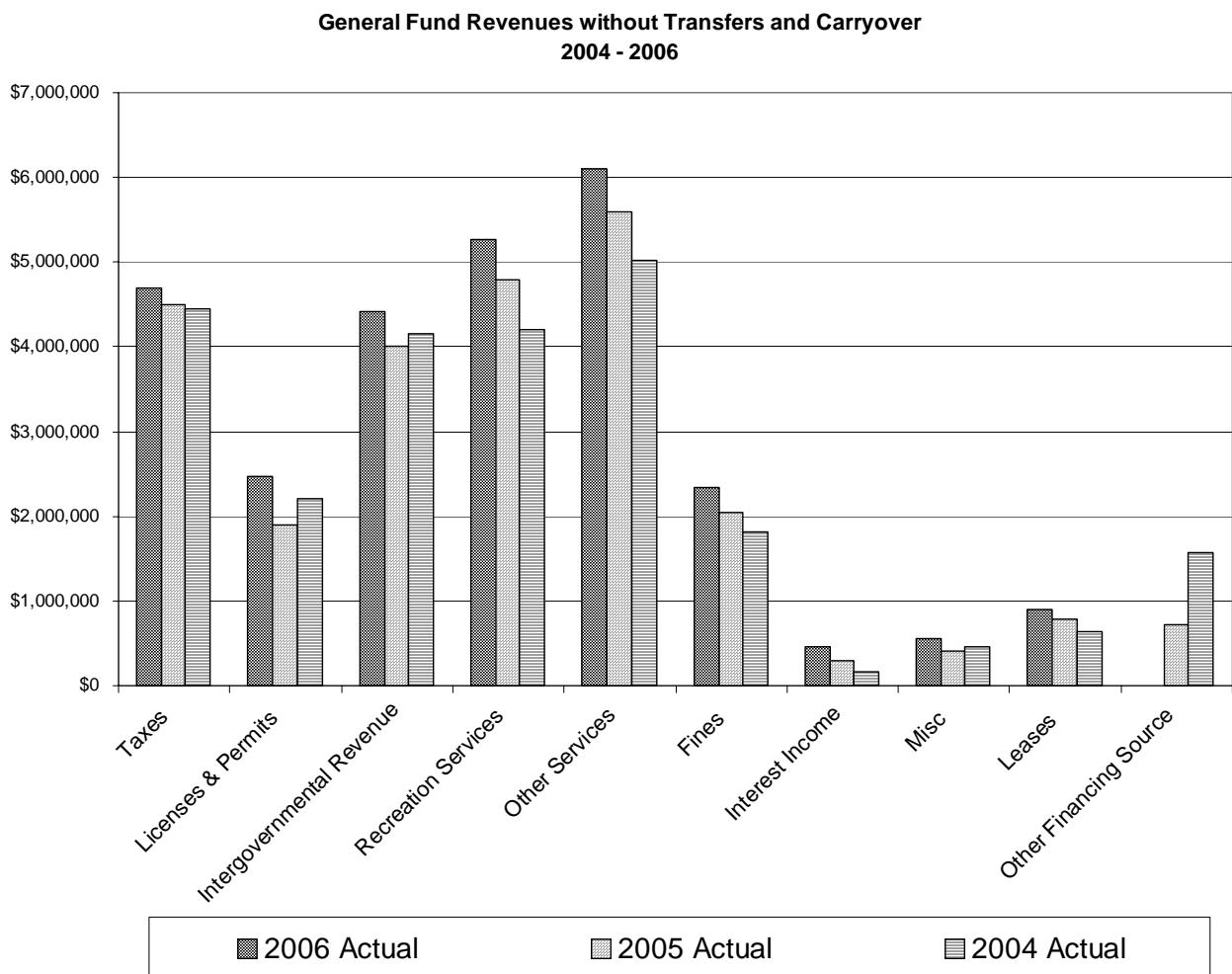
Background Information

This section includes a discussion of highlights of each fund presented.

General Fund

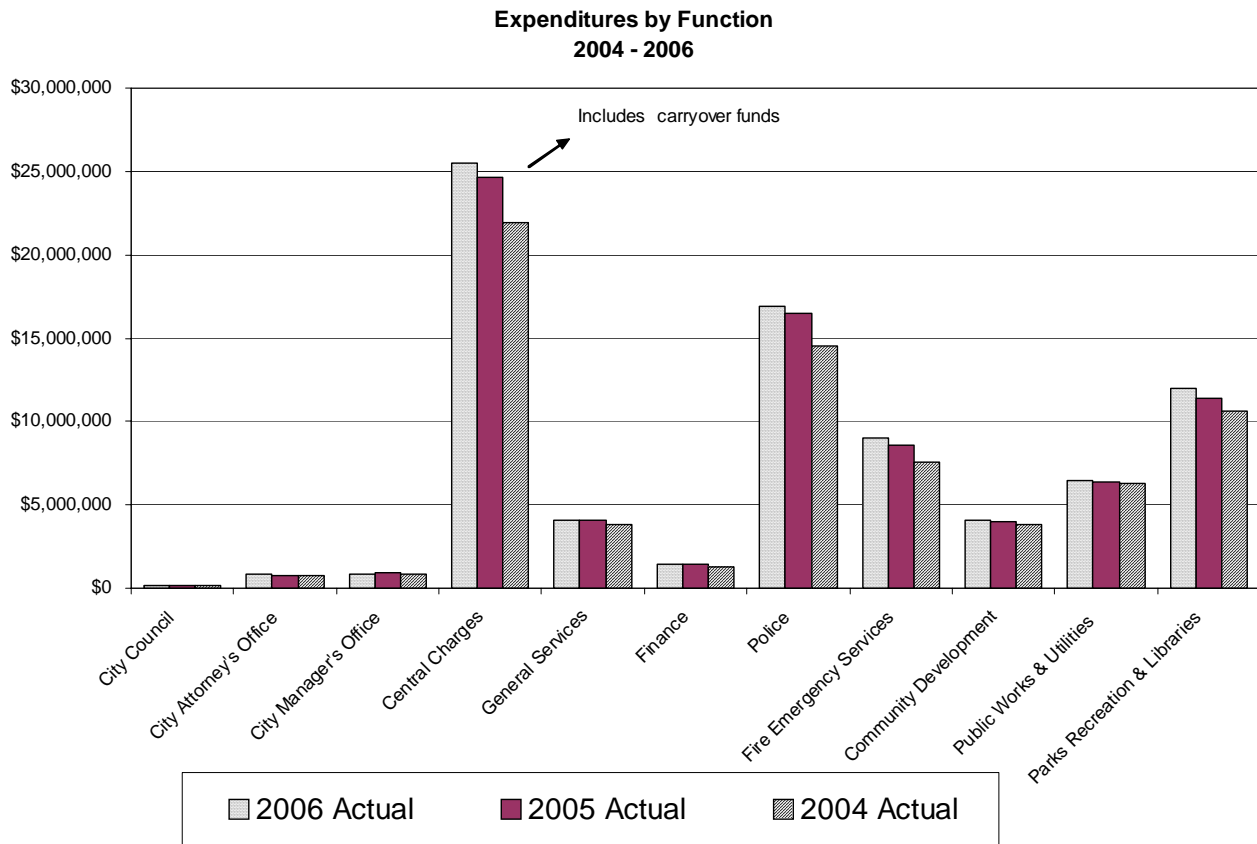
This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2004 – 2006 year-to-date.



Other Financing Source reflects 2005 lease financing proceeds used to purchase City computers. The 2004 Other Financing Source is computer lease proceeds and interfund borrowing.

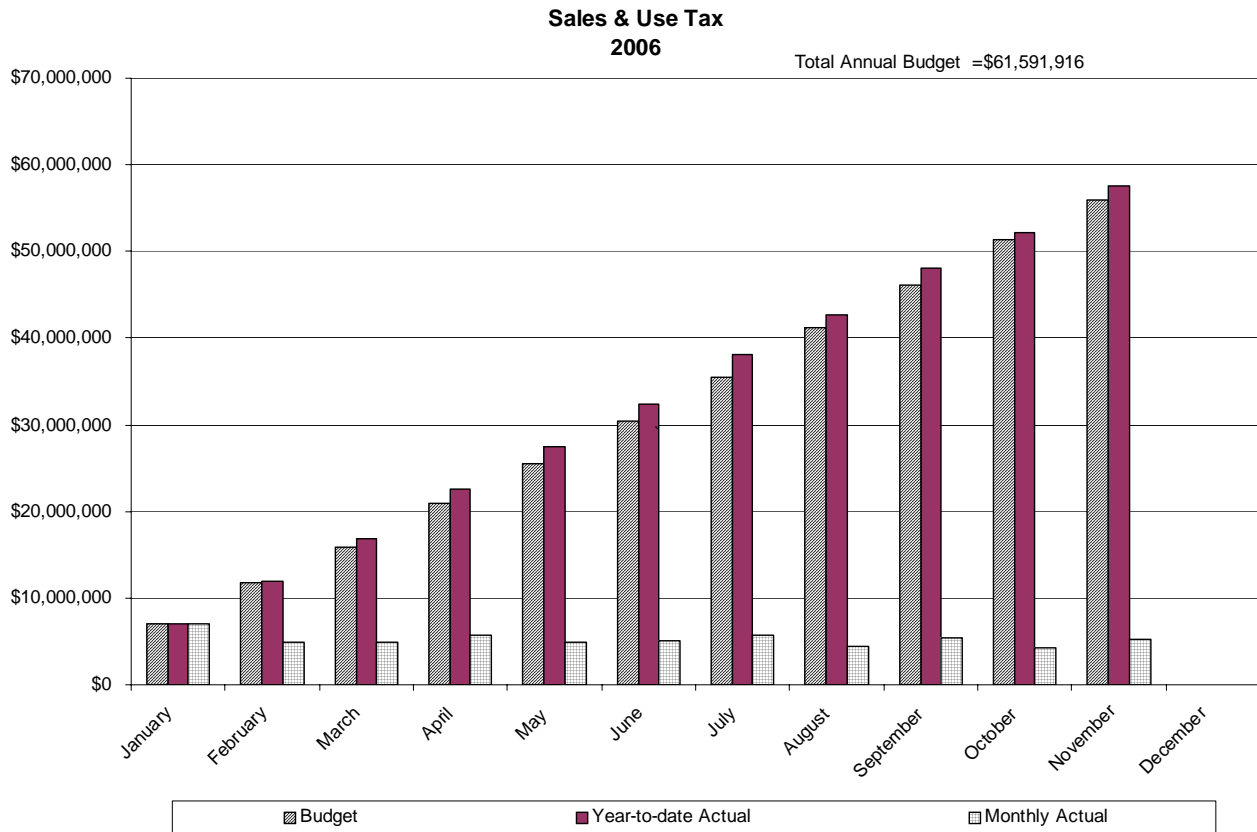
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2004 –2006.



Sales and Use Tax Funds (Sales & Use Tax Fund and Open Space Sales & Use Tax Fund)

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Project Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City’s Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.

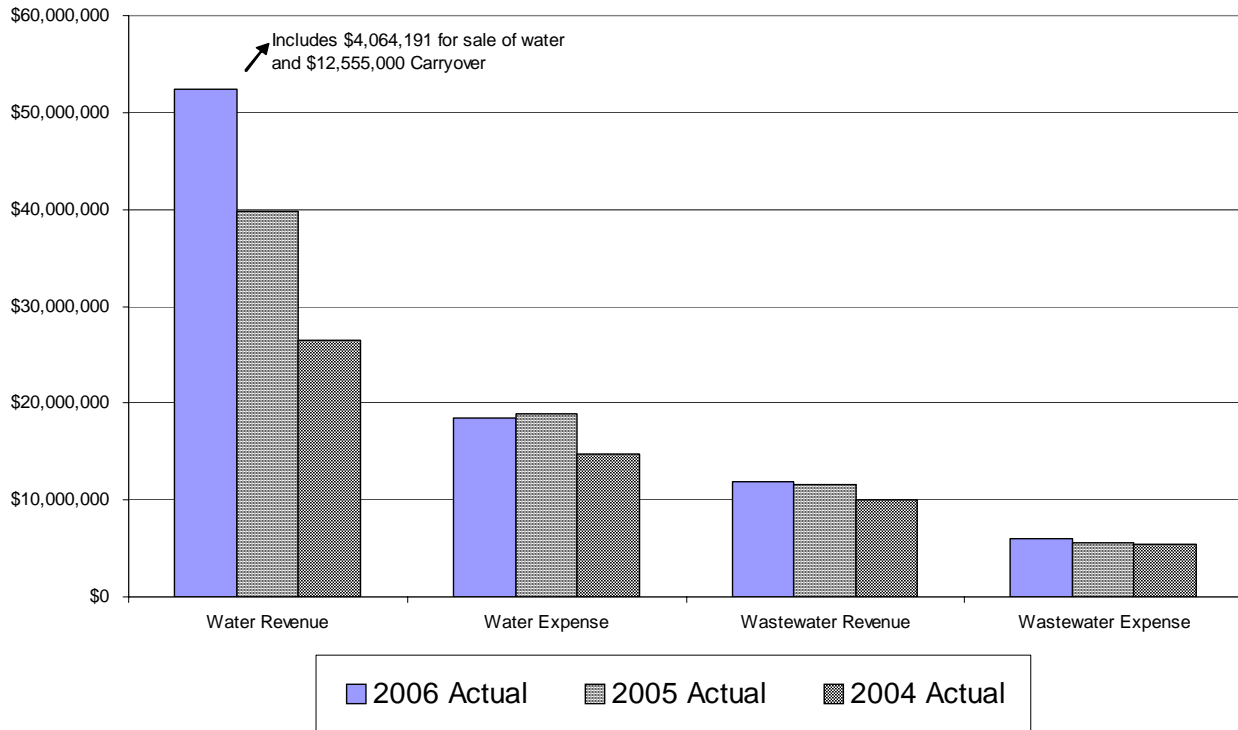


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

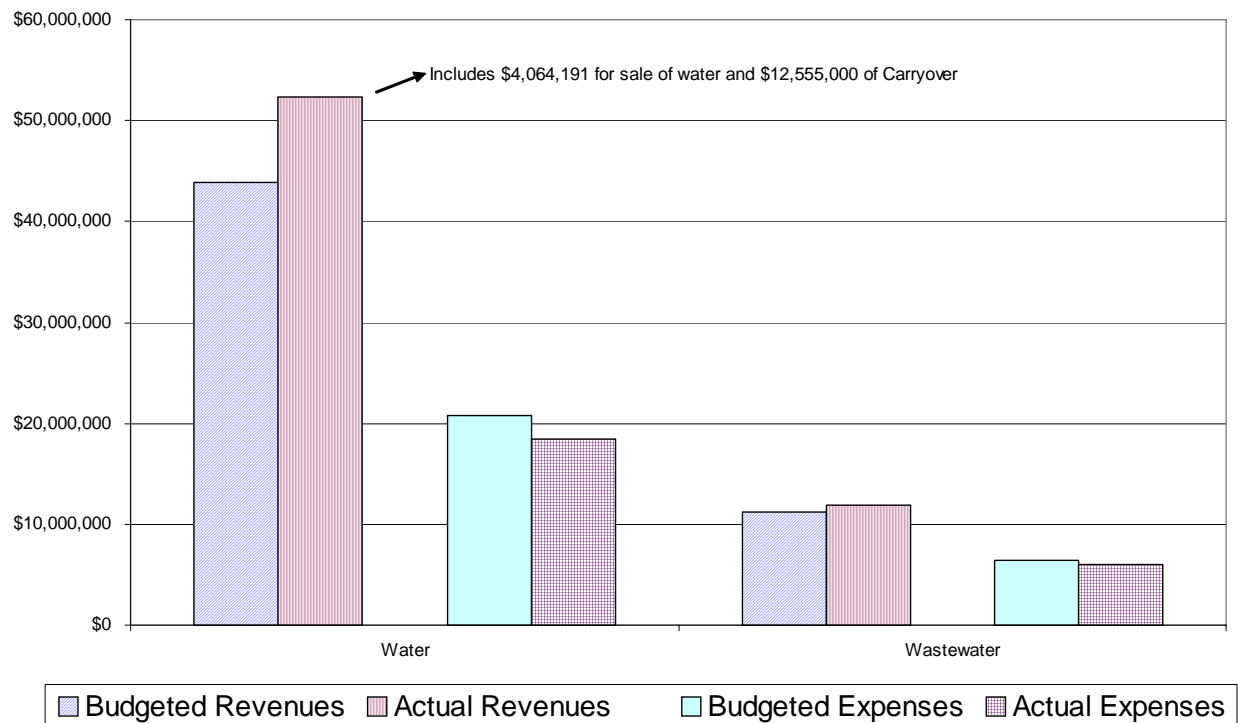
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

These graphs represent the segment information for the Water and Wastewater funds.

**Water and Wastewater Funds
Revenue and Operating Expenses 2004-2006**



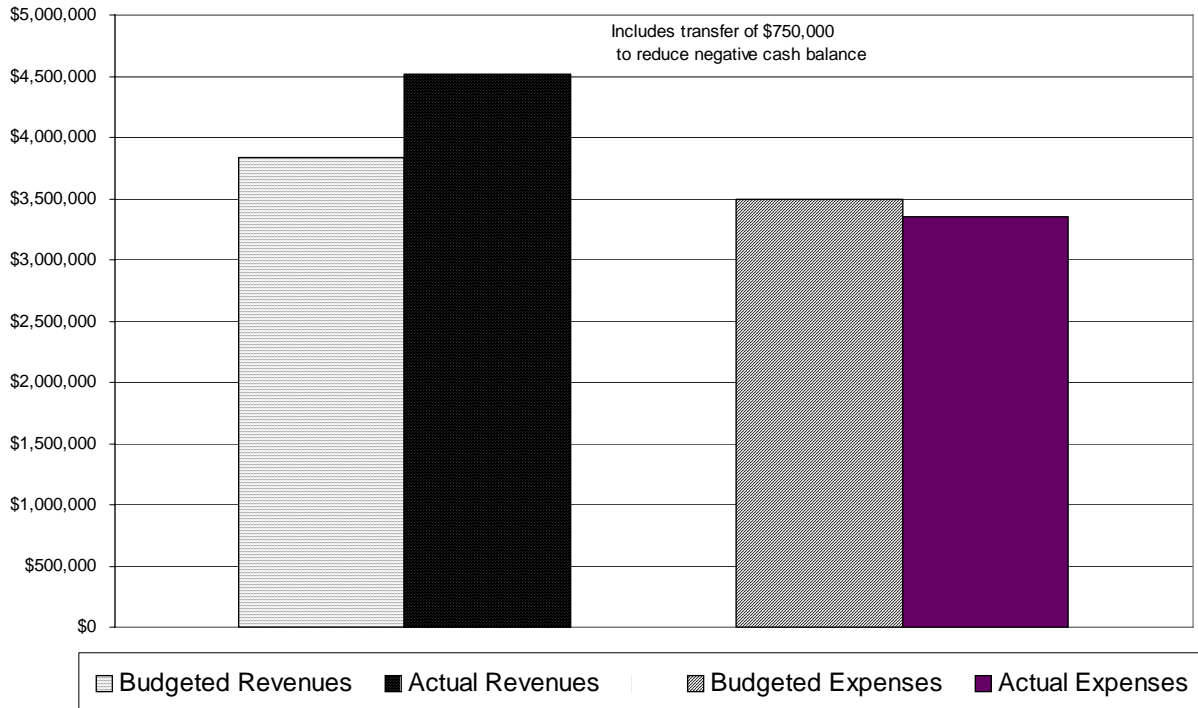
**Water and Wastewater Funds
2006 Budget vs Actual**



Golf Course Enterprise (Legacy and Heritage Golf Courses)

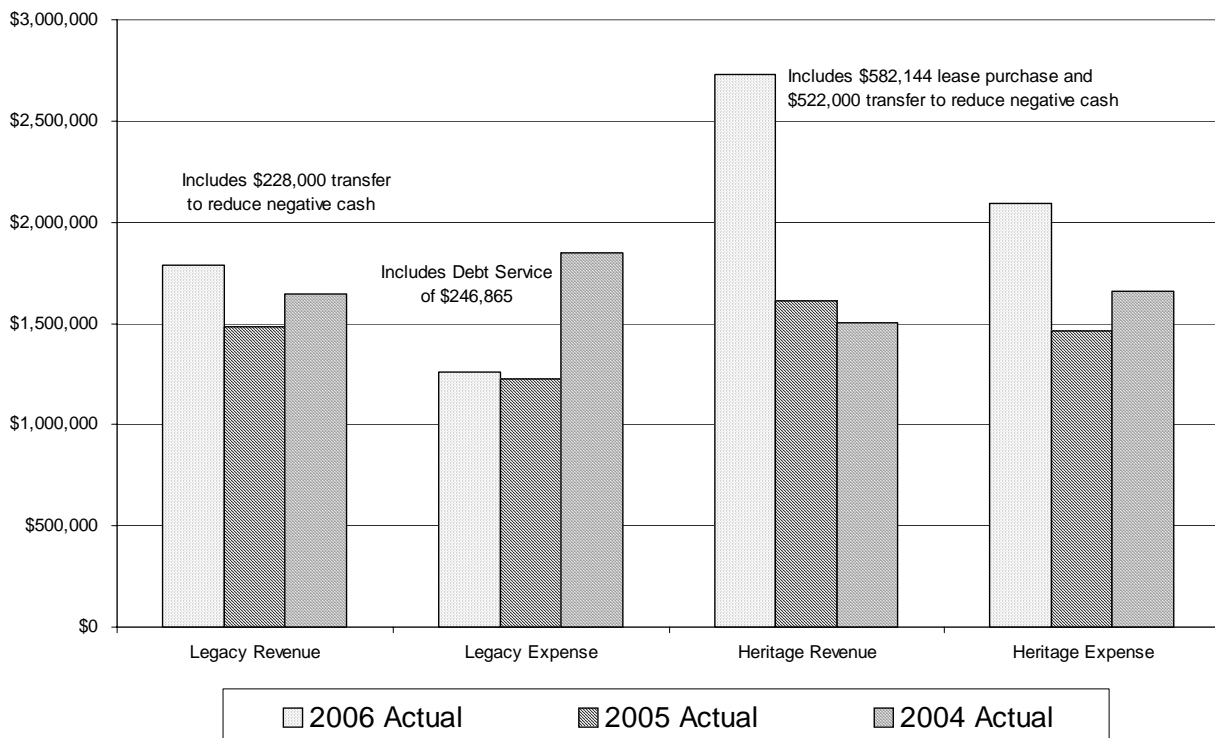
This enterprise reflects the operations of the City's two municipal golf courses.

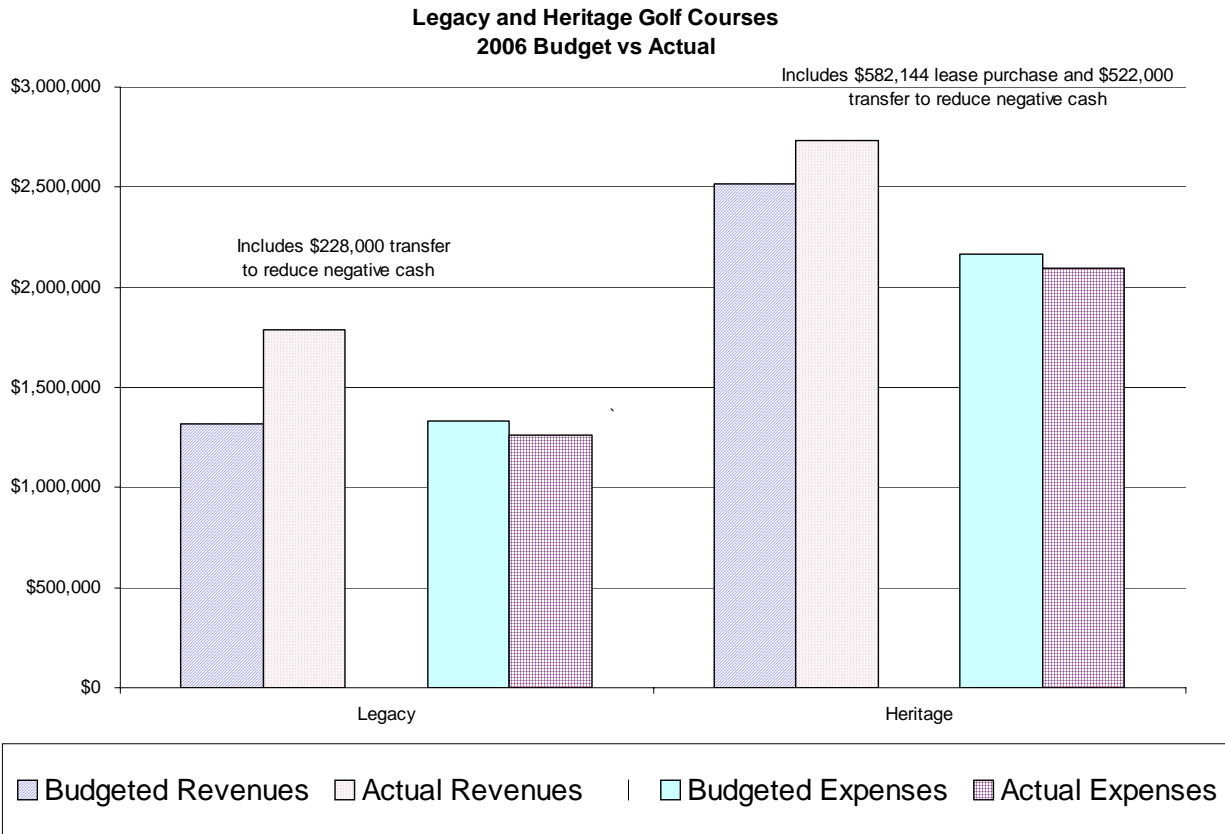
**Combined Golf Courses
2006 Budget vs Actual**



The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses
Revenue and Expenses 2004 - 2006**





Respectfully submitted,

J. Brent McFall
City Manager

Attachments
Statement
Receipts

**City of Westminster
Financial Report
For the Eleven Months Ending November 30, 2006**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues and Carryover						
Taxes	4,873,125	4,860,677		4,697,436	(163,241)	96.6%
Licenses & Permits	1,838,000	1,749,482		2,464,126	714,644	140.8%
Intergovernmental Revenue	4,889,998	3,940,918		4,413,041	472,123	112.0%
Charges for Services						
Recreation Services	5,324,515	4,551,314		5,260,962	709,648	115.6%
Other Services	6,511,616	5,711,787		6,097,807	386,020	106.8%
Fines	2,050,000	1,883,950		2,338,139	454,189	124.1%
Interest Income	318,345	291,816		465,081	173,265	159.4%
Misc	414,188	379,672		559,675	180,003	147.4%
Leases	1,175,000	881,250		906,250	25,000	102.8%
Refunds	(70,000)	(64,167)		-	64,167	N/A
Interfund Transfers	58,224,502	53,372,460		53,372,460	-	100.0%
Sub-total Revenues	<u>85,549,289</u>	<u>77,559,159</u>		<u>80,574,977</u>	<u>3,015,818</u>	<u>103.9%</u>
Carryover	7,439,910	7,439,910		7,439,910	-	100.0%
Revenues and Carryover	<u>92,989,199</u>	<u>84,999,069</u>		<u>88,014,887</u>	<u>3,015,818</u>	<u>103.5%</u>
Expenditures						
City Council	205,023	183,542		155,927	(27,615)	85.0%
City Attorney's Office	913,667	808,238		807,843	(395)	100.0%
City Manager's Office	1,110,469	983,237		890,860	(92,377)	90.6%
Central Charges	28,988,418	26,901,766		25,467,321	(1,434,445)	94.7%
General Services	5,010,319	4,431,134		4,075,601	(355,533)	92.0%
Finance	1,721,619	1,525,510		1,432,973	(92,537)	93.9%
Police	19,373,648	17,190,681		16,871,131	(319,550)	98.1%
Fire Emergency Services	10,176,443	9,003,959		8,988,608	(15,351)	99.8%
Community Development	4,676,278	4,124,380		4,078,551	(45,829)	98.9%
Public Works & Utilities	7,400,025	6,911,738		6,499,381	(412,357)	94.0%
Parks, Recreation & Libraries	13,413,290	11,991,542		11,959,865	(31,677)	99.7%
Total Expenditures	<u>92,989,199</u>	<u>84,055,727</u>		<u>81,228,061</u>	<u>(2,827,666)</u>	<u>96.6%</u>
Revenues and Carryover Over(Under) Expenditures	<u>-</u>	<u>943,342</u>		<u>6,786,826</u>	<u>5,843,484</u>	

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF NOVEMBER 2006

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/---- %Change ----/		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	356,999	12,927	369,926	277,551	6,115	283,665	29	111 30	
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	293,867	6,376	300,243	325,376	2,225	327,602	-10	187 -8	
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	228,609	2,283	230,892	188,145	1,152	189,297	22	98 22	
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	210,571	371	210,942	189,419	2	189,421	11	19213 11	
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	189,835	1,944	191,779	209,745	1,093	210,838	-9	78 -9	
SHOPS AT WALNUT CREEK 104TH & REED TARGET	148,643	2,279	150,922	97,396	930	98,326	53	145 53	
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	125,274	19,892	145,167	123,799	11,878	135,677	1	67 7	
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	142,603	909	143,513	152,482	1,099	153,581	-6	-17 -7	
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	84,052	272	84,324	81,380	492	81,872	3	-45 3	
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	80,409	179	80,588	87,922	1,883	89,805	-9	-90 -10	
THE ORCHARD 144TH & I-25 JC PENNEY	65,026	6,378	71,403	0	0	0	*****	***** *****	
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	59,099	196	59,295	50,980	239	51,219	16	-18 16	
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	57,316	604	57,920	67,664	261	67,926	-15	131 -15	
WILLOW RUN 128TH & ZUNI SAFEWAY	54,049	313	54,362	51,559	364	51,923	5	-14 5	
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	53,171	157	53,328	52,232	94	52,326	2	68 2	

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF NOVEMBER 2006

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	50,205	256	50,460	47,662	101	47,764	5	152	6
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	45,159	3,410	48,569	44,896	141	45,036	1	2321	8
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	45,346	651	45,997	0	0	0	*****	*****	*****
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	42,724	1,457	44,181	42,283	289	42,572	1	405	4
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	8,693	32,880	41,573	14,139	27,957	42,096	-39	18	-1
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	33,362	283	33,645	34,063	67	34,130	-2	322	-1
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	30,995	38	31,033	31,372	3	31,375	-1	1238	-1
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	27,511	470	27,981	25,488	297	25,784	8	58	9
WESTMOOR NW OF 108TH AND WADSWORTH GE ACCESS	3,683	21,642	25,325	1,966	7,247	9,213	87	199	175
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	24,269	287	24,556	25,997	249	26,246	-7	15	-6
	2,461,470	116,457	2,577,927	2,223,515	64,178	2,287,692	11	81	13

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF NOVEMBER 2006

Center Location Major Tenant	/----- YTD 2006 -----/			/----- YTD 2005 -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	4,385,524	69,345	4,454,868	3,418,313	77,656	3,495,968	28	-11	27
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	4,274,435	68,973	4,343,408	4,682,727	44,122	4,726,848	-9	56	-8
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	2,523,020	20,619	2,543,639	2,462,429	11,866	2,474,295	2	74	3
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	2,518,752	6,475	2,525,227	2,330,189	3,985	2,334,174	8	62	8
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	2,117,839	19,773	2,137,612	2,163,470	44,996	2,208,466	-2	-56	-3
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	1,833,498	17,983	1,851,481	1,801,967	32,479	1,834,446	2	-45	1
SHOPS AT WALNUT CREEK 104TH & REED TARGET	1,567,692	39,540	1,607,233	1,118,395	22,237	1,140,632	40	78	41
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,479,804	212,994	1,692,798	1,374,692	275,695	1,650,387	8	-23	3
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	1,079,162	11,791	1,090,953	1,059,978	47,388	1,107,366	2	-75	-1
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	1,019,297	3,343	1,022,640	1,027,721	7,111	1,034,832	-1	-53	-1
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	744,894	4,402	749,297	844,090	6,055	850,145	-12	-27	-12
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	664,413	3,977	668,390	671,324	6,326	677,650	-1	-37	-1
WILLOW RUN 128TH & ZUNI SAFEWAY	647,594	2,482	650,076	652,394	12,693	665,086	-1	-80	-2
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	611,521	1,921	613,442	650,019	2,499	652,518	-6	-23	-6
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	577,645	6,689	584,334	597,369	7,638	605,006	-3	-12	-3

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF NOVEMBER 2006

Center Location Major Tenant	YTD 2006			YTD 2005			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
SAFEWAY									
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	470,220	11,102	481,322	463,902	3,858	467,760	1	188	3
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	468,505	8,835	477,340	491,928	5,252	497,180	-5	68	-4
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	375,270	2,770	378,041	547,157	5,952	553,109	-31	-53	-32
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	332,690	3,958	336,648	367,105	3,195	370,300	-9	24	-9
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	324,148	7,871	332,019	289,094	14,967	304,061	12	-47	9
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	279,174	4,968	284,142	274,944	8,198	283,142	2	-39	0
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	271,893	7,704	279,597	281,781	12,747	294,528	-4	-40	-5
FEDERAL STRIP W SIDE FEDERAL 68TH-72ND BOVAS	257,951	6,803	264,754	218,921	308	219,229	18	2112	21
BROOKHILL IV E SIDE WADS 90TH-92ND HANCOCK FABRICS	240,773	2,632	243,405	340,805	3,194	344,000	-29	-18	-29
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	238,652	1,663	240,314	254,367	1,561	255,928	-6	7	-6
	29,304,367	548,612	29,852,979	28,385,081	661,977	29,047,058	3	-17	3



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Municipal Court Public Defender Services

Prepared By: Matt Lutkus, Deputy City Manager
Carol J. Barnhardt, Municipal Court Administrator

Recommended City Council Action

Based on the report and recommendation of the City Manager, determine that the public interest will best be best served by renewing and amending the current agreement with Linda D. Lauchli for Municipal Court Public Defender services. Authorize the City Manager to execute the agreement with Linda D. Lauchli, for Public Defender services.

Summary Statement:

- The Municipal Court has utilized the services of Linda D. Lauchli to provide Public Defender services for indigent defendants since July 12, 2004.
- Based on Ms. Lauchli's past performance in this position, City staff is recommending renewing the agreement with her.
- This agreement increases the monthly fees in accordance with budgeted allocations necessary to handle the increasing caseload; sets out the fees to be paid for special public defenders; and added under Other Terms, a section on compliance with the illegal alien regulations.
- The total amount of the contract is lower than the threshold typically required for City Council approval. However, since the City Charter requires that Council approve special legal counsel this agreement has been placed on the agenda for Council's consideration

Expenditure Required: \$30,812

Source of Funds: General Fund - General Services Municipal Court Operating Budget

Policy Issue

Should City Council continue essentially the same agreement for public defender services?

Alternative

Negotiate agreements with several attorneys to perform the Public Defender services. Staff does not recommend this process due to the Court's favorable experience with the current Public Defender and the fact that Staff has been able to negotiate on acceptable terms in a new agreement.

Background Information

Public Defender services are provided to indigent defendants in Municipal Court in cases where jail time may be imposed if the defendant is convicted. The judge presiding over each case can appoint a Public Defender when justified by a defendant's lack of financial resources. With the increase in case filings, the number of requests for a Public Defender continues to increase.

Currently, the Public Defender is scheduled every Wednesday afternoon for four hours. This agreement will increase the Public Defender hours from four hours per week to six hours per week beginning January 2007. The position has been funded at \$30,812 annually. This allocation is comprised of a fee of \$20,160 for a maximum of 332 hours annually to be paid in monthly installments of \$1,680; and \$10,652 for jury trial representation, to cover costs of Special Public Defenders necessary to cover conflicts of interest and/or representation of co-defendants, and to cover the costs of certified copies of government documents and services of process fees for out of the metro area witnesses when necessary.

The proposed agreement with Ms. Lauchli provides for in-court jury trial representation to be billed at \$55 per hour in addition to the monthly allocation. This fee represents a 10% increase over the current amount of \$50 per hour. This fee has not been increased in over 5 years, and funds are within the budgeted allocation.

Linda D. Lauchli has considerable criminal law experience as a prosecutor and a defense attorney over the past 20 years. Ms. Lauchli continues to handle the increasing caseload in a professional manner. She is dependable and takes responsibility for each of her clients' representation. She takes the time necessary to research cases and applies effective legal defense for her clients. The Court would like to continue to utilize her services.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

AGREEMENT FOR PUBLIC DEFENDER SERVICES

THIS AGREEMENT is made this _____ day of _____ 2006, by and between the CITY OF WESTMINSTER, State of Colorado, a home rule City (the "City"), and _____ (the "Public Defender").

WITNESSETH

WHEREAS, the City desires to continue the agreement with Linda D. Lauchli as Public Defender for the City of Westminster as provided by City Charter, Chapter IV, Section 4.13(b); and

WHEREAS, the City and the Public Defender have agreed upon the terms and conditions of such employment.

NOW, THEREFORE, in consideration of the mutual covenants of the parties contained herein, the parties agree as follows:

SECTION 1. TERM

A. The initial term of this Agreement shall be from January 1, 2007 until December 31, 2007. On each subsequent anniversary date, this Agreement shall automatically renew for an additional one (1) year term unless the City or the Public Defender has previously elected to terminate the Agreement pursuant to paragraph 1.B. below.

B. Either party may elect to terminate this Agreement upon ninety (90) days advance written notice to the other. In the event of termination, the Public Defender shall be paid at the rates provided for herein for all services actually rendered through the effective date of termination, and for any services rendered beyond the termination date that are reasonably necessary to conclude any services rendered beyond the termination date that are reasonably necessary to conclude any representation commenced prior to the date of the notice of termination and which have been agreed to in writing by the City.

SECTION 2. COMPENSATION

A. Fees. Public defense of all cases in Municipal Court shall be provided by the Public Defender at a Fixed Monthly Rate of \$1,680 for a maximum of \$20,160. Such Fixed Monthly Rate shall be for a maximum of 336 hours annually. On a monthly basis, the public defender shall submit an itemized billing to the Municipal Court Administrator for payment. Such billing shall include the monthly installment payment and detailed information on all cases handled and jury trials held including hours spent in-court, name(s) of defendant(s), case number, and status of case.

B. Statistical Reports: On a quarterly basis, or as requested, the Public Defender shall submit to the Municipal Court Administrator, detailed statistics of all cases handled.

C. Jury Trials. In addition to the fees set forth in paragraph 2.A. above, the Public Defender shall be paid an hourly rate of Fifty-five Dollars (\$55) per hour for in-court time required for jury trials. The in-court time for jury trials shall be in addition to the 336 annual hours for general public defense referred to in § 2. A. above.

D. Services. The following services are to be provided by the Public Defender:

1. Attorney time as may be appropriate and necessary for serving as public defender in court and for all necessary case preparation, motions, trials and miscellaneous office activities.
2. Attorney time related to the attendance of meetings requested by the Municipal Court Administrator or other City Staff for the purpose of discussing Municipal Court procedures or such other matters reasonably related to the delivery of the public defender services.

3. Attorney time related to the review of proposed witness lists and selection of witnesses, provided, however, the Public Defender shall endeavor to establish a system for the routine processing of subpoenas returned to the public defender's office by the Public Defender's support staff.

E. Clerical and Secretarial Services. All clerical, secretarial, and word processing services including costs of all mailings necessary to perform the Public Defender's duties under this Agreement are included as part of the Public Defender's Fixed Monthly Rate and there shall be no additional charges for these services.

F. Allowable Expense: Upon prior approval of the Municipal Court Administrator, in cases where the Public Defender has to procure certified copies of government documents and/or services of process fees for out of the metro area witnesses for case preparation and defense, the Court will pay the Public Defender upon presentation of original receipts or invoices for expenses indicating that the Public Defender has paid for the expenses.

G. Use of Backup Attorney(s): Linda D. Lauchli shall be solely responsible for the performance of all legal duties enumerated herein, however, the Public Defender may use back-up attorney(s) approved by the Municipal Court Administrator for emergency and back up services. The Public Defender shall be responsible for payment to attorneys for emergency and backup services.

H. Special Public Defenders. Subsequent to filing a Motion to Withdraw and obtaining a Court order, the Public Defender shall have the authority to engage, with the approval of the Municipal Court Administrator, the services of a special public defender under circumstances in which a conflict or other ethical or legal impediment would justify the appointment of such a public defender. The special public defender shall be retained by the Public Defender as an independent subcontractor to the Public Defender. The City will pay for the services of the special public defender. A schedule of maximum hourly rates, time sheets or billings, allowable and non allowable expenses for these appointments is as follows:

MAXIMUM HOURLY RATES FOR SPECIAL PUBLIC DEFENDERS

ALL CASE TYPES	IN-COURT	OUT-OF-COURT
Court Appointed Counsel Fees	\$50	\$50
MAXIMUM FEES PER APPOINTMENT	WITH TRIAL	WITHOUT TRIAL
	\$750 *	\$500 *

* Compensation for trials taking longer than one (1) day to complete will be set by the Court.

TIME SHEETS OR BILLINGS

1. The defendant's name and case number must be on all time sheets including the dates and time of actions.
2. Time must be billed in tenths of an hour using the decimal system. For example, 30 minutes should be billed as 0.5 hours.
3. Time sheets must be prepared to support the summarized hours billed. In-Court and Out-of-Court times are paid at different rates and must be shown separately.
4. Time reports must include all time spent between the beginning and ending dates of the billing and must be in chronological order.
5. Original receipts or invoices for expenses must be attached with an indication that the appointee has paid the expense (example – receipts for subpoena service, service of process).

PAYMENTS

1. The special Public Defender shall be retained by the Public Defender as an independent subcontractor to the Public Defender.
2. All time sheets or billings must be presented to the Public Defender for review and then submitted to the Municipal Court Administrator for final review and payment to the Public Defender.

ALLOWABLE EXPENSES

1. Copy charges will be reimbursed at the rate of \$0.10 per page or at actual cost. A receipt must be attached and the number of copies must be specified.
2. Charges for long-distance telephone calls will be reimbursed. A copy of the telephone billing must be submitted.

NON-ALLOWABLE EXPENSES

1. Charges for time spent on administrative activities, such as preparing requests for payment, making copies, faxing documents, and mailing letters will not be reimbursed. Attorneys are expected to have sufficient administrative support for these activities.
2. Items purchased for indigent (or other) persons represented. These include meals, books, clothing, and other personal items.
3. Mileage.

SECTION 4. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

A. Independent Contractors. The Public Defender shall be an independent contractor and shall determine the means and methods of accomplishing duties hereunder, including the authority to exercise judgment and discretion necessary to meet her ethical obligation as Public Defender.

B. Modification. City Council may fix any other terms and conditions of service as, from time to time it may determine, relating to the performance of the duties of the Public Defender, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, or any other law. If any other such new terms or conditions impose additional responsibilities upon the Public Defender, not contemplated herein, additional compensation shall be provided therefore as agreed to by the parties. This agreement may not be modified except in a writing duly authorized and executed by the parties hereto.

C. Conflicts. The Public Defender agrees not to represent any third party who may have an actual or potential conflict of interest with the City or with any City employee acting in his or her official capacity.

D. Illegal Aliens. Linda Lauchli shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. In addition, Linda Lauchli shall not enter into a contract with a subcontractor that fails to certify to Linda Lauchli that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. If Linda Lauchli obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, Linda Lauchli shall notify the subcontractor and the City within three (3) days that Linda Lauchli has actual knowledge that the subcontractor is employing or contracting with an illegal alien. Furthermore, Linda Lauchli shall terminate such subcontract with the subcontractor if, within three (3) days of receiving the notice required pursuant to this paragraph, the subcontractor does not stop employing or contracting with the illegal alien. Except that Linda Lauchli shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Linda Lauchli certifies that, prior to executing this Agreement, she has verified or attempted to verify through participation in the basic pilot program administered by the United States Department of Homeland Security (the "Basic Pilot Program") that it does not employ any illegal aliens. If Linda Lauchli is not accepted into the Basic Pilot Program prior to executing this Agreement, Linda Lauchli shall apply to participate in the Basic Pilot Program every three (3) months until Linda Lauchli is accepted or this Agreement has been completed, whichever is earlier. Linda Lauchli shall not use the Basic Pilot Program to undertake pre-employment screening of job applicants while performing this Agreement. This paragraph shall not be effective if the Basic Pilot Program is discontinued.

Linda Lauchli shall comply with all reasonable requests by the Colorado Department of Labor and Employment made in the course of an investigation undertaken pursuant to the authority established in C.R.S. § 8-17.5-102(5). If Linda Lauchli fails to comply with any requirement of the above provisions relating to illegal aliens or C.R.S. § 8-17.5-101, et seq., the City may terminate this Agreement for breach and Linda Lauchli shall be liable for actual and consequential damages to the City.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this ____ day of _____ 2006.

LINDA D. LAUCHLI

CITY OF WESTMINSTER, COLORADO

By: _____

BY: _____
J. Brent McFall, City Manager

Address:
410 Main Street
Longmont, CO 80501

Address:
4800 West 92nd Avenue
Westminster, CO 80031

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: 2007 Dell Server and Computer Replacement Purchases

Prepared By: David Puntenney, Information Technology Director
Scott Rope, Information Systems Manager

Recommended City Council Action

Find that the Western States Contracting Alliance (WSCA) pricing meets City Charter bidding requirements and authorize Staff to proceed with 2007 calendar year purchases of desktop PCs, laptop PCs, storage hardware, computer servers, printers and software through Dell Computer Corporation in an amount not to exceed \$431,950.

Summary Statement

- The City uses over 80 computer servers to support software applications and provide services for all departments.
- Servers, desktop computers, and laptop computers are replaced on a four-year replacement schedule in order to provide a high level of reliability, availability and performance.
- Maintenance contracts for computer servers more than four years old are expensive.
- City Council authorized adequate funds in the 2007 Utility Fund, Information Technology Department operating budget, to purchase replacement servers and software.
- The City purchases hardware through Dell Computer at or below the Western States Contracting Alliance (WSCA) contract prices, therefore meeting the City Charter bidding requirements. The prices under this joint purchasing contract are well below what the City could achieve purchasing on its own.
- The City is scheduled to replace 185 PCs and 66 laptops that will reach four years of age in 2007.
- Decommissioned desktop computers are donated to the 7:10 Rotary Club for the Computers for Kids program.
- Decommissioned computer servers are relocated to the City's computer disaster recovery facility to serve as short-term recovery computers in the event of a disaster at the primary computer facility located at City Hall.

Expenditure Required: \$431,950

Source of Funds: General and Utility Fund Departmental Operating Accounts and Utility Fund, Information Technology Department Operating Budget

Policy Issue

Should the City continue to replace aged computer servers, desktop computers, laptop computers and peripheral equipment and software to ensure high availability, performance and capacity to support software applications and users?

Alternative

Forgo the 2007 replacement of computer hardware, software and servers. This alternative is not recommended for the following reasons:

- Continued maintenance on older servers is expensive. The City purchases new servers that include a four-year maintenance agreement.
- Application software upgrades frequently require more processing speed and memory. Attempting to upgrade older servers to meet the demands of new applications is many times impossible, and not cost effective, especially when combined with the cost of maintaining older computer technology.
- The expected performance and reliability of servers more than four years old is unacceptable for the City's critical applications.
- Older desktop and laptop computers lack the processing power needed to adequately support newer applications.

Background Information

The City uses 990 personal computers throughout all departments, representing an investment of approximately \$1.76 million. These computers provide access to essential software and services needed for City operations.

In 2001, the City established a PC replacement schedule of three years or four years, depending on the type of applications and performance requirements on each PC. In 2005, with the improved reliability and speed of new computers, Information Technology eliminated the three year replacement schedule, and moved all computers to a four year replacement cycle. In 2007, 185 PCs and 66 laptops are scheduled for replacement.

The City also uses more than 80 computer servers to support applications such as Computer Aided Dispatch, Public Safety Records Management, Enterprise Resource Management, Court, Geographic Information Systems, Internet, Intranet, Utility Maintenance Management, Utility Billing, Office tools and many others. These servers are critical to departments to provide internal and external customer service and to conduct critical City operations. High reliability and performance of these systems is essential. The City has established a four-year replacement for computer servers. The decommissioned servers are frequently relocated to the City's computer disaster recovery facility to provide short term, more limited use in the event of a disaster at City Hall that would restrict access to or availability of production servers. New servers include a four-year maintenance agreement, so the City does not incur additional hardware maintenance expense during the full production life of the servers.

The City has standardized on Dell computer systems, which have some of the highest customer satisfaction and quality ratings in the industry. The City is very pleased with the overall performance of Dell equipment and the support provided to the City.

Additionally, Dell has provided the City with the lowest pricing for several software products that will be purchased in 2007.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Adams County Juvenile Assessment Center (The Link) Agreement

Prepared By: Dan Montgomery, Chief of Police
Lee Birk, Deputy Chief

Recommended City Council Action

Authorize the City Manager to enter into an agreement in substantially the same form as the attached agreement with authority for the City Attorney to make necessary amendments, with other jurisdictions in Adams County to participate in "The Link," a community assessment and resource center, outlining their obligations in relation to the agreement, and to establish joint funding to enable The Link to continue to provide service to participating jurisdictions.

Summary Statement

- Since 1999, The Link has provided a centralized location for the coordinated provision of intervention programs and services for juveniles and their families who are referred to the program by law enforcement participants including: The Adams County Sheriff's Office, Brighton, Commerce City, Federal Heights, Northglenn, Thornton and Westminster. It is recommended that an agreement be entered into to provide funding for The Link and thereby ensure that The Link can continue to provide services to juveniles and their parents.
- Adequate funds were authorized in the 2007 Budget for this expense.

Expenditure Required: \$46,740

Source of Funds: General Fund - Police Department 2007 Operating Budget

Policy Issue

Should the City enter into an agreement with other jurisdictions in Adams County and commit increased funding to participate in The Link?

Alternatives

1. Do not participate in The Link operation. A lot of time and well thought out effort has been put into the proposed approach, and Staff believes it is the best manner in which to provide these critical services.
2. Direct Staff to look at alternative means of dealing with juvenile issues, perhaps on a contractual basis. Staff is not aware of other resources/providers that will handle this needed service in a consistent and responsive manner.
3. Direct Staff to deal with juvenile issues in-house. Delivering these services in-house would require either the allocation of additional resources or the reallocation of existing resources. In either case, the price tag would be significantly greater than the \$46,740 annual fee under the IGA.

Background Information

There is a strong consensus among the Adams County participating agencies that The Link is a valuable program and should continue operating, including the continuance of financial support. Numerous meetings have been held with all of the Adams County participating agencies' to determine what kind of stable, predictable funding would be arranged for the future. Grant funding has been depleted and applications for future grant funds may no longer possible.

Each agency's share of funding is based on usage of The Link. The participating agencies are the Adams County Sheriff's Office, Brighton, Commerce City, Federal Heights, Northglenn Thornton and Westminster.

The Link agreement sets forth law enforcement funding for FY 2007 based on each agency's usage of the facility during calendar year 2006. Future funding will be based on a similar formula for subsequent years. The formula takes into account only the Adams County portion of Westminster. Westminster Jefferson County juveniles will have access to the Jefferson county Juvenile Assessment Center (JAC). Westminster's share for The Link for 2007 will be \$46,740.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**INTERGOVERNMENTAL AGREEMENT
FOR THE PROVISION AND FUNDING OF
JUVENILE ASSESSMENT SERVICES
BY THE LINK**

THIS INTERGOVERNMENTAL AGREEMENT (hereafter "IGA") is made and entered into by and between the City of Thornton, a Colorado municipal corporation ("Thornton"), the City of Brighton, a Colorado municipal corporation ("Brighton"), the City of Commerce City, a Colorado municipal corporation ("Commerce City"), the City of Federal Heights, a Colorado municipal corporation ("Federal Heights"), the City of Northglenn, a Colorado municipal corporation ("Northglenn"), the City of Westminster, a Colorado municipal corporation ("Westminster"), Adams County, a political subdivision of the state of Colorado represented by and through the Adams County Sheriff's Office ("Sheriff"), and The Link, A Community Assessment and Resource Center and Colorado non-profit corporation ("The Link"). The municipal corporations and the Sheriff identified herein will be referred to as "Participating Jurisdictions" and collectively as "Parties" and each individually as "Party."

WITNESSETH:

WHEREAS, Part 2 of Article I of Title 29, C.R.S., permits and encourages governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting one another to provide any function, service, or facility lawfully authorized by each of the contracting governments; and

WHEREAS, The Link has operated and initially served Adams County and the cities located within Adams County since its inception in October 1999, and seeks an intergovernmental agreement between itself and the identified Participating Jurisdictions it serves to establish joint funding obligations to enable The Link to continue to provide service to its Participating Jurisdictions; and

WHEREAS, the Parties collectively desire to enter into this IGA to provide funding for The Link and thereby ensure that The Link can continue to provide its services to juveniles and their parents.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and promises contained herein, the receipt and sufficiency of which are hereby confessed, it is understood and agreed as follows:

I. GENERAL PROVISIONS

- A. The Link is committed to maintaining a centralized location for the provision of assessment, mediation and intervention services for juveniles and their families who are referred to The Link from the Participating Jurisdictions; and, agrees to provide the services, as identified herein, for the Parties that are represented in this IGA.
- B. The Link shall currently continue and maintain its operation at 690 W. 84th Avenue, Thornton, Colorado 80260, and will provide services to the Parties from this location. Nothing herein intends to restrict The Link from moving to another location with Adams County for practical and economical purposes. The Link will operate pursuant to the direction of a Board of Directors ("Board") as established by The Link's by-laws and management will be by an administrative director.

- C. The Participating Jurisdictions hereby agree to allocate and commit funds for the 2007 operating year to be provided to The Link in accordance with the terms of this IGA.
- D. The Participating Jurisdictions may also, throughout the term of this IGA, agree, without restriction or limitation, to provide in kind contributions to The Link to assist The Link in providing services to and for the benefit of all member participants that are a Party to this IGA.

II. SERVICES PROVIDED

- A. General Service. The Parties hereto agree that The Link shall have authority over the operation of its programs and facilities which are provided for the use and benefit of the Parties to this IGA and their constituents. The Parties hereby agree that funding of The Link, by the Parties hereto, for such services shall be as provided in this IGA.
- B. Specific Services. The Link shall be authorized to provide the services identified below to children who are between the ages of 8 years of age and 17 years of age ("Juvenile"). The principle purposes and powers of The Link are to:
 - 1. Provide a centralized location for the assessment of youth and referral to community resources and other intervention programs and services for Juveniles and their families who are referred to The Link by the Participating Jurisdictions.
 - 2. Conduct complete assessments of the needs of Juveniles and their families which may include, but is not limited to, screening for violence potential and self-destructive tendencies, abuse, neglect and future criminal behavior, risk and treatment need factors.
 - 3. Make prompt referrals of Juveniles and their families to appropriate community services and agencies based on needs assessment and any and all other pertinent information.
 - 4. Provide crisis and mediation intervention for Juveniles and their families referred by the Participating Jurisdictions and the Juvenile's family. The Link shall utilize a case management process to evaluate the progress of the intervention. Case management shall include developing case plans addressing issues identified in the assessment, and supervising the accomplishment of the case plan, and preparing applicable pre-sentencing and status reports for municipal courts. The Link agrees to provide up to a maximum of eleven (11) case management services per month for juveniles on probation or as a part of sentencing through the municipal court to the Parties. Each Participating Jurisdiction's use of this service shall be based on the Participating Jurisdictions proportional use of The Link's services as outlined in Exhibit A. The Director of The Link shall have authority to modify the maximum number of case management services per month as appropriate to the circumstances.
 - 5. Coordinate and centralize the information collected by The Link for the Participating Jurisdictions involved with the Juveniles and their families.

6. Provide rapid dissemination of assessment information to municipal courts, and the Participating Jurisdictions in accordance with all laws concerning confidentiality.
 7. Provide multi-tiered service approach through provision of 24 hour detention and screening services for delinquent youth placed into the juvenile detention center or intervention for applicable alternatives to detention pursuant to Senate Bill 94 and the grant monies awarded The Link pursuant to that legislation.
 8. Apply for and receive grants and other sources of funding and provide all services related to Juveniles which are authorized by the terms of any such grant or funding awards.
 9. Provide ongoing intake protocol training, assessment and using The Link services for Participating Jurisdictions and intervention screening for the 17th Judicial District pursuant to the requirements of Senate Bill 94 and the grant monies awarded The Link pursuant to that legislation.
 10. Provide immediate social and mental health service referrals to Juveniles through community service providers and private providers who offer such services.
 11. Provide prescreening of youth for county and municipal offenses, misdemeanor and traffic warrants within the 17th Judicial District. In addition, The Link shall provide: Personal Recognizance bonding for municipal charges; screening of youth into Level 4 Electronic Home Monitoring pursuant to the annual renewal of the Senate Bill 94 grant award; and screening of youth into the Juvenile Detention Center if charges are detainable.
 12. Have any additional authority and power necessary to accomplish the foregoing programs and objectives.
- C. Contracts. The Parties hereto further acknowledge and agree that The Link shall have the responsibility and authority as reasonable and necessary to carry out the powers set forth in this IGA. Such authority shall include, but not be limited to, the authority to contract and lease property, purchase all necessary supplies, equipment, materials, and services, including professional services, and further to hire and discharge employees of The Link, as deemed necessary to operate The Link.
- D. Fees. Fees, if any are to be charged for services, shall be established by The Link and shall be uniform and reasonable. Nothing herein is intended to limit the ability of The Link to charge fees for recoupment of expenses, as deemed appropriate.
- E. Usage by other Entities. The Link Board by formal Board action may permit other entities to make use of The Link services, or to permit juveniles residing outside the 17th Judicial District, to be referred to The Link. The formal Board action shall include the charge to other entities to make use of The Link services and the terms of payment for such services.

III. APPROPRIATION AND PAYMENT BY PARTIES OF THE ANNUAL ASSESSMENT

- A. Appropriation and Funding Obligations. The Parties agree to commit and have the monies appropriated to pay the Annual Assessment as requested and set forth in Exhibit A by the first day of January of the year during which said funds are to be expended by The Link. The Parties agree to pay said amounts to The Link by January 31 of the year during which said monies are to be expended by The Link. All payments to The Link pursuant to this IGA are, however, subject to annual appropriation by the Parties hereto in the manner required by statute. It is the intention of the Parties that no multiple-year fiscal debt or other obligation shall be created by this IGA.
- B. Calculation of the Annual Assessment. The Parties agree that the portion of the budget to be assessed to each of the Participating Jurisdictions (“Annual Assessment”) shall be determined based upon that jurisdictions proportional share of the current six-year average historical juvenile transports from the jurisdiction as compared to the total for all of the Participating Jurisdictions.
- Should any such jurisdiction be partially within and partially without the territorial limits of the 17th Judicial District, such Party’s Juvenile transport data within the 17th Judicial District shall be computed with the pro-rata share of the Annual Assessment. Such jurisdiction shall only refer juveniles within the boundaries of the 17th Judicial District to the Link.
- C. Contributions of New Parties. In the event that any municipal jurisdiction or county enforcement agency, other than the Participating Jurisdictions, wishes to use The Link services and provide funding for such services, after January 1st of each year, such entity may be included in this IGA by amendment as a Participating Jurisdiction. The new Participating Jurisdiction’s assessment for this first year shall be determined based upon that jurisdictions proportional share of the historical juvenile arrests and/or transport date available as applicable from that jurisdiction as compared to the revised total for all of the Participating Jurisdictions times the Annual Assessment as adjusted for the number of months of service. The monies as determined by said formula will be appropriated and paid thirty (30) days subsequent to execution by all the Parties, as provided herein. For subsequent years, a new jurisdiction’s Annual Assessment shall be based on the formula provided herein for Participating Jurisdictions.

IV. BUDGET

- A. Budget Process. Each year, The Link shall prepare a preliminary budget and submit said budget to The Link’s Board of Director’s (“Board”) for approval. The budget shall contain detailed estimates of the operating expenses for the subsequent year. The budget shall identify the dollar amount of all revenue sources including the portion of revenue to be assessed to the Participating Jurisdictions (“Annual Assessment”). The preliminary budget shall be approved by The Link’s Board on or before May 1st of each year. The approved preliminary budget shall be submitted to each of the governing bodies of the Parties hereto as soon as thereafter as possible.
1. The Parties may provide comments or concerns on its Annual Assessment to The Link’s Board on or before July 1st of each year. The Link’s Board may adjust the budget based on the comments of the Parties.

2. The final budget shall then be approved by The Link's Board and certified by the secretary and treasurer of The Link's Board. A final budget shall be submitted to each of the governing bodies of the Parties no later than August 1st of each year that this IGA is in effect.

B. Contributions to the Budget. The Parties hereto agree to contribute to the budget based upon the formula set forth in Exhibit A for each term of this IGA.

V. FUNDS AND OPERATIONS

A. Designation of Funds. The Link agrees that the funds paid to The Link by the Parties hereto, and any monies generated by The Link itself shall be placed into a designated fund, and any expenses incurred by reason of operation of The Link shall be paid from said fund.

B. Choice of Depository. All monies belonging to The Link or designated for use by The Link shall be deposited in the name and to the credit of The Link with such depositories as The Link shall from time to time designate, in compliance with all applicable laws.

C. Disbursement of Funds. No disbursements of funds as provided by this IGA shall be made from the funds of The Link except by check, or credit card under the name of The Link.

D. Fiscal Responsibility. The Link shall not borrow money nor shall it approve any claims or incur any obligations for expenditures unless there is sufficient unencumbered cash in the appropriate fund, credited to The Link with which to pay the same.

E. Operating and Capital Reserves. The Board of Directors of The Link shall have the authority to set aside unexpended revenues generated by the operation of The Link for purposes of providing operating and capital reserves. The Board of Directors shall also have the authority to establish a capital improvement fund to provide for the operation of the Link..

F. Insurance. The Link's Board shall obtain and maintain adequate liability and property insurance coverage to protect against any claims and liabilities which may arise due to the activities conducted by The Link or The Link's Board in an amount not less than the monetary limitations of liability provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et. seq., as the same may be amended from time to time.

G. Use of Funds. Nothing herein is intended to restrict or prohibit The Link from using the budget funds for any purpose as authorized by any grant funds or in connection with the services provided by The Link.

VI. RECORDS AND REPORTS

A. Record Keeping. The Link shall maintain accounts of its funds, properties, and business transactions, in accordance with applicable law.

B. Annual Audit. The Link shall cause to be conducted an annual audit within 90 days after the end of the fiscal year. Such audit shall be conducted by an

independent certified public accountant, registered accountants licensed to practice in the State of Colorado. The Link shall tender a copy of said audit to the respective Parties hereto upon request of any Party.

- C. Annual Report. Beginning in 2008 and thereafter, by March 1st of each year, The Link shall prepare and present to the respective Participating Jurisdictions, a comprehensive annual report of The Link's activities and finances during the preceding year.
- D. Reports Required by Law, Regulations or Contract. The Link shall also prepare and present such reports as may be required by law, regulation, or contract to any authorized federal, state and/or local officials to whom such report is required to be made in the course and operation of The Link.
- E. Reports Requested by the Parties. The Link may, where practical, render to the Parties hereto, at reasonable requests, such reports and accountings as the Parties hereto may from time to time request.

VII. DEFAULT IN PERFORMANCE

- A. Default by The Link. If, for whatever reason, The Link ceases its operation at anytime during the calendar year, with or without notice to the Participating Jurisdictions, such cessation of services shall constitute a material breach of this IGA and will relieve the Participating Jurisdictions of their funding obligation for any pro rata share of funding submitted for the end of the IGA term. Upon notification from The Link to the Participating Jurisdictions of such cessation of services, The Link agrees to reimburse to the Participating Jurisdictions their pro rata share to the extent that such funds are available. Upon such notice, the terms and conditions this IGA automatically terminates and relieves the Participating Jurisdictions of any and all obligations contained herein.
- B. Default by Participating Jurisdiction. In the event that any Participating Jurisdiction fails or refuses to provide the agreed upon funding pursuant to Exhibit A for any calendar year, after January 31st of such calendar year, such failure to pay shall constitute a material breach of this IGA. The Link shall notify the Participating Jurisdiction of such breach and if such breach is not cured within 30 days of such notification, the failure to cure shall constitute a material default in terms of this IGA and said Participating Jurisdiction shall be deemed excluded as a Participating Jurisdiction from the scope of this IGA and The Link shall be free to refuse the provision of services for any juvenile from that Participating Jurisdictions' geographical area.

VIII. TERM, RENEWAL AND TERMINATION OF AGREEMENT

- A. Term and Renewal of Agreement. The IGA shall be in full force and effect for a period of one calendar year commencing on January 1, 2007, and ending on December 31, 2007, and the Parties to this IGA shall have an option to renew this IGA for an additional one year, at the end of each such term, upon written notification to The Link of intent to renew, dated 90 days prior to the end of the current term.
- B. Termination by Written Notice. This IGA or any Party's participation in this IGA, may be terminated effective by written notice from the Party or Parties to The Link dated at least 90 days prior to January 1st of any given year. Any Party terminating its participation pursuant to this provision shall not be entitled to any

reimbursement of its annual operating cost contributions previously paid to The Link.

- C. Termination of Party/Loss of Funds. Upon termination of a Party whether by default in performance or by written notice, the remaining Parties may continue to participate in this IGA. The Link's Board, upon such termination of Party or Parties, shall act to adjust the budget or Annual Assessment or hours of operation to accommodate the loss in funds unless the remaining Parties negotiate an amendment to the IGA setting forth revised percentages of participation or the Parties agree to terminate the IGA.
- D. Powers of The Link upon Termination by a Majority. Upon termination by mutual agreement of a majority of the Parties to this IGA, the powers granted to The Link under this IGA shall continue to the extent necessary to make an effective disposition of the property, equipment, and assets under this IGA.

IX. AMENDMENT

This IGA may be amended at anytime in writing by agreement of the Parties to this IGA subject to approval of the various governing bodies of the Parties.

X. SEVERABILITY

If any article, section, paragraph, sentence, clause or phrase of this IGA is held to be unconstitutional or invalid for any reason, such holding shall not affect the validity, enforceability or constitutionality of the remaining provisions of this IGA.

XI. COUNTERPART

This IGA may be signed in counterparts, and each counterpart shall be deemed an original, and all counterparts taken as a whole shall constitute one and the same instrument. The IGA shall not be effective until the last date executed by all Parties.

XII. NO THIRD PARTY BENEFICIARIES

Nothing contained herein shall give rise to any rights or allow any claim by any third party. It is the express intention of the Parties that any third party receiving benefits from this IGA shall be deemed an incidental beneficiary only.

XIII. SUPERSEDES

This IGA supersedes and replaces all prior agreements and all amendments,

XIV. NON-DISCRIMINATORY POLICY

The Link shall make its services, facilities, and programs available to all persons regardless of race, color, age, creed, national origin, sex, or disability.

XV. NO GENERAL OBLIGATION INDEBTEDNESS

As this IGA will extend beyond the current fiscal year, the Parties understand and intend that the obligation of the Parties to pay the Annual Assessment hereunder constitutes a current expense of the Parties payable exclusively from the Parties' funds and appropriated each fiscal year, and shall not in any way be construed to be a multi-fiscal year debt or other financial obligation within the meaning of Article X, Section 20, of the Colorado Constitution, a general obligation

indebtedness of the Parties within the meaning of any provision of Article XI, of the Colorado Constitution, or any other constitutional or statutory indebtedness. None of the Parties has pledged the full faith and credit of the state, or the Parties to the payment of the charges hereunder, and this IGA shall not directly or contingently obligate the Parties to apply money from, or levy or pledge any form of taxation to, the payment of the annual operating costs.

XVI. LITIGATION

Each Party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions.

XVII. WAIVER

A waiver by any Party of a breach of any term or provision of this IGA shall not operate or be construed as a waiver of any subsequent breach by either Party.

XVIII. PARAGRAPH CAPTIONS

The captions of the paragraphs are set forth only for the convenience and reference of the Cities and are not intended in any way to define, limit or describe the scope or intent of this IGA.

XIX. GOVERNMENTAL IMMUNITY

The Cities acknowledge that each Party, their officers and employees, are relying on, and do not waive or intend to waive, by any provision of this IGA, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to the Cities, their officers, or employees.

IN WITNESS WHEREOF, the Parties hereto have executed this IGA to become effective upon final execution by all Parties.

CITY OF THORNTON

Noel Busck, Mayor Date

ATTEST:

Nancy A. Vincent, City Clerk

APPROVED AS TO FORM:

Margaret Emerich, City Attorney

CITY OF WESTMINSTER

By: Nancy McNally Date
Title: Mayor

ATTEST:

By: Linda Yeager
Title: City Clerk

APPROVED AS TO FORM:

By: Marty McCullough
Title: City Attorney

CITY OF BRIGHTON

By: Jan Pawlowski Date
Title: Mayor

ATTEST:

By: Gayle Martinez
Title: City Clerk

APPROVED AS TO FORM:

By: Margaret Brubaker
Title: City Attorney

CITY OF COMMERCE CITY

By: Sean Ford _____ Date
Title: Mayor

ATTEST:

By: Laura J. Bock
Title: City Clerk

APPROVED AS TO FORM:

By: Robert R. Gehler
Title: City Attorney

CITY OF FEDERAL HEIGHTS

By: Dale Sparks _____ Date
Title: Mayor

ATTEST:

By: Phyllis Schott
Title: City Clerk

APPROVED AS TO FORM:

By: Erin Smith
Title: City Attorney

CITY OF NORTHGLENN

By: Kathleen M. Novak Date
Title: Mayor

ATTEST:

By: Diana L. Lentz
Title: City Clerk

APPROVED AS TO FORM:

By: Corey Y. Hoffman
Title: City Attorney

ADAMS COUNTY, COLORADO

By: Alice J. Nichol Date
Title: Chairperson

ATTEST:

By: Carol Snyder
Title: County Clerk

APPROVED AS TO FORM:

By: Hal Warren
Title: County Attorney

EXHIBIT A

2007 Annual Assessment

Agency	Total Number of Juvenile Arrests 1999-2005	Six-Year Average	Pro-rata Share	Assessment Amount
ACSO	920	153	20%	\$103,867
Brighton	369	62	8%	41,547
Commerce City	475	79	10%	51,933
Federal Heights	285	48	6%	31,160
Northglenn	436	73	10%	51,933
Thornton	1,659	277	37%	192,153
Westminster	416	69	9%	46,740
Total	4,560		100%	\$519,333



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Intergovernmental Agreement between the City of Westminster and the Westminister Economic Development Authority for the release of surplus sales tax increment above current and future obligations of the Westminister Center East Urban Renewal Area to the City

Prepared By: Robert C. Smith, Treasury Manager
Karen Creager, Special Districts Accountant
Robert Byerhof, Financial Analyst

Recommended City Council Action

Authorize the Mayor to execute an Intergovernmental Agreement with the Westminister Economic Development Authority (WEDA) resulting in the release of sales tax increment collected within the Westminister Center East Urban Renewal Area (URA) that is not necessary to cover any current or future obligations of the URA.

Summary Statement

- On December 8, 2003, City Council approved the Westminister Center East Urban Renewal Area (URA). Since the URA currently captures all sales tax increment within its boundaries, an IGA is necessary to release surplus increment that is not needed by the URA after it fulfills its obligations. These excess increment revenues will then be available to the City for general City use.
- City Council is requested to approve this IGA in substantially the same language as attached in order to limit the sales tax increment that would otherwise be captured by WEDA to the amount necessary to cover obligations of the URA.

Expenditure Required: \$0

Source of Funds: Sales tax increment from the Westminister Center East URA

Policy Issue

Should the City enter into an IGA with WEDA for the release of surplus sales tax increment?

Alternative

The alternative to the recommended action is to not approve the IGA. This alternative is not recommended as the surplus sales tax increment would not be available for other City purposes.

Background Information

The Westminster Center East URA was created to foster redevelopment primarily along Sheridan Boulevard north of the Burlington Railroad Avenue to 98th Avenue. The URA includes both commercial and residential zoned properties. The first successful redevelopment venture within this URA was the completion of a large lumber and hardware retail store (Lowe's) just west of Sheridan Boulevard along the south side of 88th Avenue. Other redevelopment activities include two restaurants new to the City, the opening of a large discount liquor store (Total Beverage), and the expansion and upgrade of a large retailer (Wal-Mart). In addition to ongoing commercial redevelopment, the URA includes a proposed residential neighborhood with 100 homes west of Sheridan Boulevard near 96th Avenue. As a means to foster redevelopment within the URA, the City has entered into various obligations that encourage redevelopment endeavors and assist in maintaining a healthy and diverse sales and property tax base. Since the URA currently captures all sales tax increment associated with any redevelopment efforts, an IGA is required to release incremental revenues previously collected and any future excess incremental revenues by WEDA that are above the amount necessary to fulfill WEDA obligations. The IGA will allow the City to keep the surplus sales tax increment with the intention to recover any costs associated with redevelopment initiatives and for any other legal purpose.

Once the IGA is approved, the City will remit to WEDA only incremental revenues that are necessary to fulfill the URA's obligations, thereby allowing the City to keep surplus incremental revenues above this amount. It is also the intent of this IGA that any previously collected surplus incremental revenues in the URA will be transferred back to the City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN
THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY AND THE CITY OF
WESTMINSTER REGARDING TAX INCREMENT REVENUES IN CONNECTION WITH THE
WESTMINSTER CENTER REINVESTMENT PLAN**

This Intergovernmental Cooperation Agreement (the "Agreement"), dated as of January 1, 2006, by and between the WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY ("WEDA"), a body corporate duly organized and existing as an urban renewal authority under the laws of the State of Colorado and the CITY OF WESTMINSTER (the City"), a home rule municipality duly organized and existing under the Constitution and laws of the State of Colorado (collectively the "Parties").

W I T N E S S E T H;

WHEREAS, the City Council of the City has adopted an urban renewal plan known as the "Westminster Center Reinvestment Plan" ("Urban Renewal Plan") under and pursuant to the Colorado Urban Renewal Law, Section 31-25-101, et. seq., C.R.S., as amended (the "Act"); and

WHEREAS, pursuant to the Urban Renewal Plan, WEDA is collecting tax increment revenues to accomplish the purposes of the Plan; and

WHEREAS, Section 5.1(e) of the Urban Renewal Plan provides that the Parties may by agreement provide for the method by which available sales tax increments shall be allocated and paid to WEDA; and

WHEREAS, the Parties are authorized by the Section 112 of Act to enter into cooperative agreements with respect to projects and activities and are authorized by Section 29-1-203, C.R.S. to enter into contracts to provide any function, service or facility lawfully authorized to each; and

WHEREAS, Parties desire to enter into this IGA providing for the method of allocation of sales tax increment. NOW THEREFORE, in consideration of the foregoing recitals, and the following terms and conditions, the Parties hereby agree as follows:

1. Sales Tax Revenues. The City shall allocate to WEDA only that portion of the sales tax incremental revenues available pursuant to the Urban Renewal Plan as are necessary to meet WEDA's obligations pursuant to its Contracts. All other municipal sales tax revenues collected by the City shall be retained by the City and shall not constitute sales tax incremental revenues. For the purposes of this Agreement, "Contracts" mean the Business Assistance Package between Westminster Economic Development Authority, the City of Westminster and Pappas Restaurant, dated April 20, 2004, the Business Assistance Package between Westminster Economic Development Authority and Lowe's HIW Inc, dated February 11, 2004 and any other contract, bond or financial obligation entered into by WEDA with the City's consent.

2. Cooperation. The Parties covenant with each other that in any action or challenge of the Urban Renewal Plan or this Agreement, regarding the legality, validity or enforceability of any provision thereof, the Parties will work cooperatively and in good faith to defend and uphold each and every such provision.

3. Effective Date; Term. This Agreement shall be deemed effective as of January 1, 2006. Unless sooner terminated by mutual consent of the Parties, this Agreement shall remain in full force and effect until the tax allocation provisions of the Urban Renewal Plan and the Act terminate.

4. Amendments and Waivers. No amendment or waiver of any provision of this Agreement, nor consent to any departure herefrom, in any event shall be effective unless the same shall be in writing and signed by the Parties hereto, and then such waiver or consent shall be effective only in the specific instance and for the specific purpose for which given.

5. Governing Law. This Agreement shall be governed by, and construed in accordance with the laws of the State of Colorado.

6. Headings. Paragraph headings in this Agreement are included herein for convenience of reference only and shall not constitute a part of this Agreement for any other purpose.

7. Severability. If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed and delivered by their respective officers thereunto and duly authorized as of the date first above written.

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

By: _____
Executive Director

ATTEST:

Secretary

APPROVED AS TO FORM:

Attorney for Authority

CITY OF WESTMINSTER

By: _____
Mayor

(SEAL)

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Second Amendment to the “The Orchard at Westminster”
Final Development Agreement

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action

Authorize the City Manager to execute the Second Amendment to the Final Development Agreement (FDA) with Forest City and Westminster Economic Development Authority (WEDA).

Summary Statement

- On December 13, 2004, Council and WEDA approved the Final Development Agreement with Forest City, which provides for the development of “The Orchard at Westminster” regional retail center. It was subsequently amended on May 9, 2005.
- Amendments are needed now to the amended FDA to reallocate existing bond proceeds for additional public improvements at The Orchard, and to allow for modified phasing of the project.
- This item was discussed with City Council on December 11, and Staff was directed to bring this item forward for official action.

Expenditure Required: \$800,000

Source of Funds: North Huron URA Tax Increment Bond Fund

Policy Issue

Should the City enter into a Second Amendment to the Final Development Agreement with WEDA and Forest City Commercial Group, which provides for the development of approximately 215 acres at 144th and I-25?

Alternative

Do not enter into the Second Amendment to the Final Development Agreement with Forest City Commercial Group. However, failure to execute the amendment will result in the project not receiving landscaping and public improvement upgrades desired, or reflecting the revised phasing of the project. This alternative is not recommended because this amendment will assist in assuring the success of this key development.

Background Information

The FDA between Forest City, WEDA and the City was originally signed in May, 2005. Forest City subsequently assigned the FDA to FC Orchard Town Center, Inc. and to FC Westminster Residential, Inc. The assignment to the two entities in no way changed the intent or obligations of the FDA, as these two entities are Forest City’s development companies for this project.

Part of the City and WEDA’s obligations under the FDA were to issue bonds that would be used to pay for road improvements, off site improvements and certain on-site public improvements for which Forest City is responsible. Forest City has agreed to the City’s request to make significant upgrades to the public spaces. These upgrades include increased landscaping, fireplaces, fountains, and completion of the tenant finish for the Police Department office. To help pay these costs, it is recommended that \$800,000 of the excess in North Huron URA Tax Increment bond proceeds be released to Forest City to make these public improvements. The FDA amendment facilitates this action. Because of cost savings on the 144th Avenue interchange, there are excess bond proceeds now available for use on construction of public improvements for The Orchard site.

These types of public improvement expenses are allowed to be paid from bond proceeds. The utilization of the funds has been approved by the City’s financial advisors as well as the financial institution engaged in this project.

Also, while amending the FDA to facilitate the bond proceeds allocation to Forest City, staff decided to modify the agreement to reflect the current phasing of the project. Phase I of the project was originally expected to include the Target, JCPenney’s and the AMC Theatre. Macy’s was not anticipated to come online until Phase III. Amendments to the phasing plan for The Orchard are recommended to reflect AMC Theatre and Macy’s both occurring in Phase II of the project. The gross square footage of the overall project is still the same as originally proposed. This new phasing works to the City’s and WEDA’s advantage.

The changes to the FDA and the allocation of bond proceeds to Forest City allow existing funds to be reallocated from the interchange to the project’s other public improvements. The result will be a high quality environment for shoppers, which will enhance success for The Orchard. Ultimately, that means more sales tax revenue for the City.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Amended Intergovernmental Agreement with the Colorado Department of Transportation - 104th Avenue and Sheridan Boulevard Intersection Project

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

Authorize the City Manager to execute an amendment to the current Intergovernmental Agreement (IGA) with the Colorado Department of Transportation for the design and construction of the improvements to the 104th Avenue and Sheridan Boulevard intersection.

Summary Statement:

- The City was awarded Federal funds for the improvements to the 104th Avenue and Sheridan Boulevard intersection as part of the 2005-2010 Transportation Improvement Program (TIP) administered by the Denver Regional Council of Governments (DRCOG) and the Colorado Department of Transportation (CDOT). To establish all of the terms, conditions and agreements and to secure the design portion of these funds, the City entered into an IGA with CDOT on November 9, 2004.
- The proposed amendment revises the funding provisions to obligate the remaining federal funds and does not change any of the other terms and conditions of the original IGA. This obligation will allow the project to proceed to construction. At the time this Agenda Memo was prepared, CDOT did not have the final version of the amendment approved due to a computer error in their new accounting software. However, the attached draft of the IGA amendment is not expected to be revised significantly. If significant revisions are made, staff will approach Council to approve the execution of the “new” amendment at a later Council meeting.
- Staff believes that it would not be beneficial to delay this action until a future Council meeting after CDOT repairs their computer software error since a delay would impact the construction schedule of this project. A delay in the start of construction would have financial impacts since the City is now paying rental fees for a temporary construction easement. Additional costs could be incurred because certain environmental mitigation measures, such as a burrowing owl survey, become necessary after March 1. If construction starts before March 1, then some of the environmental issues do not apply.
- The proposed draft amendment to the IGA has been reviewed and approved by the City Attorney’s Office Staff.

Expenditure Required: The reimbursement to CDOT from the City will not exceed \$16,780

Source of Funds: General Capital Improvement Fund – 104th Avenue and Sheridan Blvd Intersection Project

Policy Issue

Should the City continue with the effort to improve the intersection of 104th Avenue and Sheridan Boulevard and enter into an amended intergovernmental agreement with the Colorado Department of Transportation so that the project can proceed to construction?

Alternative

Do not authorize execution of the amendment to the existing intergovernmental agreement. This is not recommended because the City has an opportunity to improve this intersection and the adjacent channel with significant contributions of Federal and Urban Drainage and Flood Control District funds.

Background Information

The proposed design of the widening of Sheridan Boulevard approximately 600 feet north and south of 104th Avenue is an effort to improve left turns from Sheridan Boulevard onto 104th Avenue. Recent development along 104th Avenue including the Shops at Walnut Creek, the Westminster Promenade, City Park Recreation Center additions, filings of the Legacy Ridge Subdivision as well as development farther north all increase the number of vehicles turning from Sheridan Boulevard onto 104th Avenue. Current peak left turn movements at this intersection of over 300 vehicles per hour indicate the need for double left turn lanes at this location. Installing these double left turn lanes will not only improve the ability to turn onto 104th Avenue, but will also improve the through movements on Sheridan Boulevard since the queuing of turning vehicles would no longer “back-up” into the through lanes which is also a safety issue.

On 104th Avenue, three through lanes and a continuous right turn lane will begin approximately 600 feet west of the intersection. This will allow three full lanes to proceed east-bound through the intersection and provide east-bound to south-bound right turning vehicles their own lane to remove conflicts with the east-bound through traffic. The final element of this project is the improvement to the severely eroded Middle Branch of Hylands Creek that runs parallel to 104th Avenue. The channel flow line has dropped up to 10 feet in sections due to erosion and has become a safety concern. The Urban Drainage and Flood Control District has verbally committed to participating in the cost to repair this channel (\$300,000). These funds would be in addition to the Federal funds (\$1,532,000) that have been secured for this project.

The original intergovernmental agreement between the City and the Colorado Department of Transportation was authorized by Council and executed on November 9, 2004. The key elements of the original IGA are as follows:

- Right-of-way acquisition. The IGA obligates the City to provide evidence that the property interests necessary for construction have been acquired prior to opening construction bids.
- Project management/construction services. The IGA stipulates that the City will provide project management to oversee the construction of the project.
- CDOT Reimbursement. The IGA provides for the reimbursement to CDOT from the City for costs associated with their project oversight.
- Maintenance. The IGA obligates the City to maintain the improvements once they are completed. These are both currently maintained City streets so this not an added obligation.

The purpose of this amendment to the IGA is to secure the remaining federal funds necessary to construct the project.

The contract for the construction of this project is under separate consideration by Council at tonight's meeting. If Council decides not to approve this amendment to the IGA with CDOT, then staff's recommendation would be that action on the construction contract be tabled for future consideration or, alternatively, not approved.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CONTRACT AMENDMENT #1

THIS AMENDMENT, is made this ____ day of _____, 20__, by and between the State of Colorado for the use and benefit of the Colorado Department of Transportation, hereinafter referred to as the "State", and the CITY OF WESTMINSTER, 4800 West 92nd Avenue, Westminster, Colorado, 80031, CDOT Vendor # 2000053, hereinafter referred to as the "Contractor" or the "Local Agency".

FACTUAL RECITALS

1. Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for this Project as set forth below; and,
2. Required approval, clearance, and coordination has been accomplished from and with appropriate agencies; and,
3. The Parties entered into the contract dated November 9, 2004, routing number 05 HA6 00017, known hereafter as "the Basic Contract"; and,
4. The Basic Contract is an intergovernmental agreement between the State and the Contractor consisting of the widening of Sheridan Boulevard to add NB and SB double left turn lane and widening of 104th Avenue to provide an additional EB thru lane west of the intersection in Westminster, Colorado; and,
5. The Basic Contract is still in effect and provides for changes to its terms and conditions by written supplement or contract amendment; and,
6. The Parties also now desire to amend the Basic Contract to add construction funding by correcting Recital 1, Recital 3, add a new Section 28, add new Special Provisions and re-label as Section 29, and Exhibit C; and,
7. The Parties enter into this Amendment pursuant to the provisions of Colorado Revised Statutes, Sections 24-30-1401 et seq., Section 43-1-106, and Section 43-1-110, as amended.

NOW THEREFORE, it is hereby agreed that:

Consideration for this Amendment consists of the payments that shall be made pursuant to this

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Amendment and the promises and agreements herein set forth.

1. This Amendment is supplemental to the Basic Contract, which is, by this reference, incorporated herein and made a part hereof, and all terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this Amendment as though they were expressly rewritten, incorporated, and included herein.
2. The Basic Contract is and shall be modified, altered, and changed in the following respects only:

- a. Recital Number 1 shall be amended to read as follows:

Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient uncommitted balance thereof remains available for payment of project and Local Agency costs in Fund Number 400, Appropriation Code 010, Organization Number 9991, Program 2000, Functions 3020 and 3200, Object 2312 1P, Phases D and C, Reporting Category 6320, Contract Encumbrance Number 14967, (Contract Encumbrance: D- Phase \$0.00; C- Phase \$1,786,297.00; Total Contract Encumbrance Amount: \$1,786,297.00).

- b. Recital Number 3 shall be amended to read as follows:

3. Pursuant to Title I, Subtitle A, Section 1108 of the "Transportation Equity Act for the 21st Century" of 1998 (TEA-21) and/or the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU) of 2005 and to applicable provisions of Title 23 of the United States Code and implementing regulations at Title 23 of the Code of Federal Regulations, as may be amended, (collectively referred to hereinafter as the "Federal Provisions"), certain federal funds have been and will in the future be allocated for transportation projects requested by Local Agencies and eligible under the Surface Transportation Improvement Program that has been proposed by the State and approved by the Federal Highway Administration ("FHWA"), hereinafter referred to as the "Program."

- c. Section 28 shall be removed in its entirety and replaced by:

Section 28. Single Audit Act Amendment

All state and local government and non-profit organization Sub-Grantees receiving more than \$500,000 from all funding sources, that are defined as federal financial assistance for Single Audit Act Amendment purposes, shall comply with the audit requirements of OMB Circular A-133 (Audits of States, Local Governments and Non-Profit Organizations) see also, 49 CFR 18.20 through 18.26. The Single Audit Act Amendment requirements that apply to Sub-Grantees receiving federal funds are as follows:

- a) If the Sub-Grantee expends less than \$500,000 in Federal funds (all federal sources, not just Highway funds) in its fiscal year then this requirement does not apply.

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- b) If the Sub-Grantee expends more than \$500,000 in Federal funds, but only received federal Highway funds (Catalog of Federal Domestic Assistance, CFDA 20.205) then a program specific audit shall be performed. This audit will examine the "financial" procedures and processes for this program area.
- b) If the Sub-Grantee expends more than \$500,000 in Federal funds, and the Federal funds are from multiple sources (FTA, HUD, NPS, etc.) then the Single Audit Act applies, which is an audit on the entire organization/entity.
- c) Single Audit can only be conducted by an independent CPA, not by an auditor on staff.
- d) An audit is an allowable direct or indirect cost.

d. The following section (Special Provisions) will be added as Section 29:

SPECIAL PROVISIONS

(For Use with Inter-Governmental Contracts)

1. CONTROLLER'S APPROVAL. CRS 24-30-202 (1)
This contract shall not be deemed valid until it has been approved by the Controller of the State of Colorado or such assistant as he may designate.
2. FUND AVAILABILITY. CRS 24-30-202 (5.5)
Financial obligations of the State of Colorado payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.
3. INDEMNIFICATION.
To the extent authorized by law, the Contractor shall indemnify, save, and hold harmless the State, its employees and agents, against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees incurred as a result of any act or omission by the Contractor, or its employees, agents, subcontractors, or assignees pursuant to the terms of this contract.
No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions for the parties, of the Colorado Governmental Immunity Act, CRS 24-10-101 et seq. or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. as applicable, as now or hereafter amended.
4. INDEPENDENT CONTRACTOR. 4 CCR 801-2
THE CONTRACTOR SHALL PERFORM ITS DUTIES HEREUNDER AS AN INDEPENDENT CONTRACTOR AND NOT AS AN EMPLOYEE. NEITHER THE CONTRACTOR NOR ANY AGENT OR EMPLOYEE OF THE CONTRACTOR SHALL BE OR SHALL BE DEEMED TO BE AN AGENT OR EMPLOYEE OF THE STATE. CONTRACTOR SHALL PAY WHEN DUE ALL REQUIRED EMPLOYMENT TAXES AND INCOME TAX AND LOCAL HEAD TAX ON ANY MONIES PAID BY THE STATE PURSUANT TO THIS CONTRACT. CONTRACTOR ACKNOWLEDGES THAT THE CONTRACTOR AND ITS EMPLOYEES ARE NOT ENTITLED TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS THE CONTRACTOR OR THIRD PARTY PROVIDES SUCH COVERAGE AND THAT THE STATE DOES NOT PAY FOR OR OTHERWISE PROVIDE SUCH COVERAGE. CONTRACTOR SHALL HAVE NO AUTHORIZATION, EXPRESS OR IMPLIED, TO BIND THE STATE TO ANY AGREEMENTS, LIABILITY, OR UNDERSTANDING EXCEPT AS EXPRESSLY SET FORTH HEREIN. CONTRACTOR SHALL PROVIDE AND KEEP IN FORCE WORKERS' COMPENSATION (AND PROVIDE PROOF OF SUCH INSURANCE WHEN REQUESTED BY THE STATE) AND UNEMPLOYMENT COMPENSATION INSURANCE IN THE AMOUNTS REQUIRED BY LAW, AND SHALL BE SOLELY RESPONSIBLE FOR THE ACTS OF THE CONTRACTOR, ITS EMPLOYEES AND AGENTS.
5. NON-DISCRIMINATION.
The contractor agrees to comply with the letter and the spirit of all applicable state and federal laws respecting discrimination and unfair employment practices.
6. CHOICE OF LAW.
The laws of the State of Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution, and enforcement of this contract. Any provision of this contract, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules, and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law whether by way of complaint, defense, or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this contract to the extent that the contract is capable of execution.
At all times during the performance of this contract, the Contractor shall strictly adhere to all applicable federal and State laws, rules, and regulations that have been or may hereafter be established.

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7. SOFTWARE PIRACY PROHIBITION Governor's Executive Order D 002 00

No State or other public funds payable under this Contract shall be used for the acquisition, operation, or maintenance of computer software in violation of United States copyright laws or applicable licensing restrictions. The Contractor hereby certifies that, for the term of this Contract and any extensions, the Contractor has in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that the Contractor is in violation of this paragraph, the State may exercise any remedy available at law or equity or under this Contract, including, without limitation, immediate termination of the Contract and any remedy consistent with United States copyright laws or applicable licensing restrictions.

8. EMPLOYEE FINANCIAL INTEREST. CRS 24-18-201 and CRS 24-50-507

The signatories aver that to their knowledge, no employee of the State of Colorado has any personal or beneficial interest whatsoever in the service or property described herein.

9. ILLEGAL ALIENS – PUBLIC CONTRACTS FOR SERVICES. CRS 8-17.5-101 and 24-76.5-101

The Contractor certifies that the Contractor shall comply with the provisions of CRS 8-17.5-101 et seq. The Contractor shall not knowingly employ or contract with an illegal alien to perform work under this contract or enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract. The Contractor represents, warrants, and agrees that it (i) has verified that it does not employ any illegal aliens, through participation in the Basic Pilot Employment Verification Program administered by the Social Security Administration and Department of Homeland Security, and (ii) otherwise will comply with the requirements of CRS 8-17.5-102(2)(b). The Contractor shall comply with all reasonable requests made in the course of an investigation under CRS 8-17.5-102 by the Colorado Department of Labor and Employment. If the Contractor fails to comply with any requirement of this provision or CRS 8-17.5-101 et seq., the State may terminate this contract for breach and the Contractor shall be liable for actual and consequential damages to the State.

A Contractor that operates as a sole proprietor hereby swears or affirms under penalty of perjury that the Contractor (i) is a citizen of the United States or otherwise lawfully present in the United States pursuant to federal law, (ii) shall comply with the provisions of CRS 24-76.5-101 et seq, and (iii) shall produce one of the forms of identification required by CRS 24-76.5-103 prior to the effective date of this Contract. Except where exempted by federal law and except as provided in CRS 24-76.5-103(3), a Contractor that receives federal or state funds under this contract must confirm that any individual natural person eighteen years of age or older is lawfully present in the United States pursuant to CRS 24-76.5-103(4) if such individual applies for public benefits provided under this contract.

Effective Date of Special Provisions: August 7, 2006

- e. Exhibit A to the Basic Contract shall be removed and replaced in its entirety by Exhibit A-1, which is attached hereto and incorporated herein by this reference. All references in the Basic Contract to Exhibit C shall be removed and replaced by Exhibit A-1, as appropriate.
- f. Exhibit C to the Basic Contract shall be removed and replaced in its entirety by Exhibit C-1, which is attached hereto and incorporated herein by this reference. All references in the Basic Contract to Exhibit C shall be removed and replaced by Exhibit C-1, as appropriate.

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

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CONTRACTOR:

STATE OF COLORADO:
BILL OWENS, GOVERNOR

City of Westminster
Legal Name of Contracting Entity

By _____
For Executive Director
Department of Transportation

2000053
CDOT Vendor #

LEGAL REVIEW:
JOHN W. SUTHERS, ATTORNEY GENERAL

Signature of Authorized Officer

By _____

Print Name & Title of Authorized Officer

CORPORATIONS:
(A corporate attestation is required.)

Attest (Seal) By _____
(Corporate Secretary or Equivalent, or Town/City/County Clerk)

(Place corporate seal here, if available)

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all state contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the goods and/or services provided.

STATE CONTROLLER:
LESLIE M. SHENEFELT

By _____

Date _____

Effective: August 1, 2005

A. The Local Agency has estimated the total cost the Work to be \$1,856,297.00 which is to be funded as follows:

1 BUDGETED FUNDS			
a. Federal Funds (STP Metro @ 82.79% HAAH230) (82.79% of Participating Costs)			\$1,532,095.00
b. Local Agency Matching Funds (17.21% of Participating Costs)			\$318,485.00
Local Agency Matching for CDOT - Incurred Non-			
c. Participating Costs (Including Non-Participating Indirects)			\$5,717.00
TOTAL BUDGETED FUNDS			\$1,856,297.00
2 ESTIMATED CDOT-INCURRED COSTS			
a. Federal Share (82.79% of Participating Costs)			\$53,220.00
b. Local Share			
Local Agency Share of Participating Costs	\$11,063.00		
Non-Participating Costs (Including Non- Participating Indirects)	\$5,717.00		
Estimated to be Billed to Local Agency			\$16,780.00
TOTAL ESTIMATED CDOT-INCURRED COSTS			\$70,000.00
3 ESTIMATED PAYMENT TO LOCAL AGENCY			
a. Federal Funds Budgeted (1a)			\$1,532,095.00
b. Less Estimated Federal Share of CDOT-Incurred Costs (2a)			\$53,220.00
TOTAL ESTIMATED PAYMENT TO LOCAL AGENCY			\$1,478,875.00
FOR CDOT ENCUMBRANCE PURPOSES			
Total Encumbrance Amount (\$1,478,875.00 divided by 82.79%)			\$1,786,297.00
Less ROW Acquisition 3111 and/or ROW Relocation 3109			\$0.00
Net to be encumbered as follows:			\$1,786,297.00
	Design	2312 1P 3020	\$0.00
	Const	2312 1P 3301	\$1,786,297.00

- B. The matching ratio for the federal participating funds for this project is 82.79% federal-aid funds (CFDA #20 2050) to 17.21% Local Agency funds, it being understood that such ratio applies only to the \$1,850,580.00 (\$1,532,095.00 Federal Funds and \$318,485.00 Local Agency Matching Funds) that is eligible for federal participation, it being further understood that all non-participating costs are borne by the Local Agency at 100%. If the total participating cost of performance of the Work exceeds \$1,850,580.00, and additional federal funds are made available for the project, the Local Agency shall pay 17.21% of all such costs eligible for federal participation and 100% of all non-participating costs; if additional federal funds are not made available, the local agency shall pay all such excess costs. If the total participating cost of performance of the Work is less than \$1,850,580.00, then the amounts of Local Agency and federal-aid funds will be decreased in accordance with the funding ratio described herein. The performance of the Work shall be at no cost to the State.
- C. The maximum amount payable to the Local Agency under this contract shall be \$1,478,875.00, (For CDOT accounting purposes, the federal funds of \$1,478,875.00 and local matching funds of \$307,422.00 will be encumbered for a total encumbrance of \$1,786,297.00), unless such amount is increased by an appropriate written modification to this contract executed before any increased cost is incurred. It is understood and agreed by the parties hereto that the total cost of the Work stated hereinbefore is the best estimate available, based on the design data as approved at the time of execution of this contract, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the parties prior to bid and award.
- D. The parties hereto agree that this contract is contingent upon all funds designated for the project herein being made available from federal and/or state and/or Local Agency sources, as applicable. Should these sources, either federal or Local Agency, fail to provide necessary funds as agreed upon herein, the contract may be terminated by either party, provided that any party terminating its interest and obligations herein shall not be relieved of any obligations which existed prior to the effective date of such termination or which may occur as a result of such termination.

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WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Construction Contract for the 104th Avenue and Sheridan Boulevard Intersection Improvement Project

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

Authorize the City Manager to award the project and execute a construction contract with Castle Rock Construction Company of Colorado in the amount of \$2,114,053.86, which is the total of their bid plus the required force account items (\$13,600) that are in addition to their bid amount, and authorize a project contingency in the amount of \$200,000, all contingent on the approval and execution of the amended intergovernmental agreement between the City of Westminster and the Colorado Department of Transportation (CDOT).

Summary Statement

- The 104th Avenue and Sheridan Boulevard intersection has been experiencing significant increases in left-turn movements for northbound and southbound Sheridan Boulevard traffic wanting to turn onto 104th Avenue over the past several years. Peak left-turn movements of over 300 vehicles per hour indicate a need to install double left-turn lanes for these movements. In addition, three through lanes for north-bound Sheridan Boulevard and east-bound 104th Avenue are planned to better alleviate congestion approaching the intersection in these directions. The project will also improve the severely degraded Middle Branch of Hyland Creek on the south side of 104th Avenue.
- This job is a Federal Aid project being administered by the City with project oversight from the Colorado Department of Transportation. Additional funding is being provided by the Urban Drainage and Flood Control District. The Federal-Aid funding (\$1,532,000) has been secured, assuming Council authorizes the amendment to the intergovernmental agreement with CDOT under a separate action during the December 18 City Council meeting. The approval and execution of the amended IGA is subject to Council approval and CDOT’s repair of an internal computer software problem that will allow the State to finalize the amendment. In addition, the UDFCD funding (\$300,000) has also been secured for the construction phase of this project.
- The project was advertised for construction for four weeks in the Daily Journal and 8 bids were opened on December 7.
- Burns & McDonnell, the construction engineering firm working for the City on this project, have reviewed the bids and recommend awarding this contract to Castle Rock Construction Company of Colorado in the total amount of \$2,114,053.86. This amount is the contractor’s actual bid plus the CDOT required force account amount of \$13,600 which pays for “Minor Contract Revisions,” “Fuel Cost Adjustments,” “On the Job Trainee,” “On the Job Training – Colorado Training Program” and “Erosion Control.”
- The requested \$200,000 contingency is just under 10% of the contract amount, which is standard for a project of this size and complexity.

Expenditure Required: \$ 2,314,053.86

Source of Funds: General Capital Improvement Fund
- 104th Avenue and Sheridan Boulevard Intersection Project
Urban Drainage Grant Funds
Federal Grant Funds

Policy Issue

Should the City hire Castle Rock Construction Company of Colorado for the construction of the 104th Avenue and Sheridan Boulevard Intersection improvement project?

Alternative

One alternative includes postponing or abandoning the construction of this project. Given the amount of Federal participation in this project (\$1,532,000) and the participation from the UDFCD (\$300,000), both of which would be lost if the City doesn't proceed with this project, this alternative is not recommended.

Background Information

The design of the widening of Sheridan Boulevard approximately 600 feet north and south of 104th Avenue and the widening of the south side of 104th Avenue approximately 1000' west of the intersection is an effort to improve left turns from Sheridan Boulevard onto 104th Avenue and the through movements for the intersection. Recent development along 104th Avenue including the Westminster Promenade, The Shops at Walnut Creek, City Park Recreation Center additions and filings of the Legacy Ridge Subdivision are increasing the number of vehicles turning from Sheridan Boulevard onto 104th Avenue as well as going through the intersection. Current peak left turn movements of over 300 vehicles per hour indicate the need for double left turn lanes at this location. The installation of these double left turn lanes will not only improve the ability to turn onto 104th Avenue, but will also improve the through movements on Sheridan Boulevard since the queuing of turning vehicles would no longer "back-up" into the through lanes. In addition, the project includes improvements that will provide three lanes through the intersection for north-bound Sheridan Boulevard and east-bound 104th Avenue. Finally, the project includes improvements to the Middle Branch of Hyland Creek that parallels 104th Avenue on the south side of the road. This channel has severely degraded over the years to the point that the road could be negatively impacted in the future. The Urban Drainage and Flood Control District has agreed to contribute \$300,000 towards the cost of rehabilitating this channel so that it becomes an amenity rather than a liability.

The design of this project was recently completed by Burns & McDonnell and the construction package was advertised in The Daily Journal for four weeks. Bids were opened on December 7. Eight contractors submitted bids and the results are as follows:

<u>Bidder</u>	<u>Amount of Bid</u>
Castle Rock Construction Company of Colorado	\$ 2,100,453.86
Jalisco International, Inc.	\$ 2,122,721.15
DeFalco Construction	\$ 2,188,808.16
L&M Construction	\$ 2,232,548.37
Concrete Express of Colorado, Inc.	\$ 2,295,000.00
Hamon Contractors, Inc.	\$ 2,328,033.83
Scott Contracting, Inc.	\$ 2,424,462.55
New Design Construction, Inc.	\$ 2,619,559.41
Engineer's Estimate	\$ 2,436,099.00

City Staff and Burns & McDonnell representatives have reviewed the results of the bidding procedure and recommend that the low bidder, Castle Rock Construction Company of Colorado, be awarded the contract for construction in the amount of \$2,114,053.86, which is the sum of their bid amount plus the required force account items. Staff and Burns & McDonnell are familiar with Castle Rock Construction Company of Colorado and believe that this company is very capable of constructing this type of project. In addition, Castle Rock Construction Company of Colorado is pre-qualified by the Colorado Department of Transportation and are in good standing with them. The contingency amount of \$200,000 is just under 10% of the cost of construction, and Staff believes that this is adequate "insurance" for a project of this size and complexity.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 10 A

WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Councillor's Bill No. 69 re Adoption of the 2006 International Building and Fire Codes

Prepared By: Dave Horras, Chief Building Official
Doug Hall, Deputy Fire Marshal

Recommended City Council Action

1. Hold a public hearing. (**Agenda Item 10 A**)
2. Adopt Councillor's Bill No. 69 on second reading adopting the 2006 editions of the International Building and Fire Codes. (**Agenda Item 11 A**)

Summary Statement

- Staff is recommending that City Council adopt, by reference, the 2006 editions of the International Building Codes developed and published by the International Code Council (ICC) as the building and fire codes for the City of Westminster. These codes would replace the 2000 edition of the International Codes that have been adopted as the City's building and fire codes since 2002.
- Staff is proposing the adoption of the following codes published by the International Code Council:
 - The International Building Code, 2006 edition
 - The International Fire Code, 2006 edition
 - The International Residential Code, 2006 edition
 - The International Plumbing Code, 2006 edition
 - The International Mechanical Code, 2006 edition
 - The International Fuel Gas Code, 2006 edition
 - The International Energy Conservation Code, 2006 edition
 - The International Existing Buildings Code, 2006 edition
- In addition to the above referenced codes, staff is also proposing the adoption of the 2005 edition of the National Electrical Code (NEC). The 2005 NEC is published by the National Fire Protection Association and is the latest edition of the electrical code.
- Staff is also proposing revisions to some of the administrative provisions of the current code, including recommended changes to the unsafe building provisions based on past experiences with the Holly Park project and other problem projects.
- Unlike other city ordinances, state statutes require that a public hearing be scheduled on the second reading of an ordinance when adopting codes by reference. The first reading of the ordinance was unanimously approved by City Council at the November 27, 2006 City Council Meeting.

Expenditure Required: Approximately \$5,000 for code books and new handout materials

Source of Funds: General Fund - Building Division and Fire Prevention Operating Budgets

Policy Issue

Should the City of Westminster adopt, by reference, the most current editions of the International Codes as the building and fire codes for the City?

Alternative

Continue with the currently adopted 2000 edition of the International Codes. This alternative would allow staff to continue to enforce codes with which they are very familiar. This alternative would not require the purchase of new code books. However, the building and fire code development process is designed to evolve along with constantly changing building processes. This alternative would not keep the adopted building and fire codes current with the latest technologies or provide for the use of advancements in building construction techniques or materials. This could discourage owners and developers from building in Westminster. Westminster would soon become an exception as other jurisdictions adopted the most current versions of the codes.

Background Information

Since 1951 the City of Westminster has adopted a model building code, the Uniform Building Code published by the International Conference of Building Officials (ICBO), as the minimum building and safety standards for the city. The first fire code for the City of Westminster was adopted in the mid-1970's. In 1994, the three national model code organizations, consisting of the Southern Building Code Congress International (SBCCI), Building Officials Code Administration (BOCA), and ICBO joined forces to form the International Code Council (ICC) with the goal to develop a single national set of codes that could be used across the country.

Many in the building trades, including designers, builders, manufactures and suppliers, requested a single set of building codes to aid them in the delivery of services and products more efficiently nationwide. The ICC was formed and the International codes were developed in an effort to provide a complete set of consistent, comprehensive, correlated code regulations nationwide.

The International Code Council's development of the International Codes, known as the I-Codes, has helped create a more attractive climate for businesses nationwide now that a single set of minimum design requirements apply from coast-to-coast. The City of Westminster adopted the first complete set of the I-Codes when the 2000 I-Codes were adopted in September of 2002.

The 2006 edition of the International Codes represent the most current, comprehensive, integrated set of building and fire safety code regulations. The International Codes are an all-inclusive set of building construction codes covering all aspects of construction, including fire protection, mechanical, plumbing, energy conservation, and accessibility. The International Codes incorporate elements of each of the previous model codes and apply to new construction or alteration of existing structures.

The adoption of the full family of International Codes is fully endorsed by many prominent national organizations. Some of the organizations that have formally shown support for the International Codes include:

- The American Institute of Architects (AIA)
- The National Home Builders Association (NAHB)
- The Federal Emergency Management Agency (FEMA)
- The American Gas Association (AGA)
- The Building Owners and Managers Association (BOMA)
- The Federal Housing and Urban Development Agency (HUD)
- The Department of Energy (DOE)
- The International City/County Management Association (ICMA)

Building code and fire protection technology is constantly evolving and codes and standards require continual updating to keep pace with new ideas and products. The City of Westminster needs to update the adopted building and fire codes so that owners, designers and contractors will not be restricted from taking advantage of new technologies and building practices. The I-Codes are currently the only published set of codes available to adopt as a correlated, contemporary set of building code regulations and represent the most up-to-date set of codes governing building construction.

At last count there were about 200 Colorado jurisdictions, authorities, or special districts that have adopted one or more of the International Codes. Locally, most jurisdictions, including Arvada, Thornton, Broomfield and Jefferson County are either in the process, or have already have, updated to the 2006 editions of the I-Codes.

It is proposed to adopt the I-Codes by reference that will result in hundreds of changes in the minimum standards. The great majority of these changes will not be noticeable to the general public, however, some provisions that are new to the 2006 International Codes are:

- Increased fire separation distance from 3' to 5' for residential construction
- Window guards on operable windows where the window sill is within 24" of the floor
- Reroofing provisions that will require the removal of existing roofing materials prior to installation of a new roof
- New requirements for residential roofing materials based on the local wind speeds in Westminster

Efforts will be made to notify contractors and owners of these new provisions, especially for the new roofing requirements, through the use of handout materials, City Edition and other available means.

In addition, Staff has proposed a limited number of amendments to the proposed Codes. All of the proposed amendments fall into one of the following categories:

- Amendments to "fill in the blanks" in the model codes to localize them to the City of Westminster based on weather factors and soil conditions
- Amendments unique to the City of Westminster such as Westminster's restriction on the installation of solid fuel burning devices to address air quality issues or the allowing of State "permissible fireworks" for a limited number of days
- Amendments retaining previously adopted building codes that proved effective and are no longer included as part of the current International Codes

As with almost all new code provisions, new code requirements will only apply to new buildings or buildings that are undergoing a renovation. New provisions do not retroactively apply to existing buildings approved under a previous version of the codes. The fire code is used to maintain existing buildings from a building and fire safety perspective.

Staff has also been working with the City Attorney's Office to revise some of the administrative provision of the building codes, specifically dealing with the unsafe building provisions. In dealing with the Holly Park project and some other problem projects, staff has identified problems in applying some of the code provisions. The proposed changes will help in enforcing the unsafe building provisions of the code.

The proposed adoption and local code amendments have been reviewed by the Westminster Board of Building Code Appeals and by the Denver Metro Home Builders Association. The Board of Appeals and the Denver Metro Home Builders Association have indicated support for the 2006 Editions of the International Codes and the proposed adoption and it is expected that the Home Builders will support the adoption as well.

Respectfully submitted,

J. Brent McFall, City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. **69**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Lindsey - Price

**A BILL
FOR AN ORDINANCE AMENDING TITLE XI, CHAPTERS 9 AND 10, OF THE
WESTMINSTER MUNICIPAL CODE CONCERNING THE BUILDING AND FIRE CODES
AND AMENDING TITLE VI, CHAPTER 8 CONCERNING FIREWORKS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 9 of Title XI, W.M.C., is hereby REPEALED AND REENACTED in its entirety to read as follows:

CHAPTER 9

BUILDING CODES

- 11-9-1: ADOPTION OF BUILDING CODES**
- 11-9-2: ADMINISTRATIVE PROVISIONS**
- 11-9-3: PERMITS AND FEES**
- 11-9-4: INSPECTIONS**
- 11-9-5: INTERNATIONAL BUILDING CODE AMENDMENTS**
- 11-9-6: INTERNATIONAL RESIDENTIAL CODE AMENDMENTS**
- 11-9-7: NATIONAL ELECTRICAL CODE AMENDMENTS**
- 11-9-8: INTERNATIONAL PLUMBING CODE AMENDMENTS**
- 11-9-9: INTERNATIONAL MECHANICAL CODE AMENDMENTS**
- 11-9-10: INTERNATIONAL FUEL GAS CODE AMENDMENTS**
- 11-9-11: INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS**
- 11-9-12: INTERNATIONAL EXISTING BUILDING CODE AMENDMENTS**
- 11-9-13: MOBILE HOMES**

11-9-1: ADOPTION OF BUILDING CODES:

(A) Intent and Findings. The intent of this chapter is to adopt by reference and with modifications the International Building Code, 2006 Edition; the International Residential Code, 2006 Edition; the National Electrical Code, 2005 Edition; the International Plumbing Code, 2006 Edition; the International Mechanical Code, 2006 Edition; the International Fuel Gas Code, 2006 Edition; the International Energy Conservation Code, 2006 Edition; and the International Existing Building Code, 2006 Edition.

Hereinafter, all such Codes may be referred to as "Building Codes." The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster.

(B) Adoption of Building Codes. The following documents, one copy each of which is on file in the Office of the City Clerk, being marked and designated as stated, are hereby referred to, adopted, and made a part hereof as if fully set forth in this codification with, however, the amendments indicated in the following sections of this chapter.

1. International Building Code. The "International Building Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 35 inclusive and Appendix Chapter I are hereby adopted as the Building Code of and for the City of Westminster.

2. International Residential Code. The “International Residential Code, 2006 Edition”, published by the International Code Council, Inc., and in particular Chapters 2 through 43 inclusive and Appendix Chapters A, G, H, and K inclusive are hereby adopted as the Residential Building Code of and for the City of Westminster.

3. National Electrical Code. The "National Electrical Code, 2005 Edition", published by the National Fire Protection Association, Inc., and in particular Article 70, Chapters 1 through 9 inclusive is hereby adopted as the Electrical Code of and for the City of Westminster.

4. International Plumbing Code. The "International Plumbing Code, 2006 Edition", published by the International Code Council, Inc., in particular Chapters 2 through 13 inclusive and Appendix Chapters C, E, and G inclusive is hereby adopted as the Plumbing Code of and for the City of Westminster.

5. International Mechanical Code. The "International Mechanical Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 15 inclusive is hereby adopted as the Mechanical Code of and for the City of Westminster.

6. International Fuel Gas Code. The "International Fuel Gas Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 8 inclusive is hereby adopted as the Fuel Gas Code of and for the City of Westminster.

7. International Energy Conservation Code. The "International Energy Conservation Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 6 inclusive, is hereby adopted as the Energy Code of and for the City of Westminster.

8. International Existing Building Code. The “International Existing Building Code, 2006 Edition”, published by the International Code Council, Inc., and in particular Chapters 2 through 15 inclusive and the Appendix B, is hereby adopted as the Existing Building Code of and for the City of Westminster.

11-9-2: ADMINISTRATIVE PROVISIONS:

(A) Purpose and Scope.

1. Purpose. The purpose of the Building Codes is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

2. The provisions of the Building Codes shall apply to the construction, installation, alteration, moving, enlargement, replacement, abatement, demolition, repair, use, occupancy, location or maintenance of any building or structure or part thereof; electrical system; plumbing system; heating, ventilating, cooling, and refrigeration system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system; or the design and construction of buildings for effective use of energy within the City, except structures and equipment specifically exempted or not specifically regulated by this chapter or the Building Codes.

3. Whenever in the Building Codes reference is made to an appendix, the provisions of such appendix shall not apply unless specifically adopted.

4. The codes and standards referenced in the Building Codes shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of the Building Codes and the referenced codes and standards, the provisions of the Building Codes shall apply.

(B) Applicability.

1. Where, in any specific case, different sections of the Building Codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

2. Other laws. The provisions of the Building Codes shall not be deemed to nullify any provision of local, state or federal law.

3. The Building Codes adopted by reference in this chapter do not include "administrative" provisions. Whenever an administrative provision is referred to in a Building Code, the respective provision in the Westminster Municipal Code shall apply.

4. Partial invalidity. In the event any part or provision of the Building Codes is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(C) Existing Structures.

1. Existing structures. The legal occupancy of any structure existing on the date of adoption of the Building Codes shall be permitted to continue without change, except as specifically covered in the Building Codes or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

a. Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

2. Maintenance. All equipment, systems, materials and appurtenances, both new and existing, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by the Building Codes shall be maintained in compliance with the code edition under which they were constructed or installed.

(D) Duties and Powers of Building Official.

1. General. The Building Official is authorized to enforce all the provisions of this Chapter and the Building Codes. For such purposes, he and those persons to whom enforcement authority is delegated shall be deemed a peace officer. The Building Official shall have the power to render interpretations of the Building Codes and to adopt policies and procedures, as he may deem necessary in order to clarify the application of the provisions of the Building Codes. Such interpretations, policies and procedures shall be consistent with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the building codes. The Building Official may delegate certain duties for the administration and authority to enforce the Building Codes to qualified officers, inspectors, and other qualified employees authorized by the City Council.

2. Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of the Building Codes, or whenever the Building Official or his authorized representative has probable cause to believe that there exists in any building or upon any premises any condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous, the Building Official or authorized representative may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Building Official by this Code, provided that if such building is occupied, he shall first present his credentials to the occupant and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If the owner or occupant cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises. The notice

shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made upon issuance of a search warrant by the Municipal Judge of the City.

a. After entry is refused or 24 hours after the building has been posted, the Building Official may appear before the Municipal Judge and, upon showing of probable cause, shall obtain a search warrant entitling him to enter upon the premises. Upon presentation of the search warrant and proper credentials, or possession of same in the case of unoccupied premises, the Building Official may enter upon the premises using such reasonable force as may be necessary to gain entry.

b. For purposes of this subsection (D), "probable cause" exists where the facts and circumstances within the Building Official's knowledge are sufficient to warrant a person of reasonable caution in the belief that there exists a condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous to life or property. The Building Official shall not be required to demonstrate specific knowledge of the conditions of the particular premises in issue to obtain a search warrant.

c. It is unlawful for any owner or occupant of the premises to resist reasonable force used by the Building Official acting pursuant to this subsection (D).

3. Stop Orders. Whenever any work is being done in violation of the provisions of the Building Code or other ordinances implemented through the enforcement of this Code or in a dangerous or unsafe manner, the Building Official may order the work stopped by issuing a notice in writing and serving it upon any persons engaged in doing such work or causing such work to be done. Upon receipt of the notice, such persons shall stop work until authorized by the Building Official to proceed with the work. It is unlawful to continue any work after receipt of a notice to stop work except such work as directed to remove a violation or unsafe condition. Each day that work is continued after receipt of a notice shall constitute a separate violation of this Code.

4. Connection of service utilities. No person shall make connections from an energy, fuel, or power supply to any building or system that is regulated by the Building Codes until approved by the Building Official.

5. Authority to Disconnect Utilities in Emergencies. In the case of an emergency, where it is necessary to eliminate an immediate hazard to life or property, or when a utility connection has been made without required approval, the Building Official or his authorized representative shall have the authority to cause the disconnection of fuel-gas utility service or energy supplies to a building, structure, premises, or equipment regulated by the Building Code. The Building Official shall, whenever possible, notify the serving utility, the owner, and the occupant of the building, structure, or premises of the decision to disconnect prior to taking such action.

a. It is unlawful to make connections from any energy, fuel, or power supply which has been disconnected or to supply energy or fuel to any equipment regulated by the Building Codes which has been disconnected, ordered to be disconnected, or the use of which has been ordered to be disconnected by the Building Official. Each day that such unlawful connection or supply continues shall be considered a separate violation of this Code.

6. Alternate Materials and Methods of Construction.

a. General. The provisions of the Building Codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the Building Codes, provided any alternate material or method has been approved and its use authorized by the Building Official. The Building Official may approve an alternate material or method, provided he finds that the proposed design is satisfactory and complies with the provisions of the Building Codes and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in the Building Codes for suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The Building Official shall require that sufficient

evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate material or method. Any decision approving or denying the use of an alternate material or method of construction shall be documented by the Building Official and shall include the reasons therefor.

b. Tests. Whenever there is insufficient evidence of compliance with the provisions of the Building Codes regarding the use of an alternate material or method of construction, or evidence that a proposed material or method of construction does not conform to the requirements of the Building Codes, the Building Official may require that tests be made at the expense of the proponent of the questioned material or method of construction.

(1) Test methods shall be as specified by the Building Official or by other recognized test standards. In the absence of recognized and accepted test methods of the proposed alternate material or method of construction, the Building Official shall determine which test procedures are appropriate.

(2) All tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official.

7. Modifications. Whenever there are practical difficulties involved in complying with the provisions of the Building Codes, the Building Official shall have the authority to grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the Building Codes impractical; that the modification is consistent with the intent and purpose of this Code; and that such modification not lessen health, life, fire safety, accessibility or structural requirements. Any decision granting a modification shall be documented by the Building Official and shall include the reasons therefor.

(E) Unsafe Buildings, Structures and Equipment.

1. Unsafe Buildings, Structures, and Equipment. Any building, structure, or equipment regulated by the Building Codes which are structurally unsafe, unsanitary or not provided with adequate egress, or not provided with adequate light and ventilation or which constitutes a fire or health hazard or is otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy is deemed unsafe.

a. Any building or structure which has any of all of the conditions or defects herein described shall be deemed to be a unsafe building, provided that such condition or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.

(1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

- (5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
- (7) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (8) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
- (9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
- (11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- (12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- (13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or Jurisdiction relating to the condition, location or structure of buildings.
- (14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- (15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty

electric wiring, gas connections or heating apparatus, the accumulation of trash, inadequate maintenance or other cause, is determined by the fire marshal to be a fire hazard.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) A vacant structure that is not secured against entry shall be deemed unsafe.

b. In addition to the above unsafe conditions, any use of buildings, structures, or equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are deemed unsafe building appendages.

2. Abatement of Unsafe Buildings. All buildings or portions thereof which are determined after inspection by the Building Official to be unsafe as defined in this section are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in section 11-9-2(E)3 of this Code.

a. Any building declared an unsafe building shall be made to comply with one of the following:

(1) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair. If requested, the owner shall, at the owner's expense, provide to the Building Official a remedial plan for the corrective work and information necessary to determine whether the remedial work can be completed within the time stated in the order; or

(2) The building shall be demolished; or

(3) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry until such time as the building is demolished or repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair.

b. If the building is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public and its occupants, it shall be ordered to be vacated and the Building Official may take all actions necessary to summarily abate the dangerous or unsafe condition pursuant to Section 8-4-5 of the Westminster Municipal Code.

3. Notice and Orders. When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is unsafe, the Building Official shall commence proceedings to cause the repair, vacation or demolition of the building.

a. Notice and Order. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

(1) The street address and legal description of the property that the unsafe building is located.

(2) A statement that the Building Official has found the building to be unsafe with a brief and concise description of the conditions found to deem the building unsafe under the provisions of this section.

(3) A statement of action required to be taken and the time period allowed for such action.

(4) Statements advising that if the required action is not commenced within the time specified, the Building Official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charged the costs thereof against the property or its owner.

(5) A statement advising that any person having any record title or legal interest in the building may appeal the notice and order or any action of the Building Official to the Board of Building Code Appeals, provide that the appeal is made in writing as provide in this code within 30 days from the date of service of such notice and order and that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

b. Service. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the building affected by such notice. The Building Official may serve additional such notice and order on any parties that may have interest in the property. The failure of the Building Official to serve any person required to be served shall not invalidate any proceedings herein or relieve any person from any duty or obligation imposed by the provisions of this code.

c. Method of Service. Service of the notice and order shall be deemed properly served if a copy thereof is delivered to the owner personally or sent by first-class mail to the owner of the subject property at the address shown in the county assessor records for the county in which the property is located. Notice shall be deemed served on the date of receipt by the owner, if personally served, or upon the fifth day after mailing of the notice and order.

d. Recordation of Notice and Order. If compliance is not had with the notice and order within the specified time, and no appeal has been properly filed, the Building Official may file in the office of the county recorder a certificate describing the property and certifying that the building is unsafe and the owner has been so notified.

e. Notice to Vacate. Every notice to vacate shall, in addition to being served as required in this section, be posted at or upon each exit of the building. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such posting until the required repairs, demolition or removal have been completed.

4. Appeal and Procedure for Conduct of Hearing Appeals. Appeals shall be made to the Board of Building Code Appeals. Appeals and hearings shall be as set forth in Chapter 10 of Title II of the Westminster Municipal Code.

a. Effects of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this code shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

b. Scope of Hearing on Appeal. Only those matters or issues raised by the appellant shall be considered in the hearing of the appeal.

c. Staying of Orders of Appeal. Except for vacation orders, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

5. Enforcement of Orders. After any order of the Building Official or the Board of Building Code Appeals made pursuant to this code shall have become final, no person to whom any such order is

directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with such order is guilty of a misdemeanor.

a. Failure to Obey Order. If, after any order of the Building Official or the Board of Building Code Appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted per section Chapter 4 of Title VIII, or (ii) institute any appropriate action to abate such building as a public nuisance.

b. Failure to Commence Work. Whenever the required repair or demolition is not commenced within the specified time as required in the notice and order the Building Official may cause the building to be vacated.

c. Extension of Time. Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the Building Official may grant an extension of time, not to exceed 120 days, within which to complete said repair, rehabilitation, or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

d. Interference with Repair or Demolition. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under the provisions of this Code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Code.

6. Performance of Work. When any work of repair or demolition is to be done pursuant to this Code, the Building Official shall issue his order therefor and the City of Westminster may decide to delay the work, perform the work with City personnel, or contract with a private entity to do the work. Plans and specification therefor may be prepared by the City or outside consultants under contract with the City.

a. Costs. The costs of such work may be collected pursuant to the provisions of Section 8-4-5 of the Westminster Municipal Code.

(F) Compliance With Building Codes.

1. Violation. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system, in the City, or cause or permit the same to be done in violation of any of the provisions of the Building Codes.

2. Nuisance. It is a public nuisance to use a building, structure, or equipment in violation of the Building Codes. This condition may be abated pursuant to the provisions of Chapter 4 of Title VIII of this Code.

3. Penalties. Any person in violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine or imprisonment for each violation as set forth in Section 1 of Chapter 8 of Title I of this Code. Any violation of the provisions of this chapter shall be a criminal offense.

4. Notice of Violation. Prior to causing a summons to be issued for a violation of the provisions of this chapter, the Building Official may, at his discretion, issue a written notice to the person found in

violation, describing the violation and ordering the person to correct or remedy the violation within a stated period of time.

(G) Board of Building Code Appeals. Appeals of orders, decisions, or determinations made by the Building Official or Fire Chief regarding the application or interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code Appeals pursuant to Chapter 10 of Title II of this Code. No such appeal shall be heard by the Board of Building Code Appeals unless the appeal is filed within 30 calendar days after the date of the action of the Building Official or Fire Chief.

11-9-3: PERMITS AND FEES:

(A) Permits Required.

1. General. No person shall construct, install, enlarge, alter, repair, move, improve, remove, replace, convert, demolish, equip, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; gas system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa or hot tub; elevator, escalator, or moving walk; fire protection system, or other work regulated by this code, or portion thereof, in the City, or cause the same to be done without first obtaining a building permit for all such work from the Building Official, except as follows:

a. A public utility, duly franchised or authorized as such in the City, shall not be required to obtain a permit prior to performing emergency maintenance or repairs on its equipment, building, or structure, when necessary to sustain service or protect life or property; provided, however, that the public utility shall obtain a permit for the work as soon as it is practical to do so.

b. Public utilities, duly franchised or authorized as such in the City, shall not be required to obtain a permit for the installation, alteration or repair of generation, transmission, or distribution equipment that is under the ownership and control of the public utility.

2. Exempt work. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of this Code or any other laws or ordinances of the City. A building permit shall not be required for the following:

a. One-story, detached accessory buildings or structures used as tool and storage sheds, playhouses, and similar uses provided that the floor area does not exceed 120 square feet;

b. Oil derricks;

c. Movable cases, counters, and movable partitions not over 5 feet 9 inches in height;

d. Retaining walls which are not over 3 feet in height when measured from the grade level on the low side to the top of the wall, unless supporting an additional load due to a surcharge of earth; a structure; or impounding Class I, II, or IIIA flammable liquids;

e. Water tanks supported directly upon the grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one (2:1);

f. Platforms, patios, or decks associated with Group R occupancies not more than 30 inches above grade at any point and not over any basement or story below or which are not part of an accessible route;

g. Non-structural concrete slabs on grade;

h. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

i. Temporary motion picture, television, and theater sets and scenery, except that, the Fire Code provisions shall apply;

j. Window awnings supported by an exterior wall of any structure regulated by the International Residential Code or accessory thereto, when projecting not more than 54 inches beyond the plane of the wall;

k. Nonfixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height;

l. Agricultural buildings as defined in Appendix Chapter C of the International Building Code;

m. Sidewalks, driveways or similar at grade concrete flatwork;

n. Swings or other playground equipment;

o. Portable heating, ventilating, and cooling appliances or equipment; unit refrigeration systems, cooking, or clothes drying equipment; and the replacement of any component part or assembly or an appliance so long as the appliance continues to comply with other applicable requirements of this Code;

p. Portable wading pools constructed of flexible plastic, rubber, or similar materials 24 inches or less in depth;

q. The repair of broken or defective electrical receptacles, switches or lamps;

r. The clearing of stoppages or the repair of leaks in pipes, valves, or fixture drains, provided such maintenance or repair does not involve or require the replacement or rearrangement of valves or pipes, or the replacement of fixtures provided such replacement does not involve the replacement or relocation of valves or pipes;

s. Fences not over 30" height.

3. Separate Permits. Unless otherwise exempt, separate plumbing, electrical, or mechanical permits may be required for work on the buildings or structures listed in subsection (A)2 of this section.

4. Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment at approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting away of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waster, vent or similar piping, electrical wiring or mechanical or work affecting public health or general safety.

5. Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day.

(B) Contractor Registration/License Required.

1. Contractor Registration Required. Only persons, firms, or corporations holding a current City contractor's registration certificate, issued pursuant to Chapter 5 of Title V of this Code may obtain a building permit, except as follows:

a. Any person who intends to build and occupy a single family detached home, or a building or structure accessory thereto, may apply for a building permit without a City

contractor's registration certificate provided, however, that only one such permit may be issued in any calendar year.

b. Homeowners shall not be required to obtain a City contractor's registration certificate for the purposes of remodeling, enlarging, altering, repairing, or in any other way improving any building regulated by the International Residential Code, or accessory thereto, which they own.

2. License Required. The State of Colorado laws applicable to licensing of electricians and plumbers shall apply within the City.

(C) Application for Permit.

1. Application. To obtain a permit, the applicant shall file an application therefor in writing on a form furnished by the Building Official for that purpose. Each application shall:

a. Identify and describe the work to be covered by the permit for which application is made.

b. Describe the land on which the proposed work is to be done by street address and legal description, or similar description that will readily identify and definitely locate the proposed building or work.

c. Fully describe the use or occupancy for which the proposed work is intended. For non-residential uses, state the name of the user and describe the nature of the use or business.

d. Include plans, diagrams, computations, specifications, and other data as required in Subsection (C)2 of this section.

e. State the valuation of the proposed work.

f. Be signed by the applicant or the applicant's authorized agent.

g. Give such other data and information as may be required by the Building Official.

2. Plans and Specifications. Plans, engineering calculations, diagrams, and other data shall be submitted in accordance with the City's submittal requirements with each application for a permit. The construction documents shall be prepared by an architect or engineer licensed by the State of Colorado when required by section 11-9-3(C)3. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared. The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.

3. Design Professional.

a. All proposed erection, construction, reconstruction, alteration, or remodeling shall be prepared by and bear the seal of an architect or engineer licensed by the State of Colorado unless exempted in this section. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that the State law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law or exempted below.

b. An architect's or engineer's design and stamp shall be required on plans, engineering calculations, diagrams, and other data on the following types of projects:

- (1) Smoke Control Systems
- (2) Elevators, escalators and moving walks
- (3) Foundation designs for all buildings or structures excluding accessory structures to buildings regulated by the International Residential Code.
- (4) Retaining walls over 3 feet in height when measured from the grade level on the low side to the top of the wall

c. The architect or engineer in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

d. Exemptions. Any applicant may prepare plans, calculations, and specifications for construction, alterations, remodeling, additions to, or repair of any of the following:

- (1) One, two, three, and four unit family dwellings, including accessory buildings commonly associated with such dwellings;
- (2) Garages, industrial buildings, offices, farm buildings and buildings for the marketing, storage, or processing of farm products, and warehouses, which do not exceed one story in height, exclusive of a one-story basement, and which under the provisions of this Code are not designed for occupancy by more than ten people.
- (3) Additions, alterations, or repairs to the foregoing buildings which do not cause the completed buildings to exceed the applicable limitations set forth in this subsection.
- (4) Nonstructural alterations of any nature to any building if such alterations do not affect the life safety of the occupants of the building.

4. Structural Observation. When special inspection and/or structural observation is required by Chapter 17 of the International Building Code, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of the individuals and firms who are to perform the special inspections, and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

5. Information on Construction Documents. Construction documents shall be dimensioned and drawn to scale upon substantial paper. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and shall show in detail that it will conform to the provisions of the Building Codes and all relevant laws, ordinances, rules, and regulations, as determined by the Building Official.

6. Expiration of Permit Applications or Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation unless such application has been pursued in good faith, and the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(D) Permit Issuance.

1. Issuance.

a. The application, plans, specifications, computations, and other data submitted by the applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by

other City departments to substantiate compliance with any applicable laws under their control. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of the Building Codes and other pertinent laws, and that all applicable fees have been paid, a building permit shall be issued to the applicant.

b. When the Building Official issues a permit for which plans are required, the plans shall be approved in writing or by stamp. The approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans

c. The Building Official may issue a permit for the construction of part of a building and structure before all of the plans and specifications for the entire building or structure have been submitted or approved provided that adequate information verifying compliance with all pertinent requirements of the Building Codes have been submitted and approved for that portion of the building or structure. A permit issued based on partial plan approval will be restricted to the portion of the work that has been reviewed and approved and the holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

2. Retention of Plans. One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than 90 days from the date of completion of the work covered therein, and one set of approved plans shall be returned to the applicant and shall be kept on the job site at all times during which work is in progress.

3. Validity of Permit. The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for or an approval of any violation of any of the provisions of the Building Codes or other ordinances of the City. Permits presuming to give authority to violate or cancel the provisions of the Building Codes or other ordinances of the City shall not be valid. The issuance of a permit based upon plans, specifications, and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications, and other data, or from ordering the work being carried on to be stopped when in violation of the Building Codes or other ordinances of the City. The building official is also authorized to prevent occupancy or use of a structure in violation of the building code or of any other ordinance of the City.

4. Expiration of Permit.

a. Every permit issued by the Building Official under the provisions of the Building Codes shall expire if the building or work authorized by such permit is not commenced within 180 days from the date the permit was issued, or if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Before such work can be resumed, a new permit shall be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes are to be made in the original plans and specifications for such work and, provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after the work authorized by such permit has been suspended or abandoned for more than one year, the permittee shall pay a new, full permit fee.

b. When a permittee is unable to commence work within the time required by this subsection for good and satisfactory reasons, a permittee holding an unexpired permit may apply for an extension of the time in which he may commence work under that permit. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Building Codes or any other ordinance or regulation of the City

whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information supplied by the applicant.

(E) Fees and Taxes.

1. General. A permit shall not be valid until the prescribed fees have been paid. Fees shall be assessed in accordance with the provisions of this subsection.

- a. Building use tax shall be paid in accordance with this Code.
- b. Park development fees shall be paid in accordance with this Code.
- c. Water and sanitary sewer tap fees shall be paid in accordance with this Code.
- d. School Land Dedication fees shall be paid in accordance with this code.

2. Permit Fees. A fee for each building permit shall be paid to the City of Westminster as specified in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council; except that, the City, the Counties of Adams and Jefferson, the State of Colorado, the United States Government, and all agencies and departments thereof, shall be exempt from payment of building permit fees for the construction or repair of buildings or structures owned wholly by such agencies and departments and devoted to governmental use. Fees shall be reduced by twenty percent (20%) for building permits issued for work within the boundaries of the urban renewal area of the city.

EXCEPTION: The Building Official shall indefinitely waive the permit fees and use tax for the conversion of existing non-conforming solid fuel burning devices to gas, electric, EPA certified phase II, Colorado Phase III, or devices meeting the emission standard for solid fuel burning devices established under the State statutes and/or regulations promulgated by the Colorado Department of Public Health and Environment, as demonstrated by a test by an EPA accredited laboratory. This exemption shall be in effect for those devices purchased or installed on or after September 1, 1993.

3. Valuation. The applicant for a permit shall provide an estimated permit value at time of permit application. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work, including labor and materials, for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, conveyance systems, fire protection systems, and other permanent work or equipment. The final determination of value or valuation shall be made by the Building Official.

4. Plan Review Fees. When plans or other data are required to be submitted by the building codes, a plan review fee shall be paid at the time the plans and specifications are submitted for review. Said plan review fee shall be 65 percent of the building permit fee as shown in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition thereto. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established in the "Building Permit Fee Schedule".

5. Work Commenced Without a Permit. When work for which a permit is required by the Building Codes is commenced without first obtaining the required permit, the fee for any subsequently issued permit shall be double the prescribed permit fee as set forth in subsection (E)8 of this section, but not less than two hundred fifty dollars (\$250) for the first such offense, triple the prescribed permit fee as set forth in subsection (E)8 of this section, but not less than five hundred dollars (\$500) for the second such offense, and the immediate revocation of the contractors license for the third such offense. These provisions shall not apply to emergency work when it can be demonstrated to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of such work. In all such cases, a permit shall be obtained as soon as practical to do so, and any unreasonable delay in obtaining such permit shall result in the assessment of

fees as outlined above. Payment of such increased permit fee shall not relieve any persons from fully complying with the requirements of the building codes in the execution of the work nor from any other penalties prescribed herein.

6. Reinspection Fees. Permit fees provide for customary inspections only. A reinspection fee may be assessed when the portion of work for which an inspection is scheduled is not complete or when corrections listed during a previous inspection have not been made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which an inspection is requested, or for deviating from plans requiring the approval of the Building Official. This subsection is not to be interpreted as requiring reinspection fees the first time work fails to comply with the requirements of the building codes but as a means of controlling the practice of calling for inspections before the work is ready for inspection or reinspection. In instances where a reinspection fee has been assessed, a reinspection fee as set forth in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council shall be paid by the holder of the permit to the City of Westminster before any additional inspections or reinspections may be made.

7. Fee Refunds. The Building Official may authorize fee refunds as follows:

a. The Building Official may authorize the refund of any fee which was erroneously paid or collected.

b. The Building Official may authorize the refund of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

c. The Building Official may authorize the refund of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plans are reviewed.

d. The Building Official shall not authorize the refund of any fee paid except upon receipt of a written request, by the original permittee, filed not later than 180 days after the date such fee was paid.

11-9-4: INSPECTIONS:

(A) Inspection Procedures.

1. General.

a. All construction or work for which a permit is required shall be subject to inspection by the Building Official, and all such construction or work shall remain accessible and exposed for inspection until approved by the Building Official. In addition, certain types of construction shall have continuous inspection as specified in the Building Codes. It shall be the duty of the permittee to cause the work to remain accessible and exposed for inspection. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material to allow inspection.

b. Approval as a result of inspection shall not be construed to be an approval of a violation of the provisions of the building code or other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of the Building Codes shall not be valid.

c. A survey of the lot may be required by the Building Official, at the permittee's expense, to verify that the structure is located in accordance with the approved plans.

d. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

2. Inspection Record Card. Work requiring a permit shall not be commenced, and required inspections of such work shall not be made, until the permittee or his authorized agent has posted or has otherwise made an inspection record card available to the inspector to make the required entries thereon regarding inspection of the work. This card shall be kept available by the permittee until final approval has been granted by the Building Official.

3. Inspection Requests. It shall be the responsibility of the person doing the work authorized by a permit to notify the Building Official that the work is ready for inspection. The Building Official may require that every request for inspection be filed at least one day prior to the day the inspection is desired. The request shall be by telephone as specified on the inspection record card or other means approved by the Building Official. It shall be the duty of the person requesting any inspection required by this Code to provide access to and means for inspection of the work.

4. Approval Required. Work shall not be done beyond the point indicated in each successive inspection. The Building Official, upon notification, shall make the requested inspection and shall indicate the portion of the work that is satisfactory as completed, or shall notify the permit holder or authorized agent wherein the same fails to comply with the building code. Any provisions that do not comply shall be corrected and such work shall not be covered or canceled until authorized by the Building Official.

(B) Required Inspections.

1. General. The Building Official, upon notification, shall make an inspection required by this subsection. The following are required inspections:

a. Footing Inspection. Shall be made after excavations are completed, all forms are in place, any required reinforcing steel is in place, and the footing is ready for the placement of concrete but before any concrete is placed.

b. Caisson/Drilled Pier Inspection. Shall be made after caisson drilling has been completed and prior to any concrete being placed.

c. Foundation Inspection. For concrete foundations, all forms, required void material, and required reinforcement shall be in place prior to the placement of any concrete. Where the foundation is to be constructed of approved, treated wood, additional inspections may be required by the Building Official.

d. Underslab or Underground Inspection. Shall be made after all underslab or underground building service equipment, electrical conduit, plumbing piping, and other ancillary equipment items are in place, but before any such equipment, conduit, or piping is buried or any concrete is placed. Required pressure tests of underground piping or ductwork shall be performed at this time, as specified in the Building Codes.

e. Rough Inspection. Shall be made after all rough-in work is completed and ready for inspection; all circuits are made up, electrical boxes, and plaster rings are installed, electrical panels are set, neutrals and grounds are made up, and all grounding is completed; all air or water tests required by the Building Codes have been performed; all ductwork, venting, and piping are completely roughed in; the roofing, all framing, fire blocking and bracing are complete; and when the job is ready for drywall but prior to the installation of any insulation.

f. Wallboard Inspection. Gypsum wallboard which is part of a required fire assembly or designed to resist shear forces shall be inspected after all gypsum board, interior and exterior, is in place and properly fastened but before any gypsum board joints or fasteners are taped or finished.

g. Final Inspection. Shall be made after all work, including final grading, is completed, and the building or space is ready for occupancy.

2. Other Inspections. In addition to the inspections specified in Subsection (B) of this section, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Codes and other laws which are enforced by the City.

3. Special Inspections. Special inspections shall be conducted as required by the building code and Building Division procedures.

(C) Certificates of Occupancy.

1. Use and Occupancy. No building or structure, except Group U occupancies, shall be used or occupied and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a certificate of occupancy therefor. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the building codes or other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of the Building Codes or other ordinances of the City shall be invalid.

2. Change in Use. Changes in the character or use of a building shall not be made without the approval of the Building Official.

3. Certificate Issued. After all required final inspections have been made, finding no violations of the provisions of the Building Codes or any other laws or ordinances of the City, all fees have been collected, and all improvements required by the City have been made in accordance with City specifications, including the installation of sidewalks, curbs, gutters, street paving, and any required landscaping, the Building Official shall issue a certificate of occupancy. However, the Building Official may issue the certificate of occupancy prior to the completion of the required improvements provided the City has entered into an agreement with the owner of the property regarding delayed completion. Only those improvements specified in such agreement with the City shall be considered for delayed completion, and the certificate of occupancy shall not be issued if required improvements, other than those included in the agreement with the City, have not been completed. The certificate of occupancy shall contain the following information:

- a. The building permit number.
- b. The address and legal description of the building.
- c. The name and address of the owner.
- d. If not the entire building, a description of the portion of the building for which the certificate was issued, including the occupancy group classification.
- e. A statement that, at the time of issuance, the building or portion thereof was in compliance with the requirements of the Building Codes for the occupancy and the use for which the building is classified.
- f. The edition of the code under which the permit was issued.
- g. The type of construction.
- h. Any special stipulations and conditions of the building permit or certificate of occupancy.
- i. The date of issuance of the certificate.
- j. The signature of the Building Official or his representative.

4. Temporary Certificate. If the Building Official finds that no substantial hazard will result from the occupancy of a building or portion thereof before completion, he may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The Building Official shall set a time period for which the temporary certificate of occupancy is valid. A fee shall be charged for the issuance or reissuance of a temporary certificate of occupancy as set forth in the fee schedule. The fee for the temporary certificate of occupancy shall be based upon the permit fee paid for the building or portion thereof.

5. Revocation. The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of the Building Codes whenever the certificate is issued in error or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of the Building Codes or any ordinance or regulation of the City.

11-9-5: INTERNATIONAL BUILDING CODE AMENDMENTS:

(A) Section 406.1.4, number 1 of the International Building Code is amended to read as follows:

406.1.4. Separation. Separations shall comply with the following:

1. The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8-inch type "X" gypsum board applied to the garage side. Where the separation is horizontal the gypsum board shall be attached to framing members spaced no more than 16 inches on center and the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent. Door openings between the garage and the dwelling unit shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch thickness, solid or honeycomb core steel door not less than 1 3/8 inches thick, or doors in compliance with Section 715.4.3. Openings in the required separation shall be in conformance with Section 712. Openings from a garage directly into a room used for sleeping purposes shall not be permitted.

(B) The International Building Code is amended to add Section 421 to read as follows:

Section 421 Dwelling Unit Security.

421 Dwelling unit security. The provisions of this section shall apply to openings into all dwelling units as well as to openings between attached garages and dwelling units. Except for vehicular access doors, door openings in attached garages shall be in accordance with the provisions of this section.

421.1 Obstructing means of egress. Security methods of this section shall not create a hazard to life by obstructing any means of egress. The provisions of this section shall not supersede the requirements of Chapter 10 of this code.

421.2 Entry vision. All main or front entry doors to dwelling units shall be so arranged so that the occupants have a view of the area immediately outside of the door without having to open the door. Such view can be provided by a window or by the use of a door viewer with a 180 degree field of view.

421.3 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch thickness, a metal door constructed with at least 18-gauge metal or similar approved material.

421.3.1 Strike plate installation. In wood-frame construction, any open space between trimmers and wood doorjamb shall be solid shimmed not less than 12 inches above and below the strike plate. Strike plates shall be attached to the jamb with not less than two No. 8 by 3-inch screws, which have a minimum of 3/4 inch penetration into the nearest framing member. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

421.3.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a non-removable hinge pin. Not less than three 4 1/2 inch steel butt hinges shall be fastened to both the door and jamb with not less than four No. 9 by 3/4 inch wood screws or to metal doors and jambs with not less than four No. 8 machine screws. In wood construction, any open space between trimmers and wood jambs shall be solid shimmed extending not less than 6 inches above and below each hinge.

421.3.3 Locking Hardware. Swinging doors shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one-inch bolt throw that will penetrate the strike at least 3/4 of an inch. See Chapter 10 of this code for requirements on door operation for exiting.

(C) Section 708.3 of the International Building Code is amended as follows:

Section 708.3 Fire-resistance rating. Exception No. 2 is deleted in its entirety.

(D) Section 711.3 of the International Building Code is amended as follows:

Section 711.3 Fire-resistance rating. The Exception is deleted in its entirety.

(E) Section 1608.2 of the International Building Code is amended to read as follows:

1608.2 Ground snow loads. The ground snow load to be used within the City of Westminster in determining the design snow loads for roofs is 30 pounds per square foot.

(F) Section 1609.1.2 of the International Building Code, Protection of Openings, is deleted in its entirety.

(G) Section 1609.3 of the International Building Code is amended to read as follows:

1609.3 Basic wind speed. The minimum basic wind speed, based on a 3-second gust, for any site within the limits of the City of Westminster shall be a minimum of 100 miles per hour (MPH) in areas located east of Sheridan Boulevard, 110 MPH in areas between Sheridan Boulevard and Wadsworth Parkway, and 120 MPH in areas west of Wadsworth Parkway. Exposure B shall be used unless specified as exposure C by the Building Official.

(H) Sections 1612.3 and 1612.4 of the International Building Code are amended to read as follows:

1612.3 Establishment of flood hazard areas. The flood hazard areas of the City of Westminster are as established in Article 11, Chapter 8 of the Westminster Municipal Code.

1612.4 Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be designed and constructed in accordance with City of Westminster standards and ASCE 24, whichever is the most restrictive.

(I) Section 2111.1 of the International Building Code is amended to read as follows:

2111.1 Definition. A masonry fireplace is a fireplace constructed of concrete or masonry, hereafter referred to as masonry. Masonry fireplaces shall be constructed in accordance with this section and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(J) Section 2304.11.5 of the International Building Code is amended as follows:

Section 2304.11.5 Supporting member for permanent appurtenances. Exception is deleted in its entirety.

(K) The International Building Code is amended to add Section 3007 to read as follows:

Section 3007 Permits - Certificates of Inspection.

3007.1 Permits required. It shall be unlawful to hereafter install any new elevator or conveying system, or to make major alterations to any existing elevator or conveying system without first obtaining a permit for such installation from the Building Official. Permits shall not be required for maintenance or minor alterations.

3007.2 Certificate of inspection required. It shall be unlawful to operate any elevator or conveyance system without a current certificate of inspection issued by the building official. Such certificate shall be issued upon payment of the prescribed fees and the presentation of a valid inspection report indicating

that the elevator or conveyance system is safe and that the inspections and tests have been performed in accordance with Part X of the ANSI code.

Exception: Elevators or conveyance systems within individual dwelling units.

3007.3 Fees. A fee for each elevator permit shall be paid to the City of Westminster as set forth in this Code. A fee for each certificate of inspection shall be paid to the Building Official as follows:

Annual Certification 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.

(L) Section 3109 of the International Building Code is amended as follows:

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence as required by Sections 3109.4.1 through 3109.4.1.7.

3109.4 Swimming pools. Swimming pools associated with structures regulated by this code shall comply with Sections 3109.4.1 through 3109.4.3.

Exception: Delete the exception in its entirety.

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 60 inches, but not exceed 72 inches, above grade measured on the side of the barrier which faces away from the swimming pool. (remaining unchanged)

3109.4.1.7 Gates. Access gates shall comply with the requirements of section 3109.4.1.1 through 3109.4.1.6, and shall be equipped to accommodate a locking device. Access gates shall be self-closing and be equipped with a self-latching device located a minimum of 54 inches above the bottom of the gate. Where egress hardware is required by Chapter 10 of this code, it shall be used instead of the required latching device. If egress hardware is used, the gate or fence shall have no openings larger than ½ inch within 18 inches of the hardware.

3109.4.1.8 Dwelling wall as a barrier. Delete this section in its entirety.

11-9-6: INTERNATIONAL RESIDENTIAL CODE AMENDMENTS:

(A) Table R301.2(1) of the International Residential Code is amended to read:

**TABLE R301.2(1)
 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground snow load	Wind Speed	Seismic Design Category	Subject to Damage from			Winter Design Temp	Ice Barrier Underlayment Required	Air Freezing Index	Mean Annual Temp	Accumulated Snow Level
			Weathering	Frost Depth	Termite					
30 PSF	100 – 120*	B	Severe	36"	Slight to Moderate	1°F	No	532	51.0	12 inches

* See amended IBC Section 1609.3

(B) Section R301.2.1.2 of the International Residential Code, Protection of openings, is deleted in its entirety.

(C) Section R301.2.4 of the International Residential Code is amended to read as follows:

R301.2.4 Floodplain construction. The design and construction of buildings and structures located in whole or in part in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be designed and constructed in accordance with City of Westminster standards and R324, whichever is the most restrictive.

(D) Section R305.1 of the International Residential Code is amended as follows:

R305.1 Minimum height. Exceptions:

2. In basements, a minimum clear height of 6 foot 8 inches is permitted under beams, ducts, pipes and other obstructions. The finished clear height under such beams, ducts, pipes and other obstructions may be 6 foot 6 inches.

(F) Sections R309.1, R309.1.2 and R309.2 of the International Residential Code are amended to read as follows:

R309.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and the residence shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch in thickness, solid or honeycomb core steels door not less than 1 3/8 inches thick, or 20-minute fire-rated door assembly.

R309.1.2 Other penetrations. Penetrations through the separation required in Section R309.2 shall be protected in accordance with Section R317.3.

R309.2 Separation Required. The garage shall be separated from the residence and its attic space by not less than 5/8-inch type "X" gypsum board applied to the garage side. Where the separation is horizontal the gypsum board shall be attached to framing members spaced no more than 16 inches on center and the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent. Garages located less than 3 feet from a dwelling unit on the same lot shall be protected with not less than 5/8 inch type "X" gypsum board on the interior side of exterior walls. Openings in these walls shall be regulated by Section R309.1.

(G) Section R310.1.1 of the International Residential Code is amended as follows:

R310.1.1 Minimum opening area. Exception is deleted in its entirety.

(H) Section R310.1.4 of the International Residential Code is amended to read as follows:

R310.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools, special knowledge or removal of any part of the window assembly.

(I) Section R310.5 of the International Residential Code is amended to read as follows:

Section R310.5 Emergency escape windows under decks and porches. Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches in height and 36 inches in width to a yard or court.

(J) Section R311.4.3 of the International Residential Code is amended as follows:

R311.4.3 Landings at Doors. Exceptions: Exception 1 is deleted in its entirety.

(K) Section R311.5.3.1 of the International Residential Code is amended to read as follows:

R311.5.3.1 Riser height. The maximum and minimum riser height shall be 7 ¾ inches and 4 inches respectively. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch.

(L) Section R317.1 of the International Residential Code is amended as follows:

R317.1 Two-family dwellings. Exceptions:

1. Exception is deleted in its entirety.
2. Wall assemblies need not extend through attic spaces when the ceiling is protected by not less than 5/8 inch Type X gypsum board and an attic draft stop constructed as specified in Section R502.12.1 is provided above and along the wall assembly separating the dwellings. The structural framing supporting the ceiling shall also be protected by not less than 5/8 inch type X gypsum board or equivalent.

(M) Section R319.1.3 of the International Residential Code is amended to read as follows:

R319.1.3 Geographical areas. Approved naturally durable or pressure-preservative-treated wood shall be used for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances when those members are exposed to the weather without adequate protection from a roof, eave, overhang or other covering that would prevent moisture or water accumulation on the surface or at joist between members. Such members shall include: (remainder of section unchanged)

(N) Section R320.1 of the International Residential Code is amended to read as follows:

R320.1 Subterranean termite control methods. In areas subject to moderate to heavy or very heavy damage as indicated by Table R301.2(1), methods of protection shall be one of the following methods or a combination of these methods: (remainder of section unchanged)

(O) The International Residential Code is amended to add Section R325 to read as follows:

R325 BUILDING SECURITY

R325.1 General. The provisions of this section shall apply to openings into all dwelling units as well as to openings between attached garages and dwelling units. Except for vehicular access doors, door openings in attached garages shall be in accordance with the provisions of this section.

R325.2 Obstructing means of egress. Security methods of this section shall not create a hazard to life by obstructing any means of egress. The provisions of this section shall not supersede the requirements of section R311 of this code.

R325.3 Entry vision. All main or front entry doors to dwelling units shall be so arranged so that the occupants have a view of the area immediately outside of the door without having to open the door. Such view can be provided by a window or by the use of a door viewer with a 180 degree field of view.

R325.4 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch thickness or a metal door constructed with at least 18-gauge metal or similar approved material.

R325.4.1 Strike plate installation. In wood-frame construction, any open space between trimmers and wood doorjamb shall be solid shimmed not less than 12 inches above and below the strike plate. Strike plates shall be attached to the jamb with not less than two No. 8 by 3-inch screws, which have a minimum of 3/4 inch penetration into the nearest framing member. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

R325.4.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a non-removable hinge pin. Not less than three 4 ½ inch steel butt hinges shall be fastened to both the door and frame with not less than four No. 9 by ¾ inch wood screws or to metal with not less than four No. 8 machine screws. In wood construction, any open space between trimmers and wood jambs shall be solid shimmed extending not less than 6 inches above and below each hinge.

R325.4.3 Locking Hardware. Swinging doors shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one-inch bolt throw that will penetrate the strike at least ¾ of an inch. See section R311 for requirements on door operation for exiting.

(P) Section R502.3.1, Table R502.3.1(1), and Section R502.3.2 of the International Residential Code are amended as follows:

R502.3.1 Sleeping areas and attic joist. – Section is deleted in its entirety.

Table R502.3.1(1) FLOOR JOIST SPANS FOR COMMON LUMBER SPECIES. Table is deleted in its entirety.

R502.3.2 Other floor joist. Table 502.3.1(2) shall be utilized to determine the maximum allowable span of floor joist that support all areas of the building provided that the design live load does not exceed 40 psf and the design dead load does not exceed 20 psf.

(Q) Section R801.3 of the International Residential Code is amended to read as follows:

Section 801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least five feet from the foundation walls or to an approved drainage system.

(R) The International Residential Code is amended to add Section R903.2.2 to read as follows:

R903.2.2 Drip edge. Drip edge shall be provided at eaves and gables of shingle roofs. Overlap shall be a minimum of 2". Eave drip edges shall extend .25" below sheathing and extend back on the roof a minimum of 2". Drip edge shall be mechanically fastened a maximum of 12" on center.

(S) Sections R1001.1 and R1004.1 the International Residential Code are amended to read as follows:

R1001.1 General. Masonry fireplaces shall be constructed in accordance with this section and the applicable provisions of Chapters 3 and 4 of this code and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

R1004.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127 and be subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(T) Section R1004.4 of the International Residential Code is amended as follows:

R1004.4 Unvented gas log heaters. Section is deleted in its entirety.

(U) The International Residential Code is amended to add Section M1416 to read as follows:

M1416 Unvented Room Heaters

M1416.1 General. Unvented room heater, fireplaces, gas logs or other similar unvented devices are prohibited.

(V) Sections M1502.2 and M1502.3 of the International Residential Code are amended to read as follows:

M1502.2 Duct termination. Exhaust ducts shall terminate on the outside of the building. Exhaust ducts shall terminate not less than 3 feet in any direction from any opening into the building. Exhaust duct termination shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination.

M1502.3 Duct size. The minimum size of dryer duct shall be 4 inches and installed in accordance with sections M1502.4 through section M1502.6.

(W) Section M1502.6 of the International Residential Code is amended as follows:

Section M1502.6 Duct length. Exceptions: Exception 1 is deleted in its entirety.

(X) Section M1801.1 of the International Residential Code is amended to read as follows:

M1801.1 Venting required. Fuel-burning appliances shall be vented to the outside in accordance with their listing and label and manufacturer's installation instructions. Venting systems shall consist of approved chimneys or vents, or venting assemblies that are integral parts of labeled appliances. Gas-fired appliance shall be vented in accordance with Chapter 24.

(Y) Section G2406.2 of the International Residential Code is amended as follows:

Section G2406.2 Prohibited locations. Items 3 and 4 are deleted in their entirety.

(Z) Section G2407.6.2 of the International Residential Code is amended as follows:

Section G2407.6.2 One-permanent-opening method. Section is deleted in its entirety.

(A)(A) Section G2415.9 and Section G2415.9.1 of the International Residential Code are amended as follows:

G2415.9 Minimum burial depth. Underground metallic piping systems shall be installed a minimum depth of 12 inches below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches below grade.

G2415.9.1 Individual outside appliances. Section is deleted in its entirety.

(B)(B) Sections G2417.4 and G2417.4.1 of the International Residential Code are amended to read as follows:

G2417.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than three times the test pressure.

G2417.4.1 Test pressure. The minimum test pressure to be used on threaded pipe shall be 20 psi gauge pressure. For welded pipe the minimum test pressure shall be 60 psi gauge pressure.

(C)(C) Section G2420.5 of the International Residential Code is amended as follows:

Section G2420.5 Equipment shutoff valve. Exception is deleted in its entirety.

(D)(D) Section G2425.8 of the International Residential Code is amended as follows:

Section G2425.8 Equipment not required to be vented. Item #7 is deleted.

(E)(E) Section G2445 of the International Residential Code is amended as follows:

Section G2445 Unvented Room Heaters. Section is deleted in its entirety.

(F)(F) Section P2603.6.1 of the International Residential Code is amended to read as follows:

P2603.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 42 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches below grade.

(G)(G) Section P2903.8.5 of the International Residential Code is amended to read as follows:

Section P2903.8.5 Valving. Fixture valves shall be located at both the fixture and at the manifold. Valves located at the manifold shall be labeled indicating the fixture served.

(H)(H) Section P3201.5 of the International Residential Code is amended as follows:

P3201.5 Prohibited trap designs. The following types of traps are prohibited:

- 1-5. (Unchanged)
6. Running traps.

(I)(I) Table P3201.7 of the International Residential Code is amended to read as follows:

TABLE P3201.7 SIZE OF TRAPS AND TRAP ARMS FOR PLUMBING FIXTURES is amended to reflect the trap size minimum for a shower is 2 inches.

(J)(J) The General Statement of Chapter 33 and Section E3301.1 of the International Residential Code are amended to read as follows:

CHAPTER 33 GENERAL REQUIREMENTS

The Electrical Part is produced and copyrighted by the National Fire Protection Association (NFPA) and is based on the 2005 National Electrical Code, copyright 2005 National Fire Protection Association, all rights reserved. Use of the Electrical part is pursuant to license with the NFPA.

E3301.1 Applicability. Add the following to the section: Whenever there is a conflict between this code and the 2005 NEC, the provisions of the NEC will govern.

(K)(K) Section AG105.2 and AG105.5 of the International Residential Code are amended as follows:

Section AG 105.2 Outdoor swimming pool.

1. The top of the barrier shall be at least 60 inches, but not exceed 72 inches, above grade measured on the side of the barrier which faces away from the swimming pool. (remainder of section unchanged)

8. Access gates shall comply with the requirements of section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Access gates shall be self-closing and be equipped with a self-latching device located a minimum of 54 inches above the bottom of the gate. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate as allowed by Section AG105.5, the release mechanism and openings shall comply with the following:

8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate, and

8.2 The gate and barrier shall have no opening greater than ½ inch within 18 inches of the release mechanism.

9. Where a wall of a dwelling unit serves as part of the barrier, doors through the wall need not be equipped with self-closing or self-latching devices.

Section AG105.5 Barrier exceptions. Outdoor pools, spas and hot tubs provided with a safety cover that complies with ASTM F1346 or hot tubs provided with a locking cover shall be provided with a barrier at least 36 inches in height which complies with Section AG105.5, items 1 through 10.

(L)(L) he International Residential Code is amended to add Section AG109 to read as follows:

AG109 Testing of swimming pool piping.

AG109.1 Pressure test. Pressure piping and section piping serving permanent residential swimming pools shall be tested at 35 pound for a minimum of 15 minutes.

AG109.2 Supply water. All permanent residential swimming pools shall fill by an indirect means when supplied by potable water.

Exception. Supply piping protected in accordance with Section P2902 of the International Residential Code.

11-9-7: NATIONAL ELECTRICAL CODE AMENDMENTS:

(A) Article 230.70(A)(1) of the National Electrical Code is amended to read as follows:

230.70 (A)(1) Location. The service disconnecting means shall be installed at a readily accessible location on the outside of the building unless approved by the Building Official. No service disconnecting means shall be installed inside a residential dwelling unit.

Exception: The service disconnecting means may be installed inside the garage of a residential dwelling unit when it is located back-to-back to the meter.

(B) Article 406 of the National Electrical Code is amended to read as follows:

406.8(C) Bathtub and Shower Space. Receptacles shall not be installed within or directly over a bathtub or shower stall. This area includes, but is not limited to, tub surrounds, tub decking and all wall surfaces.

(C) The National Electrical Code is amended to add Article 810 to read as follows:

810.80 Public Safety Radio Amplification Systems

810.80. Purpose. The purpose of this part is to provide minimum standards to insure a reasonable degree of reliability for emergency services communication from within certain buildings and structures within the city to and from emergency communication centers. It is the responsibility of the emergency service provider to receive the signal to and from the building or structure.

810.81. Scope. The provisions of this article shall apply to:

a. New buildings and structures of Type I, Type II, or Type III construction greater than 50,000 square feet or additions or modifications that cause the buildings to be greater than 50,000 square feet.

b. All basements over 10,000 square feet where the design occupant load is greater than 50, regardless of the occupancy.

c. Existing buildings and structures of any size or construction type where the Police Chief or the Fire Chief determines that lack of adequate radio coverage for emergency services providers either

constitutes a special hazard to occupants or emergency responders or would otherwise likely result in unduly difficult conduct of emergency operations.

d. For purposes of this section, fire walls cannot be used to define separate buildings.

810.82. Radio Coverage. Except as otherwise provided in this article, no person shall erect, construct, or modify any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for emergency services providers.

a. After a building permit has been issued, upon request by the owner or the owner's agent, the police department will, within ten to fourteen days, identify the frequency range or ranges that must be supported.

b. In the event that an emergency service provider modifies its communications equipment in any way that impairs its ability to communicate with an existing system installed in accordance with this part, such agency shall be responsible for all costs associated with reestablishing communications within the affected building or structure.

c. Adequate radio coverage for emergency services providers requires:

(1) That on each floor, 85% of valid tests conducted in accordance with Section 810.84 result in intelligible two-way communications between the appropriate dispatch center and the tester in the building; and

(2) That 100% of valid tests conducted in accordance with Section 810-84 result in intelligible two-way communications between the appropriate dispatch center and the tester within the following building spaces:

(a) Throughout vertical exit enclosures and horizontal exit passageways;

(b) Fire command centers, if provided;

(c) Police substation.

(d) FCC Authorization: If amplification is used in the system, all FCC authorizations must be obtained prior to the use of the system. A copy of these authorizations shall be provided to the City.

810.83. Enhanced Amplification Systems.

a. Where buildings and structures are required to provide amenities to achieve adequate signal strength, such buildings and structures shall be equipped with any of the following to achieve the required adequate radio coverage: radiating cable systems, internal multiple antenna systems with a frequency range as established in Section 810-82, with amplification systems as needed, voting receiver system, or any other approved system.

b. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery and/or generator system for a period of at least four hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power input.

810.84. Testing Procedures. Method to conduct the tests:

a. Measurements shall be made using the following guidelines:

(1) Each measurement shall be made using a portable radio in general use by each emergency-service-provider agency, which agencies minimally include the police department and the fire department. Any digital, non-simplex channel programmed into such radio may be used during testing; the same channel need not be used for all tests.

(2) Portable radios used in testing shall not be displaying "low battery" indications.

(3) During test transmissions, the portable radio shall be held approximately two (2) inches from the mouth of the tester, at approximately a 45-degree angle with the tester's face, with the built-in microphone and speaker directed towards the tester's mouth, and with the antenna in a vertical orientation above the radio. The antenna of each radio shall be mounted directly on the top of the radio body/case. The built-in microphone shall be used for all testing; shoulder or other attached microphones/headsets shall not be used for testing.

(4) The tester shall orient himself or herself so as to be facing towards the exterior wall of the building nearest the point of the test.

(5) Both initial and annual tests shall be conducted by persons employed by the emergency-service-provider agency. At least one tester from the police department and one tester

from the fire department shall conduct initial and annual tests, unless alternate arrangements are approved by both agencies.

(6) Each tester shall be solely responsible for determining whether or not radio messages received in the building are intelligible; the dispatcher at the emergency-agency dispatch center shall be solely responsible for determining whether or not radio messages received in the dispatch center are intelligible. An unintelligible message constitutes a failure of the test at the specific location being tested (see below).

(7) The tester in the building shall initiate each test by attempting to transmit a message to the dispatch center. Failure to receive a reply from the dispatch center constitutes a failure of the test at the specific location being tested.

(8) The tester in the building shall exercise reasonableness and discretion in the conduct of all tests. If the tester believes a particular test is not valid (e.g., is flawed by human error), then the results of that test may be discarded and the test shall be repeated.

b. Initial tests.

(1) Each floor of the structure shall be divided into 100-foot grids, and testing shall be performed at the center of each grid. In critical areas, including (but not limited to) those areas enumerated in Section 810-82(c)(2), the grids shall be reduced to 25 feet. At least one test shall be conducted at the center of every room having a use identified in Section 810-82(c)(2)b or 810-82(c)(2)c. The size of the grids may also be further reduced upon recommendation of any tester in areas where displays, equipment, stock, or any other obstruction may significantly affect communications or attenuate radio signals.

(2) A test shall be performed on every landing within vertical exit enclosures.

c. Annual tests.

(1) Annual tests will be conducted by both the fire department and the police department. If the communications appear to have degraded or if the testing fails to demonstrate adequate system performance, the owner of the building or structure shall remedy the problem and restore the system in a manner consistent with the original approval criteria.

(2) If the degradation to the system is due to building additions or remodeling, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria in order to obtain a final inspection for occupancy.

(3) Any system degradation or failure not related to the performance of the owner's on-site system will be the responsibility of the appropriate emergency service agency.

11-9-8 INTERNATIONAL PLUMBING CODE AMENDMENTS:

(A) The International Plumbing Code is amended to add Section 601.5 to read as follows:

Section 601.5 Water conservation. Water recycling systems shall be mandatory for all automatic full-service commercial car wash facilities constructed in the City after December 23, 1982. Water recycling systems shall not be mandatory for manual self-service commercial car wash facilities.

(B) Section 904.1 of the International Plumbing Code is amended to read as follows:

904.1 Roof extension. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than twelve inches above the roof not less than one foot from any vertical surface. Where the roof is used for any purpose other than weather protection the vent extension shall terminate at least 7 feet above the roof.

(C) Section 1002.3 of the International Plumbing Code is amended as follows:

1002.3 Prohibited traps. The following types of traps are prohibited:

- 1.-6. Unchanged
7. Running traps

(D) Section 1003.2 and section 1003.3.4.1 of the International Plumbing Code are amended to read as follows:

Section 1003.2 Approval. The size, type and location of each grease interceptor shall be designed and installed in accordance with City of Westminster specifications, the manufactures installation instructions, the requirements of this section and the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor.

Section 1003.3.4.1 Grease trap capacity. When, in the judgment of the Building Official, it would be impractical or unnecessary to install a grease interceptor due to the anticipated use of an establishment, the installation of a grease trap may be approved. Grease traps shall be sized in accordance with City specifications and have the grease retention capacity indicated in Table 1003.3.4.1 for the flow-through rates indicated.

11-9-9 INTERNATIONAL MECHANICAL CODE AMENDMENTS:

(A) Section 504.6.1 of the International Mechanical Code is amended as follows:

504.6.1 Maximum length. Exception is deleted in its entirety.

(B) Section 506.3.10 of the International Mechanical Code is amended as follows:

Section 506.3.10 Grease duct enclosure. Exceptions:

1. The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration firestop system classified in accordance with ASTM E814 and having an “F” and “T” rating equal to the fire-resistance rating of the assembly being penetrated and where the surface of the duct is continuously covered on all sides from the point at which the duct penetrates a ceiling, wall or floor to the outlet terminal with a classified and labeled material system or product specifically evaluated for such purpose, in accordance with ICC-ES AC101. Exposed duct wrap systems shall be protected where subject to physical damage.

3. Delete in its entirety.

(C) Section 903.1 and Section 903.3 of the International Mechanical Code are amended as follows:

Section 903.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127 and be subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

Section 903.3 Unvented gas log heaters. Section is deleted in its entirety.

11-9-10 INTERNATIONAL FUEL GAS CODE AMENDMENTS:

(A) Section 303.3 of the International Fuel Gas Code is amended as follows:

Section 303.3 Prohibited locations. Items 3 and 4 are deleted in their entirety.

(B) Section 304.6.2 of the International Fuel Gas Code is amended as follows:

Section 304.6.2 One-permanent-opening method. Section is deleted in its entirety.

(C) Section 404.9 and Section 404.9.1 of the International Fuel Gas Code are amended as follows:

404.9 Minimum burial depth. Underground metallic piping systems shall be installed a minimum depth of 12 inches below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches below grade.

404.9.1 Individual outside appliances. Section is deleted in its entirety.

(D) Section 406.4, 406.4.1 and 406.4.2 of the International Fuel Gas Code are amended to read as follows:

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than three times the test pressure.

Section 406.4.1 Test pressure. The minimum test pressure to be used on threaded pipe shall be 20 psi gauge pressure. For welded pipe the minimum test pressure shall be 60 psi gauge pressure.

(E) Section 409.5 of the International Fuel Gas Code is amended as follows:

Section 409.5 Equipment shutoff valves. Exception is deleted in its entirety.

(F) Section 501.8 of the International Fuel Gas Code is amended as follows:

Section 501.8 Equipment not required to be vented. Items 8 and 10 are deleted in their entirety.

(G) Section 621 of the International Fuel Gas Code is amended as follows:

Section 621.1 General. Unvented room heater, fireplaces, gas logs or other similar devices are prohibited. (Remainder of Section 621 is deleted)

11-9-11: INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS: No changes.

11-9-12: INTERNATIONAL EXISTING BUILDINGS CODE AMENDMENTS: No changes.

11-9-13: MOBILE HOMES:

(A) Permits Required.

1. General. Building permits for work on mobile homes or accessory buildings shall be obtained in accordance with the provisions of the Building Codes unless the work is specifically exempt pursuant to the provisions of the Building Codes.

2. Initial Installation. No person shall install or set up a mobile home on any mobile home space without first obtaining a separate permit for each installation from the Building Official. Such permit issuance and fees therefore shall be in accordance with the Building Codes. No utility service shall be provided to any building service equipment without a building permit.

3. Accessory Buildings and Structures. Building permits shall be required for the installation of all accessory buildings and structures and their building service equipment, unless the work is specifically exempt pursuant to the provisions of the Building Codes. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

4. Additions, Alterations, and Repairs to Mobile Homes. No person shall alter, remodel, repair, or enlarge a mobile home or accessory building subsequent to its initial installation without first obtaining a separate building permit for each such alteration, addition, enlargement, or repair from the Building Official. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

(B) Installation Requirements.

1. General. The installation of a mobile home upon a mobile home space shall comply with the manufacture's installation instructions as well as the provisions of this subsection, the Building Codes, and other provisions of the City codes. If the manufacture's installation instructions are not available the installation of such mobile home shall comply with the following standards:

Non-permanent Installation: Provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 – 1994 amended.

Permanent foundation installations: Permanent foundation, Guide for Manufactured Housing, September 1996, amended; and Engineered foundation systems as designed by an architect or engineer licensed by the State of Colorado.

2. Location on Property. Mobile homes and accessory buildings shall be located on the mobile home space as follows:

(a) No mobile home shall be parked less than 7 feet 6 inches from the front boundary of the mobile home space, measured from the flowline of the curb and gutter of the road providing access to the space. No mobile home shall be parked less than 3 feet from the side or rear boundaries of the mobile home space.

(b) Accessory buildings to mobile homes shall be located on the mobile home space so that no part of the accessory building is closer than 3 feet to the side or rear boundaries of the mobile home space nor closer than 7 feet 6 inches to the front boundary of the mobile home space. Accessory buildings may be adjacent to mobile homes or other accessory buildings within the same mobile home space.

(c) Carport and patio cover structures shall not be erected closer than 3 feet to the side or rear boundaries of the mobile home space nor closer than 7 feet 6 inches to the front boundary of the space. Patio and carport structures may be adjacent to mobile homes or accessory buildings within the same mobile home space.

3. Pier Construction. Piers shall be designed and constructed to distribute loads evenly. Such piers shall be considered to resist vertical forces acting in a downward direction only and shall not be considered as providing any resistance to horizontal or uplift loads. The construction and spacing of piers shall be as specified in the manufacturers installation instructions or in accordance with section 11-9-12(B)1. Alternate materials and methods of construction may be used for piers when designed by an architect or engineer, licensed as such in the State of Colorado and approved by the Building Official.

4. Anchorage. Ground anchors shall be of the auger type and shall be designed and installed to transfer the anchoring loads to the ground. The installation and spacing of all ground anchoring equipment shall be specified in the manufacture's installation instructions or in accordance with section 11-9-13(B)1. Alternate materials and methods of construction may be used for the anchoring systems when designed by an architect or engineer licensed as such in the State of Colorado and approved by the Building Official.

5. Building Service Equipment. The installation, alteration, repair, replacement, addition to, or maintenance of all building service equipment within the mobile home park shall comply with the applicable plumbing, mechanical, and electrical provisions of the Building Codes. Utility service shall not be provided to any building service equipment which is regulated by the Building Codes, and for which a mobile home set up permit is required by the Building Codes, until the building service equipment has been inspected and approved by the Building Official.

6. Stairs and Landings. Landings and stairways with hand railings and guard railings shall be provided at each exterior door from a mobile home. Landings, stairways, guardrails and handrails shall comply with the provisions of the Building Code and shall be in place prior to requesting the set-up inspection.

7. Skirting. The area beneath each mobile home unit shall be enclosed with full perimeter skirting of material that is compatible with the exterior cladding of the mobile home unit. At least one access opening not less than 18" in any dimension and not less than 3 square feet in area shall be provided and located so that any water supply and sewer drain connections located under the unit are accessible. The skirting shall not be installed prior to the approval of the set-up inspection but shall be installed as soon as it is practical to do so after such inspection.

8. Smoke Detectors. Smoke detectors shall be located in each mobile home unit. A detector shall be installed in each sleeping room and at a point centrally located in the hallway or area giving access to each separate sleeping area. Smoke detectors added to satisfy the requirements of this subsection may be of the battery-operated type and shall be installed in accordance with their listing.

Exception: New mobile homes may have smoke detectors located per the State of Colorado, Division of Housing approval.

(C) Additions, Alterations, and Repairs to Mobile Homes.

1. Permanent Additions. No permanent additions of any type shall be built onto or become part of any mobile home unless designed and constructed to conform with the applicable provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 - 1994. A certificate of compliance issued by the manufacturer and verified by the State of Colorado shall be provided to the Building Official for any such addition.

2. Carport and Patio Cover Structures. Temporary carport and patio cover structures may be attached to and structurally supported by a mobile home when justified by engineering calculations or when approved by the Building Official. All such structures shall be of light-weight metal, fiberglass, plastic, or other material similar in type and color to the exterior cladding of the mobile home unit and shall be entirely open on two or more sides. All such structures shall be designed and approved in accordance with the applicable provisions of the Building Codes and other provisions of the City code.

3. Structural Additions. Accessory buildings or structures shall not be structurally supported by or attached to any mobile home unless engineered calculations are submitted to the Building Official to substantiate any proposed structural connection and approved by the Building Official; except that the Building Official may waive the submission of engineering calculations if he finds that engineering calculations are not necessary to show conformance to the requirements of the Building Codes.

4. Fences. Individual lot perimeter fences may be erected at the lot line of individual mobile home spaces. Such fences shall be constructed of the chain link fencing and shall be of a standard design for the entire mobile home park. The top of such fences shall not exceed 36 inches in height. Fence permit issuance and fees therefor shall be in accordance with the provisions of this Code.

Section 2. Chapter 10 of Title IX, W.M.C., is hereby REPEALED AND REENACTED in its entirety to read as follows:

CHAPTER 10 FIRE CODES

11-10-1: INTENT

11-10-2: ADOPTION OF FIRE CODE

11-10-3: CHAPTER 1 AMENDMENTS-ADMINISTRATION

11-10-4: CHAPTER 5 AMENDMENTS-FIRE SERVICE FEATURES

11-10-5: CHAPTER 9 AMENDMENTS-FIRE PROTECTION SYSTEMS

11-10-6: CHAPTER 33 AMENDMENTS-EXPLOSIVES AND FIREWORKS

11-10-7: CHAPTER 38 AMENDMENTS-LIQUIFIED PETEROLEUM GASES

11-10-1: INTENT: The intent of this chapter is to adopt by reference and with modifications the International Fire Code, 2006 Edition. Hereinafter, this Code may be referred to as the "Fire Code." The City Council of the City of Westminster finds that the adoption of the Fire Code is essential for fire prevention and the preservation of the health, safety, and welfare of the citizens of Westminster. The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster.

11-10-2: ADOPTION OF FIRE CODE: That certain document, one (1) copy of which is on file in the Office of the City Clerk, being marked and designated as the International Fire Code, 2006 Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401 and, in particular Chapters 1 through 45, inclusive and Appendix B – Fire Flow Requirements For Buildings, Appendix C – Fire Hydrant Location And Distribution, Appendix D – Fire Apparatus Access Roads, Appendix E – Hazard Categories, Appendix F – Hazard Ranking, and Appendix G – Cryogenic Fluids – Weight And Volume Equivalents is hereby adopted as the Fire Code of and for the City. These sections of the Fire Code, as modified in this chapter, are hereby referred to, adopted, and made a part of the Code as if fully set forth.

11-10-3: CHAPTER 1 ADMINISTRATION AMENDMENTS:

(A) DEPARTMENT OF FIRE PREVENTION. Section 103 of the International Fire Code is amended as follows:

103.4 Liability. Subsection is deleted in its entirety.

103.4.1 Legal defense. Subsection is deleted in its entirety.

(B) ENFORCEMENT AUTHORITY. The Fire Chief and his designees are hereby authorized to enforce the provisions of this ordinance as specified in Section 104.1 of the International Fire Code, 2006 Edition.

(C) REQUIRED OPERATIONAL PERMITS. Subsection 105.6 of the International Fire Code is amended to read as follows.

105.6 Required operational permits. An operational permit shall be obtained from the Prevention Bureau prior to engaging in the following activities, functions, operations, or practices as defined in accordance with the Fire Code, unless otherwise specified in this Code:

1. 105.6.2 Amusement buildings
2. 105.6.4 Carnivals and fairs
3. 105.6.4.1 Block parties and event street closures
4. 105.6.11 Cryogenic fluids
5. 105.6.15 Explosives, explosive materials, and fireworks
6. 105.6.17 Flammable and combustible liquids:

- a. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
 - b. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.
 - c. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.
7. 105.6.20 Fumigation and thermal insecticidal fogging
 8. 105.6.20.1 Fumigation and/or associated operations for removing biological, chemical, or other naturally occurring agents, chemicals, organisms, or substances
 9. 105.6.21 Hazardous Materials
 10. 105.6.27 Liquid- or gas-fueled vehicles or equipment in buildings for display, demonstrating, or operation. This shall not apply to parking garages, private garages, repair garages, or other buildings normally utilized for the operation, repair, restoration, and storage of motor vehicles.
 11. 105.6.28 LP-gas
 12. 105.6.29 Magnesium
 13. 105.6.31 Open burning
 14. 105.6.35 Private fire hydrants
 15. 105.6.36 Pyrotechnic special effects material
 16. 105.6.43 Temporary membrane structures, tents and canopies

(D) REQUIRED CONSTRUCTION PERMITS. Subsection 105.7 of the International Fire Code is amended to read as follows:

105.7 Required construction permits. Upon approval of required construction documents, as required by Subsection 105.4, a fire protection permit shall be obtained from the Fire Prevention Bureau prior to initiating any alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the Fire Code. The following fire protection systems shall require submittal of plans, specifications, design and installation criteria, as required by the Fire Code Official, prior to issuance of a fire protection permit, those not listed are excluded from the requirements of this Section:

1. 105.7.1 Automatic fire-extinguishing systems
2. 105.7.2 Compressed gases
3. 105.7.3 Fire alarm and detection systems and related equipment
4. 105.7.4 Fire pumps and related equipment
5. 105.7.5 Flammable and combustible liquids
6. 105.7.6 Hazardous materials
7. 105.7.8 LP-gas
8. 105.7.9 Private fire hydrants
9. 105.7.10 Spraying and dipping
10. 105.7.11 Standpipe systems
11. 105.7.12 Temporary membrane structures, tents and canopies

(E) FEES. Section 105 of the International Fire Code is amended to add Sections 105.8 and 105.9 to read as follows:

105.8 Operational Permit Fees. The fee for operational permits required by Subsection 105.6 of this Code shall be as set forth in the fee schedule adopted by Resolution by the City Council. Fees shall be collected by the Fire Prevention Bureau. The Fire Code Official is authorized to waive the fee in accordance with approved standard operating guidelines for administering permits for activities described in Subsection 105.8.

105.9 Construction Permit Fees. Permit fees and taxes are required for fire protection and life safety systems required by Subsection 105.7 of this Code for initiating any alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the

Fire Code. These fees shall be assessed by and paid to the City of Westminster in accordance with the provisions of the fee schedule adopted by Resolution by the City Council.

(F) BOARD OF APPEALS. Section 108 of the International Fire Code is amended as follows:

108.1 Board of appeals. Appeals of orders, decisions, or determinations made by the Building Official or Fire Code Official relative to the application and interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code of Appeals pursuant to Title II, Chapter 10, of this Code. No such appeal shall be heard by the Board of Building Code Appeals unless the appeal is filed within 30 calendar days after the date of the action of the Building Official or Fire Chief.

108.2 Limitations on authority. Subsection is deleted in its entirety.

108.3 Qualifications. Subsection is deleted in its entirety.

(G) VIOLATIONS. Section 109 of the International Fire Code is amended to read as follows:

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

109.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by first class mail to the owner of the subject property at the address shown in the county assessor records for the county in which the property is located. Notice shall be deemed served on the date of receipt by the owner, if personally served, or upon the fifth day after mailing of the notice.

109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.2.3 Prosecution of violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.2.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

109.3 Violation Penalties. Any person who violates any of the provisions of this Code, or who fails to comply therewith, or who builds any structure in violation of a detailed statement of specifications or plans submitted and approved pursuant to this Code and from which no appeal has been taken, or who fails to comply with a final order issued pursuant to this Code within the time fixed therein shall be guilty of a misdemeanor punishable by a fine or imprisonment pursuant to the limits set forth in Section 1-8-1 of the Westminster Municipal Code, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise

specified, each day that a prohibited condition is maintained shall constitute a separate offense. The imposition of a criminal penalty shall not prevent the abatement of prohibited conditions.

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(H) STOP WORK ORDER. Section 111 of the International Fire Code is amended as follows:

111.4 Failure to comply. Subsection is deleted in its entirety.

11-10-4: CHAPTER 5 FIRE SERVICE FEATURES AMENDMENTS: (2965)

(A) FIRE APPARATUS ACCESS ROADS. Section 503.1 of the International Fire Code is amended to add Section 503.1.4 to read as follows:

503.1.4 Block Parties and Street Obstructions. The Fire Department is authorized to issue operational permits for street closures intended for block parties, City of Westminster sponsored events, neighborhood events, or for similar purposes where such events will not impede delivery of emergency services and does not create an additional risk to public safety. Applicable fees may be waived for City of Westminster events and events sponsored by non-profit entities and organizations.

(B) MARKINGS. Section 503.3 of the International Fire Code is amended to add Section 503.3.1 to read as follows:

503.3.1. The marking of fire lanes on private property devoted to public use shall be approved by the Fire Code Official in accordance with the Fire Code and the Uniform Traffic Control Manual.

(C) OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS. Section 503.4 of the International Fire Code is amended to add Section 503.4.1 to read as follows:

503.4.1. The fire code official or any of his subordinates, or the Police Department with knowledge of the existence of any vehicle parked in the fire lane, or in such manner as to interfere with the use of any fire hydrant, or in any manner in violation of this Section may have such vehicle towed away and the charges of such towing shall be assessed to the owner of such vehicle. The aforesaid violation shall be sufficient grounds to cause a citation to be issued. In the event of a fire, the Fire Department shall have the authority to cause the vehicle blocking a fire hydrant or fire lane to be removed with any subsequent damage to the vehicle being paid by the owner of said vehicle. The towing of any vehicle pursuant to this section shall comply with the provisions of Chapter 1 of Title X of the Westminster Municipal Code.

(D) PREMISES IDENTIFICATION. Section 505.1 of the International Fire Code is amended to add Section 505.1.1 and 505.1.2 to read as follows:

505.1.1. Buildings having exterior rear or side access doors shall have approved address numbers, building numbers or approved building identification placed in a position approved by the fire code official.

505.1.2. Buildings with multiple tenants with interior access doors shall have approved unit or space identification numbers, address numbers or other approved means of identifying individual tenant spaces or units.

(E) PRIVATELY OWNED HYDRANT SYSTEMS. Section 508 of the International Fire Code is amended to add Section 508.5.3.1 and 508.5.7 to read as follows:

508.5.3.1. Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the Fire Code Official. Such private hydrants shall be flushed

and tested periodically according to the Fire Code. In the event such testing reveals that the flow from private hydrants is inadequate according to applicable standards, modifications necessary to meet these standards shall be ordered by the Fire Code Official and made at the expense of the property owner. All private hydrants shall be painted the same color as hydrants on public rights-of-way or elsewhere throughout the City. Appropriate markings or signs restricting parking in front of or adjacent to fire hydrants shall be designated by the Fire Code Official and implemented at the expense of the owner of the property. No point of connection to any private fire hydrant shall be left uncapped without permission of the Fire Code Official.

508.5.7. Existing Private Fire Hydrants. Existing hydrants which do not conform to City specifications or which do not face in the direction most consistent with emergency use by the Fire Department, as established by the Fire Code Official, shall be changed to meet the City's requirements by the property owner and at the property owner's expense, within 15 days of service of notice of the required changes upon the property owner or its resident agent.

(F) PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS. Section 511 of the International Fire Code is amended to add Sections 511.1, 511.2 and 511.3 to read as follows:

511.1 New Construction. Buildings constructed in accordance with the criteria of Section 810.80 of the City of Westminster Electrical Code shall be required to install a radio amplification system.

511.2 Existing buildings. Buildings determined to present a hazard to public safety personnel due to inadequate radio communication capability shall be required to comply with Section 810.80.

511.3 Acceptance testing and approval. Approval and acceptance of radio amplification system installations shall require concurrent approval of the Fire Department and the Police Department.

11-10- 5: CHAPTER 9 FIRE PROTECTION SYSTEMS AMENDMENTS: (2965)

(A) AUTOMATIC SPRINKLER SYSTEMS. Section 903 of the International Fire Code is amended to delete Section 903.3.2 and add the following new subsections to read as follows:

903.2.8.1. New Construction. Group R-2 Occupancies required to be protected with an automatic fire sprinkler system shall provide fire sprinkler coverage for all exterior balconies. This requirement shall apply to all retroactive installations for Group R-2 Occupancies.

Exception: Existing R-2 buildings and occupancies constructed prior to the adoption of this code.

903.2.9.1 New Construction. Group R-4 Occupancies required to be protected with an automatic fire sprinkler system shall provide fire sprinkler coverage for all exterior balconies. This requirement shall apply to all retroactive installations for Group R-4 Occupancies.

Exception: Existing R-4 buildings and occupancies constructed prior to the adoption of this code.

903.3.2 Residential automatic sprinkler heads. Where automatic sprinkler systems are required by this code, only residential automatic sprinkler heads shall be permitted in:

a. Throughout all spaces within a smoke compartment containing patient sleeping rooms in Group I-2 in accordance with the *International Building Code*.

b. Dwelling units, guestrooms, and sleeping rooms in Group R and I-1 occupancies.

903.3.2.1 Quick-response automatic sprinkler heads. Quick-response sprinkler heads shall be installed in light hazard occupancies as defined in NFPA 13. Residential automatic sprinkler heads are prohibited.

903.3.2.2 Residential and quick-response automatic sprinkler heads. All installation of residential and quick-response automatic sprinkler heads shall be in strict accordance with their listings. Where listings authorize installation where prohibited in 903.3.2 and 903.3.2.1 the Fire Code Official may waive the requirements mandated by 903.3.2 and 903.3.2.1.

903.3.7.1 The fire department connection (FDC) shall be located whenever possible on the street addressed side of the building in a location visible to the responding fire engine. The FDC shall be located at a location visible from the exterior of the main entrance door where the fire alarm annunciator is located. The FDC shall have a fire hydrant within 100 feet in a location approved by the fire department.

(B) STANDPIPE SYSTEMS. Section 905 of the International Fire Code is amended to add the following:

905.3.1. Building Height shall be amended by adding the following exceptions:

Exception 5: Class I standpipes are allowed to be manual systems.

Exception 6: Fire hose is not required for Class I standpipes. Standpipe hose outlets shall be 2-1/2-inch outlets with a 2-1/2-inch to 1-1/2-inch reducing cap.

905.3.8 Bridges and Roadway Overpasses. Where required to extend water supply to streets, highways, and rail systems a dry standpipe shall be installed in accordance with Fire Department requirements.

(C) FIRE ALARM AND DETECTION SYSTEMS. Section 907 of the International Fire Code is amended to add Section 907.9.3 to read as follows:

907.9.3 The fire code official shall determine the extent of zone coverage for fire alarm systems in all buildings and structures.

11-10-6: CHAPTER 33 EXPLOSIVES AND FIREWORKS AMENDMENTS:

(A) GENERAL. Section 3301 of the International Fire Code is amended as follows:

3301.1.3 Fireworks. Exception 1, Exception 2, and Exception 4 are deleted in their entirety and new exceptions are added to read as follows:

Exceptions:

1. State of Colorado defined “permissible fireworks” will be allowed for possession, handling, and use only during the timeframe beginning at 12:00 AM on July 3rd and ending at 12:00 PM on July 5th of any given calendar year.

2. Fireworks shall be prohibited in all City of Westminster parks and open spaces unless approved by the Director of Parks, Recreation, and Libraries and the Fire Department.

4. As provided in W.M.C. Section 6-8-3.

(B) EXPLOSIVES MATERIALS STORAGE AND HANDLING. Section 3304 of the International Fire Code is amended to add Section 3304.1.1 to read as follows:

3304.1.1 General storage limitations. The storage of explosives and blasting agents is prohibited within all zones except PUD (Planned Unit Development) where such storage is specifically listed as an allowed use, except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms, ammunition, explosive bolts, explosive rivets, or cartridges for explosive-actuated power tools in aggregate quantities involving less than 500 pounds of explosive material.

11-10-7: CHAPTER 38 LIQUEFIED PETROLEUM GASES AMENDMENTS:

(A) Subsection 3804.2 of the International Fire Code is amended to add the following text to read as follows:

3804.2 Maximum capacity within established limits.

This maximum capacity limitation specifically applies to the following zoning areas: RA, RE, R1, R2, R3, R4, R5, B1, C1, T1, and PUD (Planned Unit Development) zoned districts.

Section 3. Sections 6-8-2 and 6-8-3(B), W.M.C., are hereby AMENDED to read as follows:

6-8-2: PROHIBITED ACTS: It shall be unlawful for any person within the City to sell, offer for sale, or possess with intent to offer for sale, or to use or explode any fireworks or pyrotechnic special effects material, except as provided in Section 6-8-3 herein AND SECTION 11-10-6 OF THIS CODE.

6-8-3: PERMITS FOR DISPLAY:

(B) The permit shall be granted if the Fire Chief finds that the permit application, operator, and conditions meet the requirements of the ~~current Uniform~~ Fire Code as adopted by the City IN TITLE XI, CHAPTER 10, ~~and~~ other requirements of this Code, AND OTHER REASONABLE REQUIREMENTS THE FIRE CHIEF DEEMS NECESSARY TO PROTECT THE PUBLIC WELFARE.

Section 4. This ordinance shall take effect January 1, 2007.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of November, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of December, 2006.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



Agenda Item 10 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Councillor's Bill No. 72 re Sign Code Amendments

Prepared By: Steve Smithers, Assistant City Manager
Marty McCullough, City Attorney

Recommended City Council Action

Adopt Councillor's Bill No. 72 re modifications to the Westminster Municipal Code regarding signage.

Summary Statement

- The City's current sign code currently permits election and political signs to be posted for a limited amount of time (45 days) prior to an election. The City Code places restrictions on the size and location of the signs.
- Staff conducted a review of the current code and identified legal and practical issues created by signs posted in the public right of way and on public property.
- After significant analysis and discussion, Staff is recommending that the sign code be modified to no longer allow any signs in the public right of way or on public property.
- The three key reasons for Staff's recommendation are: 1) Establish a more legally consistent and defensible ordinance; 2) Prevent the damage that is being done by the signs to City irrigation systems and City landscaping; and, 3) Eliminate the visual clutter that is created by the signs and the costs to the City of cleaning up these signs.
- The City of Westminster is one of only a few jurisdictions that Staff is aware of in the Denver Metropolitan area that allow the posting of political signs in the public right of way.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City modify the sign code regulations to no longer allow signs to be posted in the public right of way and on public property?

Alternatives

1. Council could direct Staff to leave the current code provisions in place allowing for the continued placement of signs in the right of way and on public property. Staff does not recommend this alternative. Under recent Supreme Court decisions, Cities must take an all or none approach to regulating signs on street rights-of-way and other public property. The current provisions allowing only political signs, and setting durational limitations on their display, could not be preserved without allowing all types of free speech signs in the right of way without any durational limitations. In addition, the current signage practice is causing damage to landscaping and irrigation systems, presents a significant maintenance problem for both the City and HOA's with right of way maintenance obligations, and Staff continues to hear complaints from the public about the unsightly nature of the signage.
2. Council could direct Staff to take a less impactful approach such as eliminating signage from medians but allowing signage in other areas. While this approach would help eliminate some of the issues the City has with damage to irrigation and landscaping, this would not address some of the legal concerns and it would not completely address the issue of visual clutter. Staff does not recommend this alternative.

Background Information

The issue of sign regulation in the public right of way and on public property has been an ongoing issue in the City. The City's sign regulations were amended several years ago to add additional requirements on the timing, location and size of political and election sign posting. At the time these amendments were adopted it was recognized that the regulations were in a gray area of the law, and that additional modifications might be warranted.

Recent input received from homeowners associations dealing with political signs, as well as input from citizens, City Council and Staff created the motivation to take another look at the sign code. Staff has analyzed this issue from a number of different perspectives and has concluded that a significant change is warranted.

Staff evaluated the current costs to the City of allowing signage in the public right of way and on public property. Below are the description and breakdown of the costs to the Code Enforcement Division and Parks Division of repairing damage and responding to citizen complaints and removing signs.

Code Enforcement:

610 Hours have been spent in the first 10 months of 2006 on enforcing the City's sign code regulations applicable to political signs. The average is approximately 2 hours per complaint called in. This accounts for the time taken to retrieve the complaint from the voice mail, write it up and assign to the Code Enforcement Officer (CEO). The CEO's time involves driving out to the complaint site, call the owner of the sign to have them pick it up, and then a reinspection to verify the sign has been removed. Sometimes the complaint requires a second call back to the sign owner and another trip out to reinspect. If not removed the CEO will remove and dispose of the sign. There have been 163 sign complaints to date in 2006 x 2 hrs manpower each = 326 hours. In addition, CEOs will go out on Saturdays and remove illegal signs without a complaint. To date 284 hours has been devoted to removing signs. The total estimated cost for this sign removal work for 10 months is estimated at \$15,120.

Park Services:

The Park Services Division is responsible for the operation and maintenance of City landscaped medians and most streetscape rights-of-way not being maintained by HOA's or business centers. Of concern for the past several years is the amount of damage to irrigation systems that occurs within these landscaped areas caused by the installation of temporary signs by private parties. The drip irrigation that provides water to the landscape lies just below the mulch bed (either stone or bark) and are easily pulled apart by foot traffic or permanently damaged by the insertion of wooden stakes or the wire frames currently so popular with political signage. Because the damage occurs below the surface it is often difficult to see that some of the plant material is not receiving water until the plant begins to show stress by dropping its leaves or succumbing to insect damage. In a typical year approximately \$2,000 in plant loss occurs within the medians caused by malfunctioning drip irrigation systems. City Staff and the contractors hired to maintain some of these properties also spend approximately 100 to 200 man hours performing repair work on the median and right of way streetscapes at a valued cost of \$5,000.

The proposed ordinance is attached for City Council's review. The changes to the ordinance remove election and political signs as a permitted temporary sign in public rights-of-way and other public property such as our parks and open spaces. In addition, new definitions have been added reflecting the elimination of election and political signs as a separate category of signs from the ordinance.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **72**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
MUNICIPAL CODE CONCERNING SIGN REGULATIONS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-11-2, W.M.C., is hereby AMENDED BY REVISING CERTAIN DEFINITIONS CONTAINED THEREIN to read as follows:

11-11-2: DEFINITIONS:

~~**Election sign**—Any sign advocating or advertising the election of any candidate for public office or any question upon which a public vote is being taken.~~

~~**Government sign**—Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.~~

~~**Political sign**—A temporary sign used in connection with a local, state or national election, issue, or referendum.~~

PUBLIC PROPERTY – ANY PROPERTY, REAL OR PERSONAL, OWNED, LEASED OR LICENSED BY THE CITY, COUNTY, STATE OR FEDERAL GOVERNMENT, INCLUDING PUBLIC RIGHTS-OF-WAY, AND FOR WHICH THE RIGHT TO POSSESS AND CONTROL SUCH PROPERTY HAS NOT BEEN LEGALLY SURRENDERED, GRANTED, LICENSED, OR CONVEYED TO A PRIVATE PERSON OR ENTITY.

Temporary sign – A sign constructed of either rigid or non-rigid material, and ~~designed or intended to be~~ PHYSICALLY ATTACHED TO THE GROUND OR ANY IMPROVEMENT THEREON, AND DESIGNED OR INTENDED TO BE SO ATTACHED IMPERMANENTLY ~~displayed for a short~~ LIMITED period of time.

TRAFFIC CONTROL SIGN – ANY TEMPORARY OR PERMANENT SIGN ERECTED AND MAINTAINED BY THE CITY, COUNTY, STATE OR FEDERAL GOVERNMENT FOR TRAFFIC DIRECTION OR TRAFFIC CONTROL; DESIGNATING THE LOCATION OF OR PROVIDING DIRECTIONS TO ANY SCHOOL, HOSPITAL, HISTORICAL SITE, OR PUBLIC SERVICE, PROPERTY, OR FACILITY; OR FOR WARNING OR INFORMING PEDESTRIANS OR MOTORISTS OF ANY MATTER RELATED TO THE OPERATION, MAINTENANCE OR CONDITION OF ANY PUBLIC STREET OR PUBLIC RIGHT-OF-WAY.

WARNING SIGNS – ANY TEMPORARY OR PERMANENT SIGN FOR WARNING OR INFORMING THE PUBLIC OF ANY HAZARDOUS, DANGEROUS OR UNSAFE CONDITION OF ANY PUBLIC OR PRIVATE PROPERTY.

Section 2. Section 11-11-3, subsection (A), W.M.C., is hereby AMENDED to read as follows:

11-11-3: GENERAL SIGN PROVISIONS: (2534 2862)

(A) Sign Permit Required. EXCEPT AS OTHERWISE PROVIDED BY SECTION 11-11-4, BELOW, it shall be unlawful for the owner, manager, or occupant, of any property located within the City of

Westminster to erect, maintain, or permit the erection or maintenance of any TEMPORARY OR PERMANENT sign on such property without first obtaining a sign permit, ~~unless excepted in Section 11-11-4~~, through the following procedure:

1. An application for a sign permit shall be filed with the Community Development Department and must contain the following information unless waived by the Community Development Director or his/her designee.

(a) An elevation of the proposed sign, drawn to scale, showing the sign that is proposed to be erected and the message that it will carry.

(b) The color scheme and construction materials of the sign.

(c) A plot plan showing the location of the sign on the property. If the sign is to be attached to the face of the building, the elevation shall also show the outline of the building.

2. If after review the City Staff finds the sign to be in conformity with this Code and the Building Code of the City of Westminster and any applicable Official Development Plans, a sign permit shall be issued. If the application is denied, the Community Development Director or his/her designee shall inform the applicant of the reason for denial.

3. An application for a sign permit shall be accompanied by the appropriate fee as required in Section 11-9-3 (E) of this code.

4. Any person installing, structurally altering or relocating a sign for which a permit has been issued shall notify the City upon completion of the work. The City may require a final inspection, including an electrical inspection.

Section 3. Section 11-11-4, subsections (A) and (H)(1) and (H)(3), W.M.C., is hereby AMENDED and NEW SUBSECTION (M) IS ADDED to read as follows:

11-11-4: SIGNS NOT REQUIRING PERMITS: (2534 2862) SUBJECT TO THE PROVISIONS OF SECTION 11-11-5, BELOW, ~~the~~ the following signs, which shall be non-illuminated unless specifically stated to the contrary, are permitted in all zoning districts and require no permit for erection ~~unless otherwise prohibited in Section 11-11-5 of this Code.~~

(A) **Public Signs.** Any sign erected by any governmental ~~agency~~ ENTITY IN CONJUNCTION WITH THE CONDUCT OF ANY GOVERNMENTAL PROGRAM, OPERATION OR ACTIVITY, including, but not limited to, federal, state, county and city governments, AND school and recreation districts, ~~but not including private water and sanitary sewer districts. Public signs include temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the present of underground cables, gas lines and similar devices.~~

(H) **Directional Signs.**

(3) Off Premises Informational Directional Sign. A single or double-faced sign designed to give direction to a church, school, philanthropic organization, or similar use of a non-retail or business nature. Sign may contain only name of organization, direction, and number of blocks. Sign shall be metal, no more than two (2) square feet, and shall be mounted on minimum two inch (2”) square steel pole. Bottom of sign shall be a minimum of seven (7) feet above grade. ~~Such signs may be located in the right of way.~~ No more than five such signs shall be permitted for each individual organization.

(M) **NON-COMMERCIAL SIGNS.** A SIGN CONTAINING POLITICAL, RELIGIOUS, OR OTHER NONCOMMERCIAL SPEECH, AS DEFINED BY APPLICABLE FEDERAL AND STATE COURT OPINIONS.

(1) PERMITTED IN ALL ZONE DISTRICTS.

(2) MAXIMUM AREA FIFTY (50) SQUARE FEET IN ZONES T1, C1, C2, M1 AND O1 AND IN NON-RESIDENTIAL AREAS OF PLANNED UNIT DEVELOPMENTS; SIX (6) SQUARE FEET IN ALL OTHER ZONES AND IN RESIDENTIAL AREAS OF PLANNED UNIT DEVELOPMENTS.

(3) MAXIMUM HEIGHT – SIX FEET (6’).

(4) NO LIMITATION IN NUMBER.

(5) NOTHING IN THIS SUBSECTION (M) SHALL BE APPLIED IN A MANNER THAT RESULTS IN A NON-COMMERCIAL SIGN BEING TREATED IN A LESS FAVORABLE OR MORE RESTRICTIVE MANNER THAN AN AUTHORIZED COMMERCIAL SIGN IN THE SAME ZONING DISTRICT.

(N) **BUS SHELTER SIGNS.** ANY SIGNS WHICH ARE INCORPORATED INTO A SHELTER FOR THE PUBLIC’S USE OF ANY PUBLIC TRANSPORTATION SYSTEMS PURSUANT TO AGREEMENT OR LEASE WITH THE CITY.

Section 4. Section 11-11-5, W.M.C., is hereby AMENDED to read as follows:

11-11-5: PROHIBITED SIGNS: (2534 2862 2983 3018) NOTWITHSTANDING ANY PROVISION IN THIS CHAPTER TO THE CONTRARY, the following types of signs are prohibited in all districts:

~~(B) Signs Within Public Right Of Way. Any sign erected upon or over the public right of way of any street, roadway, or alley with the exception of those signs erected by a governmental entity, Signs erected in accordance with Sections 11-11-4 (A), 11-11-6 (C) and 11-11-7 (G), and those instances where existing buildings are contiguous with the right of way and a sign is to be attached to said building.~~

(B) ANY PERMANENT OR TEMPORARY SIGN ON OR OVER ANY PUBLIC PROPERTY, EXCEPT PUBLIC SIGNS AS DEFINED IN SECTION 11-11-4(A), AND TRAFFIC CONTROL SIGNS AND WARNING SIGNS AS DEFINED IN SECTION 11-11-2.

Section 5. Section 11-11-6, subsection (C), W.M.C., is hereby DELETED IN ITS ENTIRETY:

11-11-6: TEMPORARY SIGNS REQUIRING PERMITS: (2534 2862)

~~(C) Election and Political Signs.~~

~~— 1. Permitted in all zone districts.~~

~~— 2. Characteristics: A sign advocating or advertising the election of any candidate for public office or any question upon which a public vote is being taken.~~

~~— 3. Maximum Area Fifty (50) square feet in Zones T1, C1, C2, M1 and O1 and portions of Planned Unit Developments with comparable uses; six (6) square feet in all other zones and portions of Planned Unit Developments with residential uses~~

~~3. Maximum Height Six feet (6’).~~

~~4. Limitation in Number No limitation.~~

~~— 6. A permit application for an election sign must include name, address and phone number of person responsible for maintenance and removal of signs.~~

~~— 7. Restrictions, Additions, Clarifications, and Exceptions:~~

~~(a) Such signs shall not be erected more than forty five (45) days before an election. All election signs shall be removed within ten (10) days following an election.~~

~~(b) Election signs may be located in City right of way provided:~~

~~(i) They do not block or otherwise interfere with traffic visibility;~~

~~(ii) They are not located within fifty feet (50’) of an intersection;~~

~~(iii) They do not exceed three (3) square feet in area.~~

~~Within any City right of way, no single candidate or issue sign may be located within 50 feet of any other sign for the same candidate or issue.~~

Section 6. Section 11-11-7, subsection (G)(3), W.M.C., is hereby AMENDED to read as follows:

11-11-7: PERMANENT SIGNS REQUIRING PERMITS:

(G) Off-Site Commercial Development Directional Signs:

(3) Location: Such signs shall be permitted ~~within the public rights of way adjacent to the regional shopping center or~~ next to the private drives within the center with written permission of the owner of the parcel ~~within the regional shopping center~~, for the sole purpose of directing vehicular traffic through the regional shopping center. All such signs shall be located outside the required sight distance triangles.

Section 7. This ordinance shall take effect upon its passage after second reading.

Section 8. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 18th day of December, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of January, 2007.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Councillor’s Bill No. 73 re Supplemental Appropriation for Sheridan Boulevard

Prepared By: John Burke, Senior Engineer

Recommended City Council Action

Pass Councillor’s Bill No. 73 on first reading providing for supplementary appropriations to the 2006 budget of the Sheridan Boulevard at 72nd Avenue Project in the General Capital Improvement Fund.

Summary Statement

- During the public hearings for the redevelopment of the Shoenberg Shopping Center located at the southwest corner of 72nd Avenue and Sheridan Boulevard, the City committed to reinvesting a portion of the sales and property tax revenues generated by the South Sheridan Urban Renewal Area to street and wall improvements.
- One such reinvestment of these tax dollars is the proposed widening and realignment of Sheridan Boulevard in this vicinity. Generally, these improvements will result in a six lane street section with auxiliary lanes from approximately 69th Avenue to 74th Avenue, raised medians in Sheridan Boulevard, a landscaped area and detached sidewalk on the east side of Sheridan Boulevard between 70th and 72nd Avenues, intersection improvements at 72nd Avenue to allow double left hand turns in every direction and brick walls along certain portions of the right-of-way lines of the streets.
- Very preliminary estimates for these improvements indicate that the work will cost between \$4 million and \$5.5 million. The City’s share of the project expenses will ultimately be paid from the tax increment revenues generated from the redevelopment of this area. Initially, however, WEDA will issue bonds to pay for the design and construction.
- A cash-in-lieu contribution of \$1,232,084 is required from Wal-Mart, the developer of the Shoenberg Shopping Center site, to pay their portion of the design and construction of these needed road improvements and is due upon platting of the property. This figure, which is based upon the current, preliminary cost estimate, represents the normal share of a developer’s obligation for adjacent arterial street improvements as defined by the City Code. Additionally, Wal-Mart has already dedicated a larger than normally required parcel of their land for right-of-way to allow Sheridan Boulevard to be shifted significantly to the west and away from the residences that abut the east side of the street.
- The purpose of this Bill is to appropriate the developer’s estimated share of \$1,232,084 into the Sheridan Boulevard at 72nd Avenue Widening Project in the General Capital Improvement Fund (GCIF). These funds are anticipated to be received from Wal-Mart in the next 30 days.

Expenditure Required: \$1,232,084 in estimated payments from Wal-Mart to the City

Source of Funds: Developer’s share of cash-in-lieu of construction for Sheridan Boulevard

Policy Issue

Should the City Council require and accept the developer's contribution of cash-in-lieu of construction funds for adjacent arterial street improvements as defined by the City Code?

Alternative

The alternative would be to not require the developer's contribution of these funds. Staff does not recommend this alternative as the amount of money being contributed represents the currently estimated share of arterial roadway improvements costs that are a normal obligation of the developers of adjacent properties.

Background Information

In order to meet the schedule to have road improvements completed prior to the opening of the new Wal-Mart located at 72nd Avenue and Sheridan Boulevard, the City hired ASCG, Inc. per Council action on May 8, 2006 to prepare construction drawings for the project. Those construction plans are being finalized, and it is currently anticipated that the project will be bid in February of 2007.

The cost for the design and construction work will be shared by the City and the re-development projects located adjacent to the improvements. WEDA's share of the project costs will be funded by the issuance of bonds and paid back by the sales and property tax increment generated from the redevelopment projects. The developer's share of the project costs has been estimated at \$1,232,084 and a cash-in-lieu contribution in this amount from Wal-Mart is anticipated to be received in the near future. Therefore, Staff is requesting that these cash-in-lieu funds be appropriated at this time for the construction of public improvements to Sheridan Boulevard. The money will be deposited to the General Capital Improvement Fund and the project budgeted in this fund. After the project is bid and constructed, an accounting of actual costs will occur to determine if the \$1,232,084 figure was accurate and whether a refund to Wal-Mart or an additional contribution from Wal-Mart is necessary.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2006

COUNCILLOR'S BILL NO. **73**
INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE 2006 BUDGET FOR THE SHERIDAN BOULEVARD
AT 72ND AVENUE PROJECT AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION
FROM THE 2006 ESTIMATED REVENUES.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the Sheridan Boulevard at 72nd Avenue project is hereby increased by \$1,232,084 which, when added to the existing balance will equal \$1,232,084. The appropriation is due to the receipt of the cash-in-lieu contributions from Wal-Mart for their portion of Sheridan Boulevard improvements.

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Wal-Mart's Cash-in-lieu		\$0	\$1,232,084	\$1,232,084
Total Change to Revenues			<u>\$1,232,084</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Sheridan Blvd. Project	80675030203.80400.8888	\$0	\$1,232,084	\$1,232,084
Total Change to Expenses			<u>\$1,232,084</u>	

Section 2. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 3. This ordinance shall take effect upon its passage after the second reading.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 18th day of December, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8 day of January, 2007.

ATTEST:

City Clerk

Mayor



Agenda Item 11 A

WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting
December 18, 2006



SUBJECT: Councillor's Bill No. 69 re Adoption of the 2006 International Building and Fire Codes

Prepared By: Dave Horras, Chief Building Official
Doug Hall, Deputy Fire Marshal

Recommended City Council Action

1. Hold a public hearing. (**Agenda Item 10 A**)
2. Adopt Councillor's Bill No. 69 on second reading adopting the 2006 editions of the International Building and Fire Codes. (**Agenda Item 11 A**)

Summary Statement

- Staff is recommending that City Council adopt, by reference, the 2006 editions of the International Building Codes developed and published by the International Code Council (ICC) as the building and fire codes for the City of Westminster. These codes would replace the 2000 edition of the International Codes that have been adopted as the City's building and fire codes since 2002.
- Staff is proposing the adoption of the following codes published by the International Code Council:
 - The International Building Code, 2006 edition
 - The International Fire Code, 2006 edition
 - The International Residential Code, 2006 edition
 - The International Plumbing Code, 2006 edition
 - The International Mechanical Code, 2006 edition
 - The International Fuel Gas Code, 2006 edition
 - The International Energy Conservation Code, 2006 edition
 - The International Existing Buildings Code, 2006 edition
- In addition to the above referenced codes, staff is also proposing the adoption of the 2005 edition of the National Electrical Code (NEC). The 2005 NEC is published by the National Fire Protection Association and is the latest edition of the electrical code.
- Staff is also proposing revisions to some of the administrative provisions of the current code, including recommended changes to the unsafe building provisions based on past experiences with the Holly Park project and other problem projects.
- Unlike other city ordinances, state statutes require that a public hearing be scheduled on the second reading of an ordinance when adopting codes by reference. The first reading of the ordinance was unanimously approved by City Council at the November 27, 2006 City Council Meeting.

Expenditure Required: Approximately \$5,000 for code books and new handout materials

Source of Funds: General Fund - Building Division and Fire Prevention Operating Budgets

Policy Issue

Should the City of Westminster adopt, by reference, the most current editions of the International Codes as the building and fire codes for the City?

Alternative

Continue with the currently adopted 2000 edition of the International Codes. This alternative would allow staff to continue to enforce codes with which they are very familiar. This alternative would not require the purchase of new code books. However, the building and fire code development process is designed to evolve along with constantly changing building processes. This alternative would not keep the adopted building and fire codes current with the latest technologies or provide for the use of advancements in building construction techniques or materials. This could discourage owners and developers from building in Westminster. Westminster would soon become an exception as other jurisdictions adopted the most current versions of the codes.

Background Information

Since 1951 the City of Westminster has adopted a model building code, the Uniform Building Code published by the International Conference of Building Officials (ICBO), as the minimum building and safety standards for the city. The first fire code for the City of Westminster was adopted in the mid-1970's. In 1994, the three national model code organizations, consisting of the Southern Building Code Congress International (SBCCI), Building Officials Code Administration (BOCA), and ICBO joined forces to form the International Code Council (ICC) with the goal to develop a single national set of codes that could be used across the country.

Many in the building trades, including designers, builders, manufactures and suppliers, requested a single set of building codes to aid them in the delivery of services and products more efficiently nationwide. The ICC was formed and the International codes were developed in an effort to provide a complete set of consistent, comprehensive, correlated code regulations nationwide.

The International Code Council's development of the International Codes, known as the I-Codes, has helped create a more attractive climate for businesses nationwide now that a single set of minimum design requirements apply from coast-to-coast. The City of Westminster adopted the first complete set of the I-Codes when the 2000 I-Codes were adopted in September of 2002.

The 2006 edition of the International Codes represent the most current, comprehensive, integrated set of building and fire safety code regulations. The International Codes are an all-inclusive set of building construction codes covering all aspects of construction, including fire protection, mechanical, plumbing, energy conservation, and accessibility. The International Codes incorporate elements of each of the previous model codes and apply to new construction or alteration of existing structures.

The adoption of the full family of International Codes is fully endorsed by many prominent national organizations. Some of the organizations that have formally shown support for the International Codes include:

- The American Institute of Architects (AIA)
- The National Home Builders Association (NAHB)
- The Federal Emergency Management Agency (FEMA)
- The American Gas Association (AGA)
- The Building Owners and Managers Association (BOMA)
- The Federal Housing and Urban Development Agency (HUD)
- The Department of Energy (DOE)
- The International City/County Management Association (ICMA)

Building code and fire protection technology is constantly evolving and codes and standards require continual updating to keep pace with new ideas and products. The City of Westminster needs to update the adopted building and fire codes so that owners, designers and contractors will not be restricted from taking advantage of new technologies and building practices. The I-Codes are currently the only published set of codes available to adopt as a correlated, contemporary set of building code regulations and represent the most up-to-date set of codes governing building construction.

At last count there were about 200 Colorado jurisdictions, authorities, or special districts that have adopted one or more of the International Codes. Locally, most jurisdictions, including Arvada, Thornton, Broomfield and Jefferson County are either in the process, or have already have, updated to the 2006 editions of the I-Codes.

It is proposed to adopt the I-Codes by reference that will result in hundreds of changes in the minimum standards. The great majority of these changes will not be noticeable to the general public, however, some provisions that are new to the 2006 International Codes are:

- Increased fire separation distance from 3' to 5' for residential construction
- Window guards on operable windows where the window sill is within 24" of the floor
- Reroofing provisions that will require the removal of existing roofing materials prior to installation of a new roof
- New requirements for residential roofing materials based on the local wind speeds in Westminster

Efforts will be made to notify contractors and owners of these new provisions, especially for the new roofing requirements, through the use of handout materials, City Edition and other available means.

In addition, Staff has proposed a limited number of amendments to the proposed Codes. All of the proposed amendments fall into one of the following categories:

- Amendments to "fill in the blanks" in the model codes to localize them to the City of Westminster based on weather factors and soil conditions
- Amendments unique to the City of Westminster such as Westminster's restriction on the installation of solid fuel burning devices to address air quality issues or the allowing of State "permissible fireworks" for a limited number of days
- Amendments retaining previously adopted building codes that proved effective and are no longer included as part of the current International Codes

As with almost all new code provisions, new code requirements will only apply to new buildings or buildings that are undergoing a renovation. New provisions do not retroactively apply to existing buildings approved under a previous version of the codes. The fire code is used to maintain existing buildings from a building and fire safety perspective.

Staff has also been working with the City Attorney's Office to revise some of the administrative provision of the building codes, specifically dealing with the unsafe building provisions. In dealing with the Holly Park project and some other problem projects, staff has identified problems in applying some of the code provisions. The proposed changes will help in enforcing the unsafe building provisions of the code.

The proposed adoption and local code amendments have been reviewed by the Westminster Board of Building Code Appeals and by the Denver Metro Home Builders Association. The Board of Appeals and the Denver Metro Home Builders Association have indicated support for the 2006 Editions of the International Codes and the proposed adoption and it is expected that the Home Builders will support the adoption as well.

Respectfully submitted,

J. Brent McFall, City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3327**

COUNCILLOR'S BILL NO. **69**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Lindsey - Price

**A BILL
FOR AN ORDINANCE AMENDING TITLE XI, CHAPTERS 9 AND 10, OF THE
WESTMINSTER MUNICIPAL CODE CONCERNING THE BUILDING AND FIRE CODES
AND AMENDING TITLE VI, CHAPTER 8 CONCERNING FIREWORKS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 9 of Title XI, W.M.C., is hereby REPEALED AND REENACTED in its entirety to read as follows:

CHAPTER 9

BUILDING CODES

- 11-9-1: ADOPTION OF BUILDING CODES**
- 11-9-2: ADMINISTRATIVE PROVISIONS**
- 11-9-3: PERMITS AND FEES**
- 11-9-4: INSPECTIONS**
- 11-9-5: INTERNATIONAL BUILDING CODE AMENDMENTS**
- 11-9-6: INTERNATIONAL RESIDENTIAL CODE AMENDMENTS**
- 11-9-7: NATIONAL ELECTRICAL CODE AMENDMENTS**
- 11-9-8: INTERNATIONAL PLUMBING CODE AMENDMENTS**
- 11-9-9: INTERNATIONAL MECHANICAL CODE AMENDMENTS**
- 11-9-10: INTERNATIONAL FUEL GAS CODE AMENDMENTS**
- 11-9-11: INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS**
- 11-9-12: INTERNATIONAL EXISTING BUILDING CODE AMENDMENTS**
- 11-9-13: MOBILE HOMES**

11-9-1: ADOPTION OF BUILDING CODES:

(A) Intent and Findings. The intent of this chapter is to adopt by reference and with modifications the International Building Code, 2006 Edition; the International Residential Code, 2006 Edition; the National Electrical Code, 2005 Edition; the International Plumbing Code, 2006 Edition; the International Mechanical Code, 2006 Edition; the International Fuel Gas Code, 2006 Edition; the International Energy Conservation Code, 2006 Edition; and the International Existing Building Code, 2006 Edition.

Hereinafter, all such Codes may be referred to as "Building Codes." The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster.

(B) Adoption of Building Codes. The following documents, one copy each of which is on file in the Office of the City Clerk, being marked and designated as stated, are hereby referred to, adopted, and made a part hereof as if fully set forth in this codification with, however, the amendments indicated in the following sections of this chapter.

1. International Building Code. The "International Building Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 35 inclusive and Appendix Chapter I are hereby adopted as the Building Code of and for the City of Westminster.

2. International Residential Code. The “International Residential Code, 2006 Edition”, published by the International Code Council, Inc., and in particular Chapters 2 through 43 inclusive and Appendix Chapters A, G, H, and K inclusive are hereby adopted as the Residential Building Code of and for the City of Westminster.

3. National Electrical Code. The "National Electrical Code, 2005 Edition", published by the National Fire Protection Association, Inc., and in particular Article 70, Chapters 1 through 9 inclusive is hereby adopted as the Electrical Code of and for the City of Westminster.

4. International Plumbing Code. The "International Plumbing Code, 2006 Edition", published by the International Code Council, Inc., in particular Chapters 2 through 13 inclusive and Appendix Chapters C, E, and G inclusive is hereby adopted as the Plumbing Code of and for the City of Westminster.

5. International Mechanical Code. The "International Mechanical Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 15 inclusive is hereby adopted as the Mechanical Code of and for the City of Westminster.

6. International Fuel Gas Code. The "International Fuel Gas Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 8 inclusive is hereby adopted as the Fuel Gas Code of and for the City of Westminster.

7. International Energy Conservation Code. The "International Energy Conservation Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 6 inclusive, is hereby adopted as the Energy Code of and for the City of Westminster.

8. International Existing Building Code. The “International Existing Building Code, 2006 Edition”, published by the International Code Council, Inc., and in particular Chapters 2 through 15 inclusive and the Appendix B, is hereby adopted as the Existing Building Code of and for the City of Westminster.

11-9-2: ADMINISTRATIVE PROVISIONS:

(A) Purpose and Scope.

1. Purpose. The purpose of the Building Codes is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

2. The provisions of the Building Codes shall apply to the construction, installation, alteration, moving, enlargement, replacement, abatement, demolition, repair, use, occupancy, location or maintenance of any building or structure or part thereof; electrical system; plumbing system; heating, ventilating, cooling, and refrigeration system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system; or the design and construction of buildings for effective use of energy within the City, except structures and equipment specifically exempted or not specifically regulated by this chapter or the Building Codes.

3. Whenever in the Building Codes reference is made to an appendix, the provisions of such appendix shall not apply unless specifically adopted.

4. The codes and standards referenced in the Building Codes shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of the Building Codes and the referenced codes and standards, the provisions of the Building Codes shall apply.

(B) Applicability.

1. Where, in any specific case, different sections of the Building Codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

2. Other laws. The provisions of the Building Codes shall not be deemed to nullify any provision of local, state or federal law.

3. The Building Codes adopted by reference in this chapter do not include "administrative" provisions. Whenever an administrative provision is referred to in a Building Code, the respective provision in the Westminster Municipal Code shall apply.

4. Partial invalidity. In the event any part or provision of the Building Codes is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(C) Existing Structures.

1. Existing structures. The legal occupancy of any structure existing on the date of adoption of the Building Codes shall be permitted to continue without change, except as specifically covered in the Building Codes or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

a. Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

2. Maintenance. All equipment, systems, materials and appurtenances, both new and existing, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by the Building Codes shall be maintained in compliance with the code edition under which they were constructed or installed.

(D) Duties and Powers of Building Official.

1. General. The Building Official is authorized to enforce all the provisions of this Chapter and the Building Codes. For such purposes, he and those persons to whom enforcement authority is delegated shall be deemed a peace officer. The Building Official shall have the power to render interpretations of the Building Codes and to adopt policies and procedures, as he may deem necessary in order to clarify the application of the provisions of the Building Codes. Such interpretations, policies and procedures shall be consistent with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the building codes. The Building Official may delegate certain duties for the administration and authority to enforce the Building Codes to qualified officers, inspectors, and other qualified employees authorized by the City Council.

2. Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of the Building Codes, or whenever the Building Official or his authorized representative has probable cause to believe that there exists in any building or upon any premises any condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous, the Building Official or authorized representative may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Building Official by this Code, provided that if such building is occupied, he shall first present his credentials to the occupant and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If the owner or occupant cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises. The notice

shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made upon issuance of a search warrant by the Municipal Judge of the City.

a. After entry is refused or 24 hours after the building has been posted, the Building Official may appear before the Municipal Judge and, upon showing of probable cause, shall obtain a search warrant entitling him to enter upon the premises. Upon presentation of the search warrant and proper credentials, or possession of same in the case of unoccupied premises, the Building Official may enter upon the premises using such reasonable force as may be necessary to gain entry.

b. For purposes of this subsection (D), "probable cause" exists where the facts and circumstances within the Building Official's knowledge are sufficient to warrant a person of reasonable caution in the belief that there exists a condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous to life or property. The Building Official shall not be required to demonstrate specific knowledge of the conditions of the particular premises in issue to obtain a search warrant.

c. It is unlawful for any owner or occupant of the premises to resist reasonable force used by the Building Official acting pursuant to this subsection (D).

3. Stop Orders. Whenever any work is being done in violation of the provisions of the Building Code or other ordinances implemented through the enforcement of this Code or in a dangerous or unsafe manner, the Building Official may order the work stopped by issuing a notice in writing and serving it upon any persons engaged in doing such work or causing such work to be done. Upon receipt of the notice, such persons shall stop work until authorized by the Building Official to proceed with the work. It is unlawful to continue any work after receipt of a notice to stop work except such work as directed to remove a violation or unsafe condition. Each day that work is continued after receipt of a notice shall constitute a separate violation of this Code.

4. Connection of service utilities. No person shall make connections from an energy, fuel, or power supply to any building or system that is regulated by the Building Codes until approved by the Building Official.

5. Authority to Disconnect Utilities in Emergencies. In the case of an emergency, where it is necessary to eliminate an immediate hazard to life or property, or when a utility connection has been made without required approval, the Building Official or his authorized representative shall have the authority to cause the disconnection of fuel-gas utility service or energy supplies to a building, structure, premises, or equipment regulated by the Building Code. The Building Official shall, whenever possible, notify the serving utility, the owner, and the occupant of the building, structure, or premises of the decision to disconnect prior to taking such action.

a. It is unlawful to make connections from any energy, fuel, or power supply which has been disconnected or to supply energy or fuel to any equipment regulated by the Building Codes which has been disconnected, ordered to be disconnected, or the use of which has been ordered to be disconnected by the Building Official. Each day that such unlawful connection or supply continues shall be considered a separate violation of this Code.

6. Alternate Materials and Methods of Construction.

a. General. The provisions of the Building Codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the Building Codes, provided any alternate material or method has been approved and its use authorized by the Building Official. The Building Official may approve an alternate material or method, provided he finds that the proposed design is satisfactory and complies with the provisions of the Building Codes and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in the Building Codes for suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The Building Official shall require that sufficient

evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate material or method. Any decision approving or denying the use of an alternate material or method of construction shall be documented by the Building Official and shall include the reasons therefor.

b. Tests. Whenever there is insufficient evidence of compliance with the provisions of the Building Codes regarding the use of an alternate material or method of construction, or evidence that a proposed material or method of construction does not conform to the requirements of the Building Codes, the Building Official may require that tests be made at the expense of the proponent of the questioned material or method of construction.

(1) Test methods shall be as specified by the Building Official or by other recognized test standards. In the absence of recognized and accepted test methods of the proposed alternate material or method of construction, the Building Official shall determine which test procedures are appropriate.

(2) All tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official.

7. Modifications. Whenever there are practical difficulties involved in complying with the provisions of the Building Codes, the Building Official shall have the authority to grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the Building Codes impractical; that the modification is consistent with the intent and purpose of this Code; and that such modification not lessen health, life, fire safety, accessibility or structural requirements. Any decision granting a modification shall be documented by the Building Official and shall include the reasons therefor.

(E) Unsafe Buildings, Structures and Equipment.

1. Unsafe Buildings, Structures, and Equipment. Any building, structure, or equipment regulated by the Building Codes which are structurally unsafe, unsanitary or not provided with adequate egress, or not provided with adequate light and ventilation or which constitutes a fire or health hazard or is otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy is deemed unsafe.

a. Any building or structure which has any of all of the conditions or defects herein described shall be deemed to be a unsafe building, provided that such condition or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.

(1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

- (5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
- (7) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (8) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
- (9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
- (11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- (12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- (13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or Jurisdiction relating to the condition, location or structure of buildings.
- (14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- (15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty

electric wiring, gas connections or heating apparatus, the accumulation of trash, inadequate maintenance or other cause, is determined by the fire marshal to be a fire hazard.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) A vacant structure that is not secured against entry shall be deemed unsafe.

b. In addition to the above unsafe conditions, any use of buildings, structures, or equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are deemed unsafe building appendages.

2. Abatement of Unsafe Buildings. All buildings or portions thereof which are determined after inspection by the Building Official to be unsafe as defined in this section are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in section 11-9-2(E)3 of this Code.

a. Any building declared an unsafe building shall be made to comply with one of the following:

(1) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair. If requested, the owner shall, at the owner's expense, provide to the Building Official a remedial plan for the corrective work and information necessary to determine whether the remedial work can be completed within the time stated in the order; or

(2) The building shall be demolished; or

(3) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry until such time as the building is demolished or repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair.

b. If the building is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public and its occupants, it shall be ordered to be vacated and the Building Official may take all actions necessary to summarily abate the dangerous or unsafe condition pursuant to Section 8-4-5 of the Westminster Municipal Code.

3. Notice and Orders. When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is unsafe, the Building Official shall commence proceedings to cause the repair, vacation or demolition of the building.

a. Notice and Order. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

(1) The street address and legal description of the property that the unsafe building is located.

(2) A statement that the Building Official has found the building to be unsafe with a brief and concise description of the conditions found to deem the building unsafe under the provisions of this section.

(3) A statement of action required to be taken and the time period allowed for such action.

(4) Statements advising that if the required action is not commenced within the time specified, the Building Official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charged the costs thereof against the property or its owner.

(5) A statement advising that any person having any record title or legal interest in the building may appeal the notice and order or any action of the Building Official to the Board of Building Code Appeals, provide that the appeal is made in writing as provide in this code within 30 days from the date of service of such notice and order and that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

b. Service. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the building affected by such notice. The Building Official may serve additional such notice and order on any parties that may have interest in the property. The failure of the Building Official to serve any person required to be served shall not invalidate any proceedings herein or relieve any person from any duty or obligation imposed by the provisions of this code.

c. Method of Service. Service of the notice and order shall be deemed properly served if a copy thereof is delivered to the owner personally or sent by first-class mail to the owner of the subject property at the address shown in the county assessor records for the county in which the property is located. Notice shall be deemed served on the date of receipt by the owner, if personally served, or upon the fifth day after mailing of the notice and order.

d. Recordation of Notice and Order. If compliance is not had with the notice and order within the specified time, and no appeal has been properly filed, the Building Official may file in the office of the county recorder a certificate describing the property and certifying that the building is unsafe and the owner has been so notified.

e. Notice to Vacate. Every notice to vacate shall, in addition to being served as required in this section, be posted at or upon each exit of the building. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such posting until the required repairs, demolition or removal have been completed.

4. Appeal and Procedure for Conduct of Hearing Appeals. Appeals shall be made to the Board of Building Code Appeals. Appeals and hearings shall be as set forth in Chapter 10 of Title II of the Westminster Municipal Code.

a. Effects of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this code shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

b. Scope of Hearing on Appeal. Only those matters or issues raised by the appellant shall be considered in the hearing of the appeal.

c. Staying of Orders of Appeal. Except for vacation orders, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

5. Enforcement of Orders. After any order of the Building Official or the Board of Building Code Appeals made pursuant to this code shall have become final, no person to whom any such order is

directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with such order is guilty of a misdemeanor.

a. **Failure to Obey Order.** If, after any order of the Building Official or the Board of Building Code Appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted per section Chapter 4 of Title VIII, or (ii) institute any appropriate action to abate such building as a public nuisance.

b. **Failure to Commence Work.** Whenever the required repair or demolition is not commenced within the specified time as required in the notice and order the Building Official may cause the building to be vacated.

c. **Extension of Time.** Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the Building Official may grant an extension of time, not to exceed 120 days, within which to complete said repair, rehabilitation, or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

d. **Interference with Repair or Demolition.** No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under the provisions of this Code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Code.

6. **Performance of Work.** When any work of repair or demolition is to be done pursuant to this Code, the Building Official shall issue his order therefor and the City of Westminster may decide to delay the work, perform the work with City personnel, or contract with a private entity to do the work. Plans and specification therefor may be prepared by the City or outside consultants under contract with the City.

a. **Costs.** The costs of such work may be collected pursuant to the provisions of Section 8-4-5 of the Westminster Municipal Code.

(F) Compliance With Building Codes.

1. **Violation.** It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system, in the City, or cause or permit the same to be done in violation of any of the provisions of the Building Codes.

2. **Nuisance.** It is a public nuisance to use a building, structure, or equipment in violation of the Building Codes. This condition may be abated pursuant to the provisions of Chapter 4 of Title VIII of this Code.

3. **Penalties.** Any person in violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine or imprisonment for each violation as set forth in Section 1 of Chapter 8 of Title I of this Code. Any violation of the provisions of this chapter shall be a criminal offense.

4. **Notice of Violation.** Prior to causing a summons to be issued for a violation of the provisions of this chapter, the Building Official may, at his discretion, issue a written notice to the person found in

violation, describing the violation and ordering the person to correct or remedy the violation within a stated period of time.

(G) Board of Building Code Appeals. Appeals of orders, decisions, or determinations made by the Building Official or Fire Chief regarding the application or interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code Appeals pursuant to Chapter 10 of Title II of this Code. No such appeal shall be heard by the Board of Building Code Appeals unless the appeal is filed within 30 calendar days after the date of the action of the Building Official or Fire Chief.

11-9-3: PERMITS AND FEES:

(A) Permits Required.

1. General. No person shall construct, install, enlarge, alter, repair, move, improve, remove, replace, convert, demolish, equip, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; gas system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa or hot tub; elevator, escalator, or moving walk; fire protection system, or other work regulated by this code, or portion thereof, in the City, or cause the same to be done without first obtaining a building permit for all such work from the Building Official, except as follows:

a. A public utility, duly franchised or authorized as such in the City, shall not be required to obtain a permit prior to performing emergency maintenance or repairs on its equipment, building, or structure, when necessary to sustain service or protect life or property; provided, however, that the public utility shall obtain a permit for the work as soon as it is practical to do so.

b. Public utilities, duly franchised or authorized as such in the City, shall not be required to obtain a permit for the installation, alteration or repair of generation, transmission, or distribution equipment that is under the ownership and control of the public utility.

2. Exempt work. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of this Code or any other laws or ordinances of the City. A building permit shall not be required for the following:

a. One-story, detached accessory buildings or structures used as tool and storage sheds, playhouses, and similar uses provided that the floor area does not exceed 120 square feet;

b. Oil derricks;

c. Movable cases, counters, and movable partitions not over 5 feet 9 inches in height;

d. Retaining walls which are not over 3 feet in height when measured from the grade level on the low side to the top of the wall, unless supporting an additional load due to a surcharge of earth; a structure; or impounding Class I, II, or IIIA flammable liquids;

e. Water tanks supported directly upon the grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one (2:1);

f. Platforms, patios, or decks associated with Group R occupancies not more than 30 inches above grade at any point and not over any basement or story below or which are not part of an accessible route;

g. Non-structural concrete slabs on grade;

h. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

i. Temporary motion picture, television, and theater sets and scenery, except that, the Fire Code provisions shall apply;

j. Window awnings supported by an exterior wall of any structure regulated by the International Residential Code or accessory thereto, when projecting not more than 54 inches beyond the plane of the wall;

k. Nonfixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height;

l. Agricultural buildings as defined in Appendix Chapter C of the International Building Code;

m. Sidewalks, driveways or similar at grade concrete flatwork;

n. Swings or other playground equipment;

o. Portable heating, ventilating, and cooling appliances or equipment; unit refrigeration systems, cooking, or clothes drying equipment; and the replacement of any component part or assembly or an appliance so long as the appliance continues to comply with other applicable requirements of this Code;

p. Portable wading pools constructed of flexible plastic, rubber, or similar materials 24 inches or less in depth;

q. The repair of broken or defective electrical receptacles, switches or lamps;

r. The clearing of stoppages or the repair of leaks in pipes, valves, or fixture drains, provided such maintenance or repair does not involve or require the replacement or rearrangement of valves or pipes, or the replacement of fixtures provided such replacement does not involve the replacement or relocation of valves or pipes;

s. Fences not over 30" height.

3. Separate Permits. Unless otherwise exempt, separate plumbing, electrical, or mechanical permits may be required for work on the buildings or structures listed in subsection (A)2 of this section.

4. Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment at approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting away of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waster, vent or similar piping, electrical wiring or mechanical or work affecting public health or general safety.

5. Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day.

(B) Contractor Registration/License Required.

1. Contractor Registration Required. Only persons, firms, or corporations holding a current City contractor's registration certificate, issued pursuant to Chapter 5 of Title V of this Code may obtain a building permit, except as follows:

a. Any person who intends to build and occupy a single family detached home, or a building or structure accessory thereto, may apply for a building permit without a City

contractor's registration certificate provided, however, that only one such permit may be issued in any calendar year.

b. Homeowners shall not be required to obtain a City contractor's registration certificate for the purposes of remodeling, enlarging, altering, repairing, or in any other way improving any building regulated by the International Residential Code, or accessory thereto, which they own.

2. License Required. The State of Colorado laws applicable to licensing of electricians and plumbers shall apply within the City.

(C) Application for Permit.

1. Application. To obtain a permit, the applicant shall file an application therefor in writing on a form furnished by the Building Official for that purpose. Each application shall:

a. Identify and describe the work to be covered by the permit for which application is made.

b. Describe the land on which the proposed work is to be done by street address and legal description, or similar description that will readily identify and definitely locate the proposed building or work.

c. Fully describe the use or occupancy for which the proposed work is intended. For non-residential uses, state the name of the user and describe the nature of the use or business.

d. Include plans, diagrams, computations, specifications, and other data as required in Subsection (C)2 of this section.

e. State the valuation of the proposed work.

f. Be signed by the applicant or the applicant's authorized agent.

g. Give such other data and information as may be required by the Building Official.

2. Plans and Specifications. Plans, engineering calculations, diagrams, and other data shall be submitted in accordance with the City's submittal requirements with each application for a permit. The construction documents shall be prepared by an architect or engineer licensed by the State of Colorado when required by section 11-9-3(C)3. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared. The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.

3. Design Professional.

a. All proposed erection, construction, reconstruction, alteration, or remodeling shall be prepared by and bear the seal of an architect or engineer licensed by the State of Colorado unless exempted in this section. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that the State law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law or exempted below.

b. An architect's or engineer's design and stamp shall be required on plans, engineering calculations, diagrams, and other data on the following types of projects:

- (1) Smoke Control Systems
- (2) Elevators, escalators and moving walks
- (3) Foundation designs for all buildings or structures excluding accessory structures to buildings regulated by the International Residential Code.
- (4) Retaining walls over 3 feet in height when measured from the grade level on the low side to the top of the wall

c. The architect or engineer in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

d. Exemptions. Any applicant may prepare plans, calculations, and specifications for construction, alterations, remodeling, additions to, or repair of any of the following:

- (1) One, two, three, and four unit family dwellings, including accessory buildings commonly associated with such dwellings;
- (2) Garages, industrial buildings, offices, farm buildings and buildings for the marketing, storage, or processing of farm products, and warehouses, which do not exceed one story in height, exclusive of a one-story basement, and which under the provisions of this Code are not designed for occupancy by more than ten people.
- (3) Additions, alterations, or repairs to the foregoing buildings which do not cause the completed buildings to exceed the applicable limitations set forth in this subsection.
- (4) Nonstructural alterations of any nature to any building if such alterations do not affect the life safety of the occupants of the building.

4. Structural Observation. When special inspection and/or structural observation is required by Chapter 17 of the International Building Code, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of the individuals and firms who are to perform the special inspections, and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

5. Information on Construction Documents. Construction documents shall be dimensioned and drawn to scale upon substantial paper. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and shall show in detail that it will conform to the provisions of the Building Codes and all relevant laws, ordinances, rules, and regulations, as determined by the Building Official.

6. Expiration of Permit Applications or Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation unless such application has been pursued in good faith, and the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(D) Permit Issuance.

1. Issuance.

a. The application, plans, specifications, computations, and other data submitted by the applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by

other City departments to substantiate compliance with any applicable laws under their control. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of the Building Codes and other pertinent laws, and that all applicable fees have been paid, a building permit shall be issued to the applicant.

b. When the Building Official issues a permit for which plans are required, the plans shall be approved in writing or by stamp. The approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans

c. The Building Official may issue a permit for the construction of part of a building and structure before all of the plans and specifications for the entire building or structure have been submitted or approved provided that adequate information verifying compliance with all pertinent requirements of the Building Codes have been submitted and approved for that portion of the building or structure. A permit issued based on partial plan approval will be restricted to the portion of the work that has been reviewed and approved and the holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

2. Retention of Plans. One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than 90 days from the date of completion of the work covered therein, and one set of approved plans shall be returned to the applicant and shall be kept on the job site at all times during which work is in progress.

3. Validity of Permit. The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for or an approval of any violation of any of the provisions of the Building Codes or other ordinances of the City. Permits presuming to give authority to violate or cancel the provisions of the Building Codes or other ordinances of the City shall not be valid. The issuance of a permit based upon plans, specifications, and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications, and other data, or from ordering the work being carried on to be stopped when in violation of the Building Codes or other ordinances of the City. The building official is also authorized to prevent occupancy or use of a structure in violation of the building code or of any other ordinance of the City.

4. Expiration of Permit.

a. Every permit issued by the Building Official under the provisions of the Building Codes shall expire if the building or work authorized by such permit is not commenced within 180 days from the date the permit was issued, or if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Before such work can be resumed, a new permit shall be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes are to be made in the original plans and specifications for such work and, provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after the work authorized by such permit has been suspended or abandoned for more than one year, the permittee shall pay a new, full permit fee.

b. When a permittee is unable to commence work within the time required by this subsection for good and satisfactory reasons, a permittee holding an unexpired permit may apply for an extension of the time in which he may commence work under that permit. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Building Codes or any other ordinance or regulation of the City

whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information supplied by the applicant.

(E) Fees and Taxes.

1. General. A permit shall not be valid until the prescribed fees have been paid. Fees shall be assessed in accordance with the provisions of this subsection.

- a. Building use tax shall be paid in accordance with this Code.
- b. Park development fees shall be paid in accordance with this Code.
- c. Water and sanitary sewer tap fees shall be paid in accordance with this Code.
- d. School Land Dedication fees shall be paid in accordance with this code.

2. Permit Fees. A fee for each building permit shall be paid to the City of Westminster as specified in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council; except that, the City, the Counties of Adams and Jefferson, the State of Colorado, the United States Government, and all agencies and departments thereof, shall be exempt from payment of building permit fees for the construction or repair of buildings or structures owned wholly by such agencies and departments and devoted to governmental use. Fees shall be reduced by twenty percent (20%) for building permits issued for work within the boundaries of the urban renewal area of the city.

EXCEPTION: The Building Official shall indefinitely waive the permit fees and use tax for the conversion of existing non-conforming solid fuel burning devices to gas, electric, EPA certified phase II, Colorado Phase III, or devices meeting the emission standard for solid fuel burning devices established under the State statutes and/or regulations promulgated by the Colorado Department of Public Health and Environment, as demonstrated by a test by an EPA accredited laboratory. This exemption shall be in effect for those devices purchased or installed on or after September 1, 1993.

3. Valuation. The applicant for a permit shall provide an estimated permit value at time of permit application. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work, including labor and materials, for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, conveyance systems, fire protection systems, and other permanent work or equipment. The final determination of value or valuation shall be made by the Building Official.

4. Plan Review Fees. When plans or other data are required to be submitted by the building codes, a plan review fee shall be paid at the time the plans and specifications are submitted for review. Said plan review fee shall be 65 percent of the building permit fee as shown in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition thereto. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established in the "Building Permit Fee Schedule".

5. Work Commenced Without a Permit. When work for which a permit is required by the Building Codes is commenced without first obtaining the required permit, the fee for any subsequently issued permit shall be double the prescribed permit fee as set forth in subsection (E)8 of this section, but not less than two hundred fifty dollars (\$250) for the first such offense, triple the prescribed permit fee as set forth in subsection (E)8 of this section, but not less than five hundred dollars (\$500) for the second such offense, and the immediate revocation of the contractors license for the third such offense. These provisions shall not apply to emergency work when it can be demonstrated to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of such work. In all such cases, a permit shall be obtained as soon as practical to do so, and any unreasonable delay in obtaining such permit shall result in the assessment of

fees as outlined above. Payment of such increased permit fee shall not relieve any persons from fully complying with the requirements of the building codes in the execution of the work nor from any other penalties prescribed herein.

6. Reinspection Fees. Permit fees provide for customary inspections only. A reinspection fee may be assessed when the portion of work for which an inspection is scheduled is not complete or when corrections listed during a previous inspection have not been made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which an inspection is requested, or for deviating from plans requiring the approval of the Building Official. This subsection is not to be interpreted as requiring reinspection fees the first time work fails to comply with the requirements of the building codes but as a means of controlling the practice of calling for inspections before the work is ready for inspection or reinspection. In instances where a reinspection fee has been assessed, a reinspection fee as set forth in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council shall be paid by the holder of the permit to the City of Westminster before any additional inspections or reinspections may be made.

7. Fee Refunds. The Building Official may authorize fee refunds as follows:

a. The Building Official may authorize the refund of any fee which was erroneously paid or collected.

b. The Building Official may authorize the refund of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

c. The Building Official may authorize the refund of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plans are reviewed.

d. The Building Official shall not authorize the refund of any fee paid except upon receipt of a written request, by the original permittee, filed not later than 180 days after the date such fee was paid.

11-9-4: INSPECTIONS:

(A) Inspection Procedures.

1. General.

a. All construction or work for which a permit is required shall be subject to inspection by the Building Official, and all such construction or work shall remain accessible and exposed for inspection until approved by the Building Official. In addition, certain types of construction shall have continuous inspection as specified in the Building Codes. It shall be the duty of the permittee to cause the work to remain accessible and exposed for inspection. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material to allow inspection.

b. Approval as a result of inspection shall not be construed to be an approval of a violation of the provisions of the building code or other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of the Building Codes shall not be valid.

c. A survey of the lot may be required by the Building Official, at the permittee's expense, to verify that the structure is located in accordance with the approved plans.

d. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

2. Inspection Record Card. Work requiring a permit shall not be commenced, and required inspections of such work shall not be made, until the permittee or his authorized agent has posted or has otherwise made an inspection record card available to the inspector to make the required entries thereon regarding inspection of the work. This card shall be kept available by the permittee until final approval has been granted by the Building Official.

3. Inspection Requests. It shall be the responsibility of the person doing the work authorized by a permit to notify the Building Official that the work is ready for inspection. The Building Official may require that every request for inspection be filed at least one day prior to the day the inspection is desired. The request shall be by telephone as specified on the inspection record card or other means approved by the Building Official. It shall be the duty of the person requesting any inspection required by this Code to provide access to and means for inspection of the work.

4. Approval Required. Work shall not be done beyond the point indicated in each successive inspection. The Building Official, upon notification, shall make the requested inspection and shall indicate the portion of the work that is satisfactory as completed, or shall notify the permit holder or authorized agent wherein the same fails to comply with the building code. Any provisions that do not comply shall be corrected and such work shall not be covered or canceled until authorized by the Building Official.

(B) Required Inspections.

1. General. The Building Official, upon notification, shall make an inspection required by this subsection. The following are required inspections:

a. Footing Inspection. Shall be made after excavations are completed, all forms are in place, any required reinforcing steel is in place, and the footing is ready for the placement of concrete but before any concrete is placed.

b. Caisson/Drilled Pier Inspection. Shall be made after caisson drilling has been completed and prior to any concrete being placed.

c. Foundation Inspection. For concrete foundations, all forms, required void material, and required reinforcement shall be in place prior to the placement of any concrete. Where the foundation is to be constructed of approved, treated wood, additional inspections may be required by the Building Official.

d. Underslab or Underground Inspection. Shall be made after all underslab or underground building service equipment, electrical conduit, plumbing piping, and other ancillary equipment items are in place, but before any such equipment, conduit, or piping is buried or any concrete is placed. Required pressure tests of underground piping or ductwork shall be performed at this time, as specified in the Building Codes.

e. Rough Inspection. Shall be made after all rough-in work is completed and ready for inspection; all circuits are made up, electrical boxes, and plaster rings are installed, electrical panels are set, neutrals and grounds are made up, and all grounding is completed; all air or water tests required by the Building Codes have been performed; all ductwork, venting, and piping are completely roughed in; the roofing, all framing, fire blocking and bracing are complete; and when the job is ready for drywall but prior to the installation of any insulation.

f. Wallboard Inspection. Gypsum wallboard which is part of a required fire assembly or designed to resist shear forces shall be inspected after all gypsum board, interior and exterior, is in place and properly fastened but before any gypsum board joints or fasteners are taped or finished.

g. Final Inspection. Shall be made after all work, including final grading, is completed, and the building or space is ready for occupancy.

2. Other Inspections. In addition to the inspections specified in Subsection (B) of this section, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Codes and other laws which are enforced by the City.

3. Special Inspections. Special inspections shall be conducted as required by the building code and Building Division procedures.

(C) Certificates of Occupancy.

1. Use and Occupancy. No building or structure, except Group U occupancies, shall be used or occupied and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a certificate of occupancy therefor. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the building codes or other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of the Building Codes or other ordinances of the City shall be invalid.

2. Change in Use. Changes in the character or use of a building shall not be made without the approval of the Building Official.

3. Certificate Issued. After all required final inspections have been made, finding no violations of the provisions of the Building Codes or any other laws or ordinances of the City, all fees have been collected, and all improvements required by the City have been made in accordance with City specifications, including the installation of sidewalks, curbs, gutters, street paving, and any required landscaping, the Building Official shall issue a certificate of occupancy. However, the Building Official may issue the certificate of occupancy prior to the completion of the required improvements provided the City has entered into an agreement with the owner of the property regarding delayed completion. Only those improvements specified in such agreement with the City shall be considered for delayed completion, and the certificate of occupancy shall not be issued if required improvements, other than those included in the agreement with the City, have not been completed. The certificate of occupancy shall contain the following information:

- a. The building permit number.
- b. The address and legal description of the building.
- c. The name and address of the owner.
- d. If not the entire building, a description of the portion of the building for which the certificate was issued, including the occupancy group classification.
- e. A statement that, at the time of issuance, the building or portion thereof was in compliance with the requirements of the Building Codes for the occupancy and the use for which the building is classified.
- f. The edition of the code under which the permit was issued.
- g. The type of construction.
- h. Any special stipulations and conditions of the building permit or certificate of occupancy.
- i. The date of issuance of the certificate.
- j. The signature of the Building Official or his representative.

4. Temporary Certificate. If the Building Official finds that no substantial hazard will result from the occupancy of a building or portion thereof before completion, he may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The Building Official shall set a time period for which the temporary certificate of occupancy is valid. A fee shall be charged for the issuance or reissuance of a temporary certificate of occupancy as set forth in the fee schedule. The fee for the temporary certificate of occupancy shall be based upon the permit fee paid for the building or portion thereof.

5. Revocation. The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of the Building Codes whenever the certificate is issued in error or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of the Building Codes or any ordinance or regulation of the City.

11-9-5: INTERNATIONAL BUILDING CODE AMENDMENTS:

(A) Section 406.1.4, number 1 of the International Building Code is amended to read as follows:

406.1.4. Separation. Separations shall comply with the following:

1. The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8-inch type "X" gypsum board applied to the garage side. Where the separation is horizontal the gypsum board shall be attached to framing members spaced no more than 16 inches on center and the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent. Door openings between the garage and the dwelling unit shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch thickness, solid or honeycomb core steel door not less than 1 3/8 inches thick, or doors in compliance with Section 715.4.3. Openings in the required separation shall be in conformance with Section 712. Openings from a garage directly into a room used for sleeping purposes shall not be permitted.

(B) The International Building Code is amended to add Section 421 to read as follows:

Section 421 Dwelling Unit Security.

421 Dwelling unit security. The provisions of this section shall apply to openings into all dwelling units as well as to openings between attached garages and dwelling units. Except for vehicular access doors, door openings in attached garages shall be in accordance with the provisions of this section.

421.1 Obstructing means of egress. Security methods of this section shall not create a hazard to life by obstructing any means of egress. The provisions of this section shall not supersede the requirements of Chapter 10 of this code.

421.2 Entry vision. All main or front entry doors to dwelling units shall be so arranged so that the occupants have a view of the area immediately outside of the door without having to open the door. Such view can be provided by a window or by the use of a door viewer with a 180 degree field of view.

421.3 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch thickness, a metal door constructed with at least 18-gauge metal or similar approved material.

421.3.1 Strike plate installation. In wood-frame construction, any open space between trimmers and wood doorjamb shall be solid shimmed not less than 12 inches above and below the strike plate. Strike plates shall be attached to the jamb with not less than two No. 8 by 3-inch screws, which have a minimum of 3/4 inch penetration into the nearest framing member. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

421.3.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a non-removable hinge pin. Not less than three 4 1/2 inch steel butt hinges shall be fastened to both the door and jamb with not less than four No. 9 by 3/4 inch wood screws or to metal doors and jambs with not less than four No. 8 machine screws. In wood construction, any open space between trimmers and wood jambs shall be solid shimmed extending not less than 6 inches above and below each hinge.

421.3.3 Locking Hardware. Swinging doors shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one-inch bolt throw that will penetrate the strike at least 3/4 of an inch. See Chapter 10 of this code for requirements on door operation for exiting.

(C) Section 708.3 of the International Building Code is amended as follows:

Section 708.3 Fire-resistance rating. Exception No. 2 is deleted in its entirety.

(D) Section 711.3 of the International Building Code is amended as follows:

Section 711.3 Fire-resistance rating. The Exception is deleted in its entirety.

(E) Section 1608.2 of the International Building Code is amended to read as follows:

1608.2 Ground snow loads. The ground snow load to be used within the City of Westminster in determining the design snow loads for roofs is 30 pounds per square foot.

(F) Section 1609.1.2 of the International Building Code, Protection of Openings, is deleted in its entirety.

(G) Section 1609.3 of the International Building Code is amended to read as follows:

1609.3 Basic wind speed. The minimum basic wind speed, based on a 3-second gust, for any site within the limits of the City of Westminster shall be a minimum of 100 miles per hour (MPH) in areas located east of Sheridan Boulevard, 110 MPH in areas between Sheridan Boulevard and Wadsworth Parkway, and 120 MPH in areas west of Wadsworth Parkway. Exposure B shall be used unless specified as exposure C by the Building Official.

(H) Sections 1612.3 and 1612.4 of the International Building Code are amended to read as follows:

1612.3 Establishment of flood hazard areas. The flood hazard areas of the City of Westminster are as established in Article 11, Chapter 8 of the Westminster Municipal Code.

1612.4 Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be designed and constructed in accordance with City of Westminster standards and ASCE 24, whichever is the most restrictive.

(I) Section 2111.1 of the International Building Code is amended to read as follows:

2111.1 Definition. A masonry fireplace is a fireplace constructed of concrete or masonry, hereafter referred to as masonry. Masonry fireplaces shall be constructed in accordance with this section and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(J) Section 2304.11.5 of the International Building Code is amended as follows:

Section 2304.11.5 Supporting member for permanent appurtenances. Exception is deleted in its entirety.

(K) The International Building Code is amended to add Section 3007 to read as follows:

Section 3007 Permits - Certificates of Inspection.

3007.1 Permits required. It shall be unlawful to hereafter install any new elevator or conveying system, or to make major alterations to any existing elevator or conveying system without first obtaining a permit for such installation from the Building Official. Permits shall not be required for maintenance or minor alterations.

3007.2 Certificate of inspection required. It shall be unlawful to operate any elevator or conveyance system without a current certificate of inspection issued by the building official. Such certificate shall be issued upon payment of the prescribed fees and the presentation of a valid inspection report indicating

that the elevator or conveyance system is safe and that the inspections and tests have been performed in accordance with Part X of the ANSI code.

Exception: Elevators or conveyance systems within individual dwelling units.

3007.3 Fees. A fee for each elevator permit shall be paid to the City of Westminster as set forth in this Code. A fee for each certificate of inspection shall be paid to the Building Official as follows:

Annual Certification 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.

(L) Section 3109 of the International Building Code is amended as follows:

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence as required by Sections 3109.4.1 through 3109.4.1.7.

3109.4 Swimming pools. Swimming pools associated with structures regulated by this code shall comply with Sections 3109.4.1 through 3109.4.3.

Exception: Delete the exception in its entirety.

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 60 inches, but not exceed 72 inches, above grade measured on the side of the barrier which faces away from the swimming pool. (remaining unchanged)

3109.4.1.7 Gates. Access gates shall comply with the requirements of section 3109.4.1.1 through 3109.4.1.6, and shall be equipped to accommodate a locking device. Access gates shall be self-closing and be equipped with a self-latching device located a minimum of 54 inches above the bottom of the gate. Where egress hardware is required by Chapter 10 of this code, it shall be used instead of the required latching device. If egress hardware is used, the gate or fence shall have no openings larger than ½ inch within 18 inches of the hardware.

3109.4.1.8 Dwelling wall as a barrier. Delete this section in its entirety.

11-9-6: INTERNATIONAL RESIDENTIAL CODE AMENDMENTS:

(A) Table R301.2(1) of the International Residential Code is amended to read:

**TABLE R301.2(1)
 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground snow load	Wind Speed	Seismic Design Category	Subject to Damage from			Winter Design Temp	Ice Barrier Underlayment Required	Air Freezing Index	Mean Annual Temp	Accumulated Snow Level
			Weathering	Frost Depth	Termite					
30 PSF	100 – 120*	B	Severe	36"	Slight to Moderate	1°F	No	532	51.0	12 inches

* See amended IBC Section 1609.3

(B) Section R301.2.1.2 of the International Residential Code, Protection of openings, is deleted in its entirety.

(C) Section R301.2.4 of the International Residential Code is amended to read as follows:

R301.2.4 Floodplain construction. The design and construction of buildings and structures located in whole or in part in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be designed and constructed in accordance with City of Westminster standards and R324, whichever is the most restrictive.

(D) Section R305.1 of the International Residential Code is amended as follows:

R305.1 Minimum height. Exceptions:

2. In basements, a minimum clear height of 6 foot 8 inches is permitted under beams, ducts, pipes and other obstructions. The finished clear height under such beams, ducts, pipes and other obstructions may be 6 foot 6 inches.

(F) Sections R309.1, R309.1.2 and R309.2 of the International Residential Code are amended to read as follows:

R309.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and the residence shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch in thickness, solid or honeycomb core steels door not less than 1 3/8 inches thick, or 20-minute fire-rated door assembly.

R309.1.2 Other penetrations. Penetrations through the separation required in Section R309.2 shall be protected in accordance with Section R317.3.

R309.2 Separation Required. The garage shall be separated from the residence and its attic space by not less than 5/8-inch type "X" gypsum board applied to the garage side. Where the separation is horizontal the gypsum board shall be attached to framing members spaced no more than 16 inches on center and the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent. Garages located less than 3 feet from a dwelling unit on the same lot shall be protected with not less than 5/8 inch type "X" gypsum board on the interior side of exterior walls. Openings in these walls shall be regulated by Section R309.1.

(G) Section R310.1.1 of the International Residential Code is amended as follows:

R310.1.1 Minimum opening area. Exception is deleted in its entirety.

(H) Section R310.1.4 of the International Residential Code is amended to read as follows:

R310.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools, special knowledge or removal of any part of the window assembly.

(I) Section R310.5 of the International Residential Code is amended to read as follows:

Section R310.5 Emergency escape windows under decks and porches. Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches in height and 36 inches in width to a yard or court.

(J) Section R311.4.3 of the International Residential Code is amended as follows:

R311.4.3 Landings at Doors. Exceptions: Exception 1 is deleted in its entirety.

(K) Section R311.5.3.1 of the International Residential Code is amended to read as follows:

R311.5.3.1 Riser height. The maximum and minimum riser height shall be 7 ¾ inches and 4 inches respectively. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch.

(L) Section R317.1 of the International Residential Code is amended as follows:

R317.1 Two-family dwellings. Exceptions:

1. Exception is deleted in its entirety.
2. Wall assemblies need not extend through attic spaces when the ceiling is protected by not less than 5/8 inch Type X gypsum board and an attic draft stop constructed as specified in Section R502.12.1 is provided above and along the wall assembly separating the dwellings. The structural framing supporting the ceiling shall also be protected by not less than 5/8 inch type X gypsum board or equivalent.

(M) Section R319.1.3 of the International Residential Code is amended to read as follows:

R319.1.3 Geographical areas. Approved naturally durable or pressure-preservative-treated wood shall be used for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances when those members are exposed to the weather without adequate protection from a roof, eave, overhang or other covering that would prevent moisture or water accumulation on the surface or at joist between members. Such members shall include: (remainder of section unchanged)

(N) Section R320.1 of the International Residential Code is amended to read as follows:

R320.1 Subterranean termite control methods. In areas subject to moderate to heavy or very heavy damage as indicated by Table R301.2(1), methods of protection shall be one of the following methods or a combination of these methods: (remainder of section unchanged)

(O) The International Residential Code is amended to add Section R325 to read as follows:

R325 BUILDING SECURITY

R325.1 General. The provisions of this section shall apply to openings into all dwelling units as well as to openings between attached garages and dwelling units. Except for vehicular access doors, door openings in attached garages shall be in accordance with the provisions of this section.

R325.2 Obstructing means of egress. Security methods of this section shall not create a hazard to life by obstructing any means of egress. The provisions of this section shall not supersede the requirements of section R311 of this code.

R325.3 Entry vision. All main or front entry doors to dwelling units shall be so arranged so that the occupants have a view of the area immediately outside of the door without having to open the door. Such view can be provided by a window or by the use of a door viewer with a 180 degree field of view.

R325.4 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch thickness or a metal door constructed with at least 18-gauge metal or similar approved material.

R325.4.1 Strike plate installation. In wood-frame construction, any open space between trimmers and wood doorjamb shall be solid shimmed not less than 12 inches above and below the strike plate. Strike plates shall be attached to the jamb with not less than two No. 8 by 3-inch screws, which have a minimum of 3/4 inch penetration into the nearest framing member. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

R325.4.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a non-removable hinge pin. Not less than three 4 ½ inch steel butt hinges shall be fastened to both the door and frame with not less than four No. 9 by ¾ inch wood screws or to metal with not less than four No. 8 machine screws. In wood construction, any open space between trimmers and wood jambs shall be solid shimmed extending not less than 6 inches above and below each hinge.

R325.4.3 Locking Hardware. Swinging doors shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one-inch bolt throw that will penetrate the strike at least ¾ of an inch. See section R311 for requirements on door operation for exiting.

(P) Section R502.3.1, Table R502.3.1(1), and Section R502.3.2 of the International Residential Code are amended as follows:

R502.3.1 Sleeping areas and attic joist. – Section is deleted in its entirety.

Table R502.3.1(1) FLOOR JOIST SPANS FOR COMMON LUMBER SPECIES. Table is deleted in its entirety.

R502.3.2 Other floor joist. Table 502.3.1(2) shall be utilized to determine the maximum allowable span of floor joist that support all areas of the building provided that the design live load does not exceed 40 psf and the design dead load does not exceed 20 psf.

(Q) Section R801.3 of the International Residential Code is amended to read as follows:

Section 801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least five feet from the foundation walls or to an approved drainage system.

(R) The International Residential Code is amended to add Section R903.2.2 to read as follows:

R903.2.2 Drip edge. Drip edge shall be provided at eaves and gables of shingle roofs. Overlap shall be a minimum of 2". Eave drip edges shall extend .25" below sheathing and extend back on the roof a minimum of 2". Drip edge shall be mechanically fastened a maximum of 12" on center.

(S) Sections R1001.1 and R1004.1 the International Residential Code are amended to read as follows:

R1001.1 General. Masonry fireplaces shall be constructed in accordance with this section and the applicable provisions of Chapters 3 and 4 of this code and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

R1004.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127 and be subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(T) Section R1004.4 of the International Residential Code is amended as follows:

R1004.4 Unvented gas log heaters. Section is deleted in its entirety.

(U) The International Residential Code is amended to add Section M1416 to read as follows:

M1416 Unvented Room Heaters

M1416.1 General. Unvented room heater, fireplaces, gas logs or other similar unvented devices are prohibited.

(V) Sections M1502.2 and M1502.3 of the International Residential Code are amended to read as follows:

M1502.2 Duct termination. Exhaust ducts shall terminate on the outside of the building. Exhaust ducts shall terminate not less than 3 feet in any direction from any opening into the building. Exhaust duct termination shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination.

M1502.3 Duct size. The minimum size of dryer duct shall be 4 inches and installed in accordance with sections M1502.4 through section M1502.6.

(W) Section M1502.6 of the International Residential Code is amended as follows:

Section M1502.6 Duct length. Exceptions: Exception 1 is deleted in its entirety.

(X) Section M1801.1 of the International Residential Code is amended to read as follows:

M1801.1 Venting required. Fuel-burning appliances shall be vented to the outside in accordance with their listing and label and manufacturer's installation instructions. Venting systems shall consist of approved chimneys or vents, or venting assemblies that are integral parts of labeled appliances. Gas-fired appliance shall be vented in accordance with Chapter 24.

(Y) Section G2406.2 of the International Residential Code is amended as follows:

Section G2406.2 Prohibited locations. Items 3 and 4 are deleted in their entirety.

(Z) Section G2407.6.2 of the International Residential Code is amended as follows:

Section G2407.6.2 One-permanent-opening method. Section is deleted in its entirety.

(A)(A) Section G2415.9 and Section G2415.9.1 of the International Residential Code are amended as follows:

G2415.9 Minimum burial depth. Underground metallic piping systems shall be installed a minimum depth of 12 inches below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches below grade.

G2415.9.1 Individual outside appliances. Section is deleted in its entirety.

(B)(B) Sections G2417.4 and G2417.4.1 of the International Residential Code are amended to read as follows:

G2417.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than three times the test pressure.

G2417.4.1 Test pressure. The minimum test pressure to be used on threaded pipe shall be 20 psi gauge pressure. For welded pipe the minimum test pressure shall be 60 psi gauge pressure.

(C)(C) Section G2420.5 of the International Residential Code is amended as follows:

Section G2420.5 Equipment shutoff valve. Exception is deleted in its entirety.

(D)(D) Section G2425.8 of the International Residential Code is amended as follows:

Section G2425.8 Equipment not required to be vented. Item #7 is deleted.

(E)(E) Section G2445 of the International Residential Code is amended as follows:

Section G2445 Unvented Room Heaters. Section is deleted in its entirety.

(F)(F) Section P2603.6.1 of the International Residential Code is amended to read as follows:

P2603.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 42 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches below grade.

(G)(G) Section P2903.8.5 of the International Residential Code is amended to read as follows:

Section P2903.8.5 Valving. Fixture valves shall be located at both the fixture and at the manifold. Valves located at the manifold shall be labeled indicating the fixture served.

(H)(H) Section P3201.5 of the International Residential Code is amended as follows:

P3201.5 Prohibited trap designs. The following types of traps are prohibited:

- 1-5. (Unchanged)
6. Running traps.

(I)(I) Table P3201.7 of the International Residential Code is amended to read as follows:

TABLE P3201.7 SIZE OF TRAPS AND TRAP ARMS FOR PLUMBING FIXTURES is amended to reflect the trap size minimum for a shower is 2 inches.

(J)(J) The General Statement of Chapter 33 and Section E3301.1 of the International Residential Code are amended to read as follows:

CHAPTER 33 GENERAL REQUIREMENTS

The Electrical Part is produced and copyrighted by the National Fire Protection Association (NFPA) and is based on the 2005 National Electrical Code, copyright 2005 National Fire Protection Association, all rights reserved. Use of the Electrical part is pursuant to license with the NFPA.

E3301.1 Applicability. Add the following to the section: Whenever there is a conflict between this code and the 2005 NEC, the provisions of the NEC will govern.

(K)(K) Section AG105.2 and AG105.5 of the International Residential Code are amended as follows:

Section AG 105.2 Outdoor swimming pool.

1. The top of the barrier shall be at least 60 inches, but not exceed 72 inches, above grade measured on the side of the barrier which faces away from the swimming pool. (remainder of section unchanged)

8. Access gates shall comply with the requirements of section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Access gates shall be self-closing and be equipped with a self-latching device located a minimum of 54 inches above the bottom of the gate. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate as allowed by Section AG105.5, the release mechanism and openings shall comply with the following:

8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate, and

8.2 The gate and barrier shall have no opening greater than ½ inch within 18 inches of the release mechanism.

9. Where a wall of a dwelling unit serves as part of the barrier, doors through the wall need not be equipped with self-closing or self-latching devices.

Section AG105.5 Barrier exceptions. Outdoor pools, spas and hot tubs provided with a safety cover that complies with ASTM F1346 or hot tubs provided with a locking cover shall be provided with a barrier at least 36 inches in height which complies with Section AG105.5, items 1 through 10.

(L)(L) he International Residential Code is amended to add Section AG109 to read as follows:

AG109 Testing of swimming pool piping.

AG109.1 Pressure test. Pressure piping and section piping serving permanent residential swimming pools shall be tested at 35 pound for a minimum of 15 minutes.

AG109.2 Supply water. All permanent residential swimming pools shall fill by an indirect means when supplied by potable water.

Exception. Supply piping protected in accordance with Section P2902 of the International Residential Code.

11-9-7: NATIONAL ELECTRICAL CODE AMENDMENTS:

(A) Article 230.70(A)(1) of the National Electrical Code is amended to read as follows:

230.70 (A)(1) Location. The service disconnecting means shall be installed at a readily accessible location on the outside of the building unless approved by the Building Official. No service disconnecting means shall be installed inside a residential dwelling unit.

Exception: The service disconnecting means may be installed inside the garage of a residential dwelling unit when it is located back-to-back to the meter.

(B) Article 406 of the National Electrical Code is amended to read as follows:

406.8(C) Bathtub and Shower Space. Receptacles shall not be installed within or directly over a bathtub or shower stall. This area includes, but is not limited to, tub surrounds, tub decking and all wall surfaces.

(C) The National Electrical Code is amended to add Article 810 to read as follows:

810.80 Public Safety Radio Amplification Systems

810.80. Purpose. The purpose of this part is to provide minimum standards to insure a reasonable degree of reliability for emergency services communication from within certain buildings and structures within the city to and from emergency communication centers. It is the responsibility of the emergency service provider to receive the signal to and from the building or structure.

810.81. Scope. The provisions of this article shall apply to:

a. New buildings and structures of Type I, Type II, or Type III construction greater than 50,000 square feet or additions or modifications that cause the buildings to be greater than 50,000 square feet.

b. All basements over 10,000 square feet where the design occupant load is greater than 50, regardless of the occupancy.

c. Existing buildings and structures of any size or construction type where the Police Chief or the Fire Chief determines that lack of adequate radio coverage for emergency services providers either

constitutes a special hazard to occupants or emergency responders or would otherwise likely result in unduly difficult conduct of emergency operations.

d. For purposes of this section, fire walls cannot be used to define separate buildings.

810.82. Radio Coverage. Except as otherwise provided in this article, no person shall erect, construct, or modify any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for emergency services providers.

a. After a building permit has been issued, upon request by the owner or the owner's agent, the police department will, within ten to fourteen days, identify the frequency range or ranges that must be supported.

b. In the event that an emergency service provider modifies its communications equipment in any way that impairs its ability to communicate with an existing system installed in accordance with this part, such agency shall be responsible for all costs associated with reestablishing communications within the affected building or structure.

c. Adequate radio coverage for emergency services providers requires:

(1) That on each floor, 85% of valid tests conducted in accordance with Section 810.84 result in intelligible two-way communications between the appropriate dispatch center and the tester in the building; and

(2) That 100% of valid tests conducted in accordance with Section 810-84 result in intelligible two-way communications between the appropriate dispatch center and the tester within the following building spaces:

(a) Throughout vertical exit enclosures and horizontal exit passageways;

(b) Fire command centers, if provided;

(c) Police substation.

(d) FCC Authorization: If amplification is used in the system, all FCC authorizations must be obtained prior to the use of the system. A copy of these authorizations shall be provided to the City.

810.83. Enhanced Amplification Systems.

a. Where buildings and structures are required to provide amenities to achieve adequate signal strength, such buildings and structures shall be equipped with any of the following to achieve the required adequate radio coverage: radiating cable systems, internal multiple antenna systems with a frequency range as established in Section 810-82, with amplification systems as needed, voting receiver system, or any other approved system.

b. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery and/or generator system for a period of at least four hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power input.

810.84. Testing Procedures. Method to conduct the tests:

a. Measurements shall be made using the following guidelines:

(1) Each measurement shall be made using a portable radio in general use by each emergency-service-provider agency, which agencies minimally include the police department and the fire department. Any digital, non-simplex channel programmed into such radio may be used during testing; the same channel need not be used for all tests.

(2) Portable radios used in testing shall not be displaying "low battery" indications.

(3) During test transmissions, the portable radio shall be held approximately two (2) inches from the mouth of the tester, at approximately a 45-degree angle with the tester's face, with the built-in microphone and speaker directed towards the tester's mouth, and with the antenna in a vertical orientation above the radio. The antenna of each radio shall be mounted directly on the top of the radio body/case. The built-in microphone shall be used for all testing; shoulder or other attached microphones/headsets shall not be used for testing.

(4) The tester shall orient himself or herself so as to be facing towards the exterior wall of the building nearest the point of the test.

(5) Both initial and annual tests shall be conducted by persons employed by the emergency-service-provider agency. At least one tester from the police department and one tester

from the fire department shall conduct initial and annual tests, unless alternate arrangements are approved by both agencies.

(6) Each tester shall be solely responsible for determining whether or not radio messages received in the building are intelligible; the dispatcher at the emergency-agency dispatch center shall be solely responsible for determining whether or not radio messages received in the dispatch center are intelligible. An unintelligible message constitutes a failure of the test at the specific location being tested (see below).

(7) The tester in the building shall initiate each test by attempting to transmit a message to the dispatch center. Failure to receive a reply from the dispatch center constitutes a failure of the test at the specific location being tested.

(8) The tester in the building shall exercise reasonableness and discretion in the conduct of all tests. If the tester believes a particular test is not valid (e.g., is flawed by human error), then the results of that test may be discarded and the test shall be repeated.

b. Initial tests.

(1) Each floor of the structure shall be divided into 100-foot grids, and testing shall be performed at the center of each grid. In critical areas, including (but not limited to) those areas enumerated in Section 810-82(c)(2), the grids shall be reduced to 25 feet. At least one test shall be conducted at the center of every room having a use identified in Section 810-82(c)(2)b or 810-82(c)(2)c. The size of the grids may also be further reduced upon recommendation of any tester in areas where displays, equipment, stock, or any other obstruction may significantly affect communications or attenuate radio signals.

(2) A test shall be performed on every landing within vertical exit enclosures.

c. Annual tests.

(1) Annual tests will be conducted by both the fire department and the police department. If the communications appear to have degraded or if the testing fails to demonstrate adequate system performance, the owner of the building or structure shall remedy the problem and restore the system in a manner consistent with the original approval criteria.

(2) If the degradation to the system is due to building additions or remodeling, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria in order to obtain a final inspection for occupancy.

(3) Any system degradation or failure not related to the performance of the owner's on-site system will be the responsibility of the appropriate emergency service agency.

11-9-8 INTERNATIONAL PLUMBING CODE AMENDMENTS:

(A) The International Plumbing Code is amended to add Section 601.5 to read as follows:

Section 601.5 Water conservation. Water recycling systems shall be mandatory for all automatic full-service commercial car wash facilities constructed in the City after December 23, 1982. Water recycling systems shall not be mandatory for manual self-service commercial car wash facilities.

(B) Section 904.1 of the International Plumbing Code is amended to read as follows:

904.1 Roof extension. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than twelve inches above the roof not less than one foot from any vertical surface. Where the roof is used for any purpose other than weather protection the vent extension shall terminate at least 7 feet above the roof.

(C) Section 1002.3 of the International Plumbing Code is amended as follows:

1002.3 Prohibited traps. The following types of traps are prohibited:

- 1.-6. Unchanged
7. Running traps

(D) Section 1003.2 and section 1003.3.4.1 of the International Plumbing Code are amended to read as follows:

Section 1003.2 Approval. The size, type and location of each grease interceptor shall be designed and installed in accordance with City of Westminster specifications, the manufactures installation instructions, the requirements of this section and the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor.

Section 1003.3.4.1 Grease trap capacity. When, in the judgment of the Building Official, it would be impractical or unnecessary to install a grease interceptor due to the anticipated use of an establishment, the installation of a grease trap may be approved. Grease traps shall be sized in accordance with City specifications and have the grease retention capacity indicated in Table 1003.3.4.1 for the flow-through rates indicated.

11-9-9 INTERNATIONAL MECHANICAL CODE AMENDMENTS:

(A) Section 504.6.1 of the International Mechanical Code is amended as follows:

504.6.1 Maximum length. Exception is deleted in its entirety.

(B) Section 506.3.10 of the International Mechanical Code is amended as follows:

Section 506.3.10 Grease duct enclosure. Exceptions:

1. The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration firestop system classified in accordance with ASTM E814 and having an “F” and “T” rating equal to the fire-resistance rating of the assembly being penetrated and where the surface of the duct is continuously covered on all sides from the point at which the duct penetrates a ceiling, wall or floor to the outlet terminal with a classified and labeled material system or product specifically evaluated for such purpose, in accordance with ICC-ES AC101. Exposed duct wrap systems shall be protected where subject to physical damage.

3. Delete in its entirety.

(C) Section 903.1 and Section 903.3 of the International Mechanical Code are amended as follows:

Section 903.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127 and be subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

Section 903.3 Unvented gas log heaters. Section is deleted in its entirety.

11-9-10 INTERNATIONAL FUEL GAS CODE AMENDMENTS:

(A) Section 303.3 of the International Fuel Gas Code is amended as follows:

Section 303.3 Prohibited locations. Items 3 and 4 are deleted in their entirety.

(B) Section 304.6.2 of the International Fuel Gas Code is amended as follows:

Section 304.6.2 One-permanent-opening method. Section is deleted in its entirety.

(C) Section 404.9 and Section 404.9.1 of the International Fuel Gas Code are amended as follows:

404.9 Minimum burial depth. Underground metallic piping systems shall be installed a minimum depth of 12 inches below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches below grade.

404.9.1 Individual outside appliances. Section is deleted in its entirety.

(D) Section 406.4, 406.4.1 and 406.4.2 of the International Fuel Gas Code are amended to read as follows:

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than three times the test pressure.

Section 406.4.1 Test pressure. The minimum test pressure to be used on threaded pipe shall be 20 psi gauge pressure. For welded pipe the minimum test pressure shall be 60 psi gauge pressure.

(E) Section 409.5 of the International Fuel Gas Code is amended as follows:

Section 409.5 Equipment shutoff valves. Exception is deleted in its entirety.

(F) Section 501.8 of the International Fuel Gas Code is amended as follows:

Section 501.8 Equipment not required to be vented. Items 8 and 10 are deleted in their entirety.

(G) Section 621 of the International Fuel Gas Code is amended as follows:

Section 621.1 General. Unvented room heater, fireplaces, gas logs or other similar devices are prohibited. (Remainder of Section 621 is deleted)

11-9-11: INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS: No changes.

11-9-12: INTERNATIONAL EXISTING BUILDINGS CODE AMENDMENTS: No changes.

11-9-13: MOBILE HOMES:

(A) Permits Required.

1. General. Building permits for work on mobile homes or accessory buildings shall be obtained in accordance with the provisions of the Building Codes unless the work is specifically exempt pursuant to the provisions of the Building Codes.

2. Initial Installation. No person shall install or set up a mobile home on any mobile home space without first obtaining a separate permit for each installation from the Building Official. Such permit issuance and fees therefore shall be in accordance with the Building Codes. No utility service shall be provided to any building service equipment without a building permit.

3. Accessory Buildings and Structures. Building permits shall be required for the installation of all accessory buildings and structures and their building service equipment, unless the work is specifically exempt pursuant to the provisions of the Building Codes. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

4. Additions, Alterations, and Repairs to Mobile Homes. No person shall alter, remodel, repair, or enlarge a mobile home or accessory building subsequent to its initial installation without first obtaining a separate building permit for each such alteration, addition, enlargement, or repair from the Building Official. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

(B) Installation Requirements.

1. General. The installation of a mobile home upon a mobile home space shall comply with the manufacture's installation instructions as well as the provisions of this subsection, the Building Codes, and other provisions of the City codes. If the manufacture's installation instructions are not available the installation of such mobile home shall comply with the following standards:

Non-permanent Installation: Provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 – 1994 amended.

Permanent foundation installations: Permanent foundation, Guide for Manufactured Housing, September 1996, amended; and Engineered foundation systems as designed by an architect or engineer licensed by the State of Colorado.

2. Location on Property. Mobile homes and accessory buildings shall be located on the mobile home space as follows:

(a) No mobile home shall be parked less than 7 feet 6 inches from the front boundary of the mobile home space, measured from the flowline of the curb and gutter of the road providing access to the space. No mobile home shall be parked less than 3 feet from the side or rear boundaries of the mobile home space.

(b) Accessory buildings to mobile homes shall be located on the mobile home space so that no part of the accessory building is closer than 3 feet to the side or rear boundaries of the mobile home space nor closer than 7 feet 6 inches to the front boundary of the mobile home space. Accessory buildings may be adjacent to mobile homes or other accessory buildings within the same mobile home space.

(c) Carport and patio cover structures shall not be erected closer than 3 feet to the side or rear boundaries of the mobile home space nor closer than 7 feet 6 inches to the front boundary of the space. Patio and carport structures may be adjacent to mobile homes or accessory buildings within the same mobile home space.

3. Pier Construction. Piers shall be designed and constructed to distribute loads evenly. Such piers shall be considered to resist vertical forces acting in a downward direction only and shall not be considered as providing any resistance to horizontal or uplift loads. The construction and spacing of piers shall be as specified in the manufacturers installation instructions or in accordance with section 11-9-12(B)1. Alternate materials and methods of construction may be used for piers when designed by an architect or engineer, licensed as such in the State of Colorado and approved by the Building Official.

4. Anchorage. Ground anchors shall be of the auger type and shall be designed and installed to transfer the anchoring loads to the ground. The installation and spacing of all ground anchoring equipment shall be specified in the manufacture's installation instructions or in accordance with section 11-9-13(B)1. Alternate materials and methods of construction may be used for the anchoring systems when designed by an architect or engineer licensed as such in the State of Colorado and approved by the Building Official.

5. Building Service Equipment. The installation, alteration, repair, replacement, addition to, or maintenance of all building service equipment within the mobile home park shall comply with the applicable plumbing, mechanical, and electrical provisions of the Building Codes. Utility service shall not be provided to any building service equipment which is regulated by the Building Codes, and for which a mobile home set up permit is required by the Building Codes, until the building service equipment has been inspected and approved by the Building Official.

6. Stairs and Landings. Landings and stairways with hand railings and guard railings shall be provided at each exterior door from a mobile home. Landings, stairways, guardrails and handrails shall comply with the provisions of the Building Code and shall be in place prior to requesting the set-up inspection.

7. Skirting. The area beneath each mobile home unit shall be enclosed with full perimeter skirting of material that is compatible with the exterior cladding of the mobile home unit. At least one access opening not less than 18" in any dimension and not less than 3 square feet in area shall be provided and located so that any water supply and sewer drain connections located under the unit are accessible. The skirting shall not be installed prior to the approval of the set-up inspection but shall be installed as soon as it is practical to do so after such inspection.

8. Smoke Detectors. Smoke detectors shall be located in each mobile home unit. A detector shall be installed in each sleeping room and at a point centrally located in the hallway or area giving access to each separate sleeping area. Smoke detectors added to satisfy the requirements of this subsection may be of the battery-operated type and shall be installed in accordance with their listing.

Exception: New mobile homes may have smoke detectors located per the State of Colorado, Division of Housing approval.

(C) Additions, Alterations, and Repairs to Mobile Homes.

1. Permanent Additions. No permanent additions of any type shall be built onto or become part of any mobile home unless designed and constructed to conform with the applicable provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 - 1994. A certificate of compliance issued by the manufacturer and verified by the State of Colorado shall be provided to the Building Official for any such addition.

2. Carport and Patio Cover Structures. Temporary carport and patio cover structures may be attached to and structurally supported by a mobile home when justified by engineering calculations or when approved by the Building Official. All such structures shall be of light-weight metal, fiberglass, plastic, or other material similar in type and color to the exterior cladding of the mobile home unit and shall be entirely open on two or more sides. All such structures shall be designed and approved in accordance with the applicable provisions of the Building Codes and other provisions of the City code.

3. Structural Additions. Accessory buildings or structures shall not be structurally supported by or attached to any mobile home unless engineered calculations are submitted to the Building Official to substantiate any proposed structural connection and approved by the Building Official; except that the Building Official may waive the submission of engineering calculations if he finds that engineering calculations are not necessary to show conformance to the requirements of the Building Codes.

4. Fences. Individual lot perimeter fences may be erected at the lot line of individual mobile home spaces. Such fences shall be constructed of the chain link fencing and shall be of a standard design for the entire mobile home park. The top of such fences shall not exceed 36 inches in height. Fence permit issuance and fees therefor shall be in accordance with the provisions of this Code.

Section 2. Chapter 10 of Title IX, W.M.C., is hereby REPEALED AND REENACTED in its entirety to read as follows:

CHAPTER 10 FIRE CODES

11-10-1: INTENT

11-10-2: ADOPTION OF FIRE CODE

11-10-3: CHAPTER 1 AMENDMENTS-ADMINISTRATION

11-10-4: CHAPTER 5 AMENDMENTS-FIRE SERVICE FEATURES

11-10-5: CHAPTER 9 AMENDMENTS-FIRE PROTECTION SYSTEMS

11-10-6: CHAPTER 33 AMENDMENTS-EXPLOSIVES AND FIREWORKS

11-10-7: CHAPTER 38 AMENDMENTS-LIQUIFIED PETEROLEUM GASES

11-10-1: INTENT: The intent of this chapter is to adopt by reference and with modifications the International Fire Code, 2006 Edition. Hereinafter, this Code may be referred to as the "Fire Code." The City Council of the City of Westminster finds that the adoption of the Fire Code is essential for fire prevention and the preservation of the health, safety, and welfare of the citizens of Westminster. The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster.

11-10-2: ADOPTION OF FIRE CODE: That certain document, one (1) copy of which is on file in the Office of the City Clerk, being marked and designated as the International Fire Code, 2006 Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401 and, in particular Chapters 1 through 45, inclusive and Appendix B – Fire Flow Requirements For Buildings, Appendix C – Fire Hydrant Location And Distribution, Appendix D – Fire Apparatus Access Roads, Appendix E – Hazard Categories, Appendix F – Hazard Ranking, and Appendix G – Cryogenic Fluids – Weight And Volume Equivalents is hereby adopted as the Fire Code of and for the City. These sections of the Fire Code, as modified in this chapter, are hereby referred to, adopted, and made a part of the Code as if fully set forth.

11-10-3: CHAPTER 1 ADMINISTRATION AMENDMENTS:

(A) DEPARTMENT OF FIRE PREVENTION. Section 103 of the International Fire Code is amended as follows:

103.4 Liability. Subsection is deleted in its entirety.

103.4.1 Legal defense. Subsection is deleted in its entirety.

(B) ENFORCEMENT AUTHORITY. The Fire Chief and his designees are hereby authorized to enforce the provisions of this ordinance as specified in Section 104.1 of the International Fire Code, 2006 Edition.

(C) REQUIRED OPERATIONAL PERMITS. Subsection 105.6 of the International Fire Code is amended to read as follows.

105.6 Required operational permits. An operational permit shall be obtained from the Prevention Bureau prior to engaging in the following activities, functions, operations, or practices as defined in accordance with the Fire Code, unless otherwise specified in this Code:

1. 105.6.2 Amusement buildings
2. 105.6.4 Carnivals and fairs
3. 105.6.4.1 Block parties and event street closures
4. 105.6.11 Cryogenic fluids
5. 105.6.15 Explosives, explosive materials, and fireworks
6. 105.6.17 Flammable and combustible liquids:

- a. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
 - b. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.
 - c. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.
7. 105.6.20 Fumigation and thermal insecticidal fogging
 8. 105.6.20.1 Fumigation and/or associated operations for removing biological, chemical, or other naturally occurring agents, chemicals, organisms, or substances
 9. 105.6.21 Hazardous Materials
 10. 105.6.27 Liquid- or gas-fueled vehicles or equipment in buildings for display, demonstrating, or operation. This shall not apply to parking garages, private garages, repair garages, or other buildings normally utilized for the operation, repair, restoration, and storage of motor vehicles.
 11. 105.6.28 LP-gas
 12. 105.6.29 Magnesium
 13. 105.6.31 Open burning
 14. 105.6.35 Private fire hydrants
 15. 105.6.36 Pyrotechnic special effects material
 16. 105.6.43 Temporary membrane structures, tents and canopies

(D) REQUIRED CONSTRUCTION PERMITS. Subsection 105.7 of the International Fire Code is amended to read as follows:

105.7 Required construction permits. Upon approval of required construction documents, as required by Subsection 105.4, a fire protection permit shall be obtained from the Fire Prevention Bureau prior to initiating any alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the Fire Code. The following fire protection systems shall require submittal of plans, specifications, design and installation criteria, as required by the Fire Code Official, prior to issuance of a fire protection permit, those not listed are excluded from the requirements of this Section:

1. 105.7.1 Automatic fire-extinguishing systems
2. 105.7.2 Compressed gases
3. 105.7.3 Fire alarm and detection systems and related equipment
4. 105.7.4 Fire pumps and related equipment
5. 105.7.5 Flammable and combustible liquids
6. 105.7.6 Hazardous materials
7. 105.7.8 LP-gas
8. 105.7.9 Private fire hydrants
9. 105.7.10 Spraying and dipping
10. 105.7.11 Standpipe systems
11. 105.7.12 Temporary membrane structures, tents and canopies

(E) FEES. Section 105 of the International Fire Code is amended to add Sections 105.8 and 105.9 to read as follows:

105.8 Operational Permit Fees. The fee for operational permits required by Subsection 105.6 of this Code shall be as set forth in the fee schedule adopted by Resolution by the City Council. Fees shall be collected by the Fire Prevention Bureau. The Fire Code Official is authorized to waive the fee in accordance with approved standard operating guidelines for administering permits for activities described in Subsection 105.8.

105.9 Construction Permit Fees. Permit fees and taxes are required for fire protection and life safety systems required by Subsection 105.7 of this Code for initiating any alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the

Fire Code. These fees shall be assessed by and paid to the City of Westminster in accordance with the provisions of the fee schedule adopted by Resolution by the City Council.

(F) BOARD OF APPEALS. Section 108 of the International Fire Code is amended as follows:

108.1 Board of appeals. Appeals of orders, decisions, or determinations made by the Building Official or Fire Code Official relative to the application and interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code of Appeals pursuant to Title II, Chapter 10, of this Code. No such appeal shall be heard by the Board of Building Code Appeals unless the appeal is filed within 30 calendar days after the date of the action of the Building Official or Fire Chief.

108.2 Limitations on authority. Subsection is deleted in its entirety.

108.3 Qualifications. Subsection is deleted in its entirety.

(G) VIOLATIONS. Section 109 of the International Fire Code is amended to read as follows:

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

109.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by first class mail to the owner of the subject property at the address shown in the county assessor records for the county in which the property is located. Notice shall be deemed served on the date of receipt by the owner, if personally served, or upon the fifth day after mailing of the notice.

109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.2.3 Prosecution of violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.2.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

109.3 Violation Penalties. Any person who violates any of the provisions of this Code, or who fails to comply therewith, or who builds any structure in violation of a detailed statement of specifications or plans submitted and approved pursuant to this Code and from which no appeal has been taken, or who fails to comply with a final order issued pursuant to this Code within the time fixed therein shall be guilty of a misdemeanor punishable by a fine or imprisonment pursuant to the limits set forth in Section 1-8-1 of the Westminster Municipal Code, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise

specified, each day that a prohibited condition is maintained shall constitute a separate offense. The imposition of a criminal penalty shall not prevent the abatement of prohibited conditions.

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(H) STOP WORK ORDER. Section 111 of the International Fire Code is amended as follows:

111.4 Failure to comply. Subsection is deleted in its entirety.

11-10-4: CHAPTER 5 FIRE SERVICE FEATURES AMENDMENTS: (2965)

(A) FIRE APPARATUS ACCESS ROADS. Section 503.1 of the International Fire Code is amended to add Section 503.1.4 to read as follows:

503.1.4 Block Parties and Street Obstructions. The Fire Department is authorized to issue operational permits for street closures intended for block parties, City of Westminster sponsored events, neighborhood events, or for similar purposes where such events will not impede delivery of emergency services and does not create an additional risk to public safety. Applicable fees may be waived for City of Westminster events and events sponsored by non-profit entities and organizations.

(B) MARKINGS. Section 503.3 of the International Fire Code is amended to add Section 503.3.1 to read as follows:

503.3.1. The marking of fire lanes on private property devoted to public use shall be approved by the Fire Code Official in accordance with the Fire Code and the Uniform Traffic Control Manual.

(C) OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS. Section 503.4 of the International Fire Code is amended to add Section 503.4.1 to read as follows:

503.4.1. The fire code official or any of his subordinates, or the Police Department with knowledge of the existence of any vehicle parked in the fire lane, or in such manner as to interfere with the use of any fire hydrant, or in any manner in violation of this Section may have such vehicle towed away and the charges of such towing shall be assessed to the owner of such vehicle. The aforesaid violation shall be sufficient grounds to cause a citation to be issued. In the event of a fire, the Fire Department shall have the authority to cause the vehicle blocking a fire hydrant or fire lane to be removed with any subsequent damage to the vehicle being paid by the owner of said vehicle. The towing of any vehicle pursuant to this section shall comply with the provisions of Chapter 1 of Title X of the Westminster Municipal Code.

(D) PREMISES IDENTIFICATION. Section 505.1 of the International Fire Code is amended to add Section 505.1.1 and 505.1.2 to read as follows:

505.1.1. Buildings having exterior rear or side access doors shall have approved address numbers, building numbers or approved building identification placed in a position approved by the fire code official.

505.1.2. Buildings with multiple tenants with interior access doors shall have approved unit or space identification numbers, address numbers or other approved means of identifying individual tenant spaces or units.

(E) PRIVATELY OWNED HYDRANT SYSTEMS. Section 508 of the International Fire Code is amended to add Section 508.5.3.1 and 508.5.7 to read as follows:

508.5.3.1. Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the Fire Code Official. Such private hydrants shall be flushed

and tested periodically according to the Fire Code. In the event such testing reveals that the flow from private hydrants is inadequate according to applicable standards, modifications necessary to meet these standards shall be ordered by the Fire Code Official and made at the expense of the property owner. All private hydrants shall be painted the same color as hydrants on public rights-of-way or elsewhere throughout the City. Appropriate markings or signs restricting parking in front of or adjacent to fire hydrants shall be designated by the Fire Code Official and implemented at the expense of the owner of the property. No point of connection to any private fire hydrant shall be left uncapped without permission of the Fire Code Official.

508.5.7. Existing Private Fire Hydrants. Existing hydrants which do not conform to City specifications or which do not face in the direction most consistent with emergency use by the Fire Department, as established by the Fire Code Official, shall be changed to meet the City's requirements by the property owner and at the property owner's expense, within 15 days of service of notice of the required changes upon the property owner or its resident agent.

(F) PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS. Section 511 of the International Fire Code is amended to add Sections 511.1, 511.2 and 511.3 to read as follows:

511.1 New Construction. Buildings constructed in accordance with the criteria of Section 810.80 of the City of Westminster Electrical Code shall be required to install a radio amplification system.

511.2 Existing buildings. Buildings determined to present a hazard to public safety personnel due to inadequate radio communication capability shall be required to comply with Section 810.80.

511.3 Acceptance testing and approval. Approval and acceptance of radio amplification system installations shall require concurrent approval of the Fire Department and the Police Department.

11-10- 5: CHAPTER 9 FIRE PROTECTION SYSTEMS AMENDMENTS: (2965)

(A) AUTOMATIC SPRINKLER SYSTEMS. Section 903 of the International Fire Code is amended to delete Section 903.3.2 and add the following new subsections to read as follows:

903.2.8.1. New Construction. Group R-2 Occupancies required to be protected with an automatic fire sprinkler system shall provide fire sprinkler coverage for all exterior balconies. This requirement shall apply to all retroactive installations for Group R-2 Occupancies.

Exception: Existing R-2 buildings and occupancies constructed prior to the adoption of this code.

903.2.9.1 New Construction. Group R-4 Occupancies required to be protected with an automatic fire sprinkler system shall provide fire sprinkler coverage for all exterior balconies. This requirement shall apply to all retroactive installations for Group R-4 Occupancies.

Exception: Existing R-4 buildings and occupancies constructed prior to the adoption of this code.

903.3.2 Residential automatic sprinkler heads. Where automatic sprinkler systems are required by this code, only residential automatic sprinkler heads shall be permitted in:

a. Throughout all spaces within a smoke compartment containing patient sleeping rooms in Group I-2 in accordance with the *International Building Code*.

b. Dwelling units, guestrooms, and sleeping rooms in Group R and I-1 occupancies.

903.3.2.1 Quick-response automatic sprinkler heads. Quick-response sprinkler heads shall be installed in light hazard occupancies as defined in NFPA 13. Residential automatic sprinkler heads are prohibited.

903.3.2.2 Residential and quick-response automatic sprinkler heads. All installation of residential and quick-response automatic sprinkler heads shall be in strict accordance with their listings. Where listings authorize installation where prohibited in 903.3.2 and 903.3.2.1 the Fire Code Official may waive the requirements mandated by 903.3.2 and 903.3.2.1.

903.3.7.1 The fire department connection (FDC) shall be located whenever possible on the street addressed side of the building in a location visible to the responding fire engine. The FDC shall be located at a location visible from the exterior of the main entrance door where the fire alarm annunciator is located. The FDC shall have a fire hydrant within 100 feet in a location approved by the fire department.

(B) STANDPIPE SYSTEMS. Section 905 of the International Fire Code is amended to add the following:

905.3.1. Building Height shall be amended by adding the following exceptions:

Exception 5: Class I standpipes are allowed to be manual systems.

Exception 6: Fire hose is not required for Class I standpipes. Standpipe hose outlets shall be 2-1/2-inch outlets with a 2-1/2-inch to 1-1/2-inch reducing cap.

905.3.8 Bridges and Roadway Overpasses. Where required to extend water supply to streets, highways, and rail systems a dry standpipe shall be installed in accordance with Fire Department requirements.

(C) FIRE ALARM AND DETECTION SYSTEMS. Section 907 of the International Fire Code is amended to add Section 907.9.3 to read as follows:

907.9.3 The fire code official shall determine the extent of zone coverage for fire alarm systems in all buildings and structures.

11-10-6: CHAPTER 33 EXPLOSIVES AND FIREWORKS AMENDMENTS:

(A) GENERAL. Section 3301 of the International Fire Code is amended as follows:

3301.1.3 Fireworks. Exception 1, Exception 2, and Exception 4 are deleted in their entirety and new exceptions are added to read as follows:

Exceptions:

1. State of Colorado defined “permissible fireworks” will be allowed for possession, handling, and use only during the timeframe beginning at 12:00 AM on July 3rd and ending at 12:00 PM on July 5th of any given calendar year.

2. Fireworks shall be prohibited in all City of Westminster parks and open spaces unless approved by the Director of Parks, Recreation, and Libraries and the Fire Department.

4. As provided in W.M.C. Section 6-8-3.

(B) EXPLOSIVES MATERIALS STORAGE AND HANDLING. Section 3304 of the International Fire Code is amended to add Section 3304.1.1 to read as follows:

3304.1.1 General storage limitations. The storage of explosives and blasting agents is prohibited within all zones except PUD (Planned Unit Development) where such storage is specifically listed as an allowed use, except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms, ammunition, explosive bolts, explosive rivets, or cartridges for explosive-actuated power tools in aggregate quantities involving less than 500 pounds of explosive material.

11-10-7: CHAPTER 38 LIQUEFIED PETROLEUM GASES AMENDMENTS:

(A) Subsection 3804.2 of the International Fire Code is amended to add the following text to read as follows:

3804.2 Maximum capacity within established limits.

This maximum capacity limitation specifically applies to the following zoning areas: RA, RE, R1, R2, R3, R4, R5, B1, C1, T1, and PUD (Planned Unit Development) zoned districts.

Section 3. Sections 6-8-2 and 6-8-3(B), W.M.C., are hereby AMENDED to read as follows:

6-8-2: PROHIBITED ACTS: It shall be unlawful for any person within the City to sell, offer for sale, or possess with intent to offer for sale, or to use or explode any fireworks or pyrotechnic special effects material, except as provided in Section 6-8-3 herein AND SECTION 11-10-6 OF THIS CODE.

6-8-3: PERMITS FOR DISPLAY:

(B) The permit shall be granted if the Fire Chief finds that the permit application, operator, and conditions meet the requirements of the ~~current Uniform~~ Fire Code as adopted by the City IN TITLE XI, CHAPTER 10, ~~and~~ other requirements of this Code, AND OTHER REASONABLE REQUIREMENTS THE FIRE CHIEF DEEMS NECESSARY TO PROTECT THE PUBLIC WELFARE.

Section 4. This ordinance shall take effect January 1, 2007.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of November, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of December, 2006.

Mayor

APPROVED AS TO LEGAL FORM:

ATTEST:

City Clerk

City Attorney's Office

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, December 18, 2006. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the December 11, 2006 regular meeting were approved.

Council recognized a citizen for purposes of extending his family's gratitude to several Westminster Police Department officers and staff for their handling of an extremely difficult situation involving a family member.

Council approved the following: November 2006 financial report; Municipal Court Public Defender services amended agreement; 2007 Dell server and computer replacement purchases; Adams County Juvenile Assessment Center (The Link) agreement; IGA between the City and WEDA re Westminster Center East Urban Renewal Area; second amendment to the "Orchard at Westminster" final development agreement; amended IGA with CDOT re 104th Ave/Sheridan Blvd intersection; construction contract re 104th Ave/Sheridan Blvd intersection improvement project; and final passage of Councillor's Bill No. 69 re adoption of the 2006 International Building and Fire Codes.

Council conducted a public hearing re adoption of the 2006 International Building and Fire Codes.

The following Councillors' Bills were passed on first reading:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING SIGN REGULATIONS. Purpose: modification of the Sign Code to prohibit signs, except public signs, in the public right of way or on public property.

A BILL FOR AN ORDINANCE AMENDING THE 2006 BUDGET FOR THE SHERIDAN BOULEVARD AT 72ND AVENUE PROJECT AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES. Purpose: to appropriate the developer's estimated share into the Sheridan Blvd at 72nd Avenue Widening Project in the General Capital Improvement Fund.

The meeting adjourned at 8:27 p.m.

By Order of the Westminster City Council
Carla Koeltzow, Deputy City Clerk
Published in the Westminster Window on December 28, 2006

A BILL FOR AN ORDINANCE AMENDING TITLE XI, CHAPTERS 9 AND 10, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE BUILDING AND FIRE CODES AND AMENDING TITLE VI, CHAPTER 8 CONCERNING FIREWORKS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 9 of Title XI, W.M.C., is hereby REPEALED AND REENACTED in its entirety to read as follows:

**CHAPTER 9
BUILDING CODES**

- 11-9-1: ADOPTION OF BUILDING CODES**
- 11-9-2: ADMINISTRATIVE PROVISIONS**
- 11-9-3: PERMITS AND FEES**
- 11-9-4: INSPECTIONS**
- 11-9-5: INTERNATIONAL BUILDING CODE AMENDMENTS**
- 11-9-6: INTERNATIONAL RESIDENTIAL CODE AMENDMENTS**
- 11-9-7: NATIONAL ELECTRICAL CODE AMENDMENTS**
- 11-9-8: INTERNATIONAL PLUMBING CODE AMENDMENTS**
- 11-9-9: INTERNATIONAL MECHANICAL CODE AMENDMENTS**
- 11-9-10: INTERNATIONAL FUEL GAS CODE AMENDMENTS**
- 11-9-11: INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS**
- 11-9-12: INTERNATIONAL EXISTING BUILDING CODE AMENDMENTS**
- 11-9-13: MOBILE HOMES**

11-9-1: ADOPTION OF BUILDING CODES:

(A) Intent and Findings. The intent of this chapter is to adopt by reference and with modifications the International Building Code, 2006 Edition; the International Residential Code, 2006 Edition; the National Electrical Code, 2005 Edition; the International Plumbing Code, 2006 Edition; the International Mechanical Code, 2006 Edition; the International Fuel Gas Code, 2006 Edition; the International Energy Conservation Code, 2006 Edition; and the International Existing Building Code, 2006 Edition.

Hereinafter, all such Codes may be referred to as "Building Codes." The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster.

(B) Adoption of Building Codes. The following documents, one copy each of which is on file in the Office of the City Clerk, being marked and designated as stated, are hereby referred to, adopted, and made a part hereof as if fully set forth in this codification with, however, the amendments indicated in the following sections of this chapter.

1. International Building Code. The "International Building Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 35 inclusive and Appendix Chapter I are hereby adopted as the Building Code of and for the City of Westminster.

2. International Residential Code. The "International Residential Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 43 inclusive and Appendix Chapters A, G, H, and K inclusive are hereby adopted as the Residential Building Code of and for the City of Westminster.

3. National Electrical Code. The "National Electrical Code, 2005 Edition", published by the National Fire Protection Association, Inc., and in particular Article 70, Chapters 1 through 9 inclusive is hereby adopted as the Electrical Code of and for the City of Westminster.

4. International Plumbing Code. The "International Plumbing Code, 2006 Edition", published by the International Code Council, Inc., in particular Chapters 2 through 13 inclusive and Appendix Chapters C, E, and G inclusive is hereby adopted as the Plumbing Code of and for the City of Westminster.

5. International Mechanical Code. The "International Mechanical Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 15 inclusive is hereby adopted as the Mechanical Code of and for the City of Westminster.

6. International Fuel Gas Code. The "International Fuel Gas Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 8 inclusive is hereby adopted as the Fuel Gas Code of and for the City of Westminster.

7. International Energy Conservation Code. The "International Energy Conservation Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 6 inclusive, is hereby adopted as the Energy Code of and for the City of Westminster.

8. International Existing Building Code. The "International Existing Building Code, 2006 Edition", published by the International Code Council, Inc., and in particular Chapters 2 through 15 inclusive and the Appendix B, is hereby adopted as the Existing Building Code of and for the City of Westminster.

11-9-2: ADMINISTRATIVE PROVISIONS:

(A) Purpose and Scope.

1. Purpose. The purpose of the Building Codes is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

2. The provisions of the Building Codes shall apply to the construction, installation, alteration, moving, enlargement, replacement, abatement, demolition, repair, use, occupancy, location or maintenance of any building or structure or part thereof; electrical system; plumbing system; heating, ventilating, cooling, and refrigeration system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system; or the design and construction of buildings for effective use of energy within the City, except structures and equipment specifically exempted or not specifically regulated by this chapter or the Building Codes.

3. Whenever in the Building Codes reference is made to an appendix, the provisions of such appendix shall not apply unless specifically adopted.

4. The codes and standards referenced in the Building Codes shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of the Building Codes and the referenced codes and standards, the provisions of the Building Codes shall apply.

(B) Applicability.

1. Where, in any specific case, different sections of the Building Codes specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

2. Other laws. The provisions of the Building Codes shall not be deemed to nullify any provision of local, state or federal law.

3. The Building Codes adopted by reference in this chapter do not include "administrative" provisions. Whenever an administrative provision is referred to in a Building Code, the respective provision in the Westminster Municipal Code shall apply.

4. Partial invalidity. In the event any part or provision of the Building Codes is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(C) Existing Structures.

1. Existing structures. The legal occupancy of any structure existing on the date of adoption of the Building Codes shall be permitted to continue without change, except as specifically covered in the Building Codes or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

a. Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

2. Maintenance. All equipment, systems, materials and appurtenances, both new and existing, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by the Building Codes shall be maintained in compliance with the code edition under which they were constructed or installed.

(D) Duties and Powers of Building Official.

1. General. The Building Official is authorized to enforce all the provisions of this Chapter and the Building Codes. For such purposes, he and those persons to whom enforcement authority is delegated shall be deemed a peace officer. The Building Official shall have the power to render interpretations of the Building Codes and to adopt policies and procedures, as he may deem necessary in order to clarify the application of the provisions of the Building Codes. Such interpretations, policies and procedures shall be consistent with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the building codes. The Building Official may delegate certain duties for the administration and authority to enforce the Building Codes to qualified officers, inspectors, and other qualified employees authorized by the City Council.

2. Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of the Building Codes, or whenever the Building Official or his authorized representative has probable cause to believe that there exists in any building or upon any premises any condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous, the Building Official or authorized representative may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Building Official by this Code, provided that if such building is occupied, he shall first present his credentials to the occupant and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If the owner or occupant cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises. The notice shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made upon issuance of a search warrant by the Municipal Judge of the City.

a. After entry is refused or 24 hours after the building has been posted, the Building Official may appear before the Municipal Judge and, upon showing of probable cause, shall obtain a search warrant entitling him to enter upon the premises. Upon presentation of the search warrant and proper credentials, or possession of same in the case of unoccupied premises, the Building Official may enter upon the premises using such reasonable force as may be necessary to gain entry.

b. For purposes of this subsection (D), "probable cause" exists where the facts and circumstances within the Building Official's knowledge are sufficient to warrant a person of reasonable caution in the belief that there exists a condition or violation of the Building Codes which makes the building or premises unsafe, dangerous, or hazardous to life or property. The Building Official shall not be required to demonstrate specific knowledge of the conditions of the particular premises in issue to obtain a search warrant.

c. It is unlawful for any owner or occupant of the premises to resist reasonable force used by the Building Official acting pursuant to this subsection (D).

3. Stop Orders. Whenever any work is being done in violation of the provisions of the Building Code or other ordinances implemented through the enforcement of this Code or in a dangerous or unsafe manner, the Building Official may order the work stopped by issuing a notice in writing and serving it upon any persons engaged in doing such work or causing such work to be done. Upon receipt of the notice, such persons shall stop work until authorized by the Building Official to proceed with the work. It is unlawful to continue any work after receipt of a notice to stop work except such work as directed to remove a violation or unsafe condition. Each day that work is continued after receipt of a notice shall constitute a separate violation of this Code.

4. Connection of service utilities. No person shall make connections from an energy, fuel, or power supply to any building or system that is regulated by the Building Codes until approved by the Building Official.

5. Authority to Disconnect Utilities in Emergencies. In the case of an emergency, where it is necessary to eliminate an immediate hazard to life or property, or when a utility connection has been made without required approval, the Building Official or his authorized representative shall have the authority to cause the disconnection of fuel-gas utility service or energy supplies to a building, structure, premises, or equipment regulated by the Building Code. The Building Official shall, whenever possible, notify the serving utility, the owner, and the occupant of the building, structure, or premises of the decision to disconnect prior to taking such action.

a. It is unlawful to make connections from any energy, fuel, or power supply which has been disconnected or to supply energy or fuel to any equipment regulated by the Building Codes which has been disconnected, ordered to be disconnected, or the use of which has been ordered to be disconnected by the Building Official. Each day that such unlawful connection or supply continues shall be considered a separate violation of this Code.

6. Alternate Materials and Methods of Construction.

a. General. The provisions of the Building Codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the Building Codes, provided any alternate material or method has been approved and its use authorized by the Building Official. The Building Official may approve an alternate material or method, provided he finds that the proposed design is satisfactory and complies with the provisions of the Building Codes and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in the Building Codes for suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate material or method. Any decision approving or denying the use of an alternate material or method of construction shall be documented by the Building Official and shall include the reasons therefor.

b. Tests. Whenever there is insufficient evidence of compliance with the provisions of the Building Codes regarding the use of an alternate material or method of construction, or evidence that a proposed material or method of construction does not conform to the requirements of the Building Codes, the Building

Official may require that tests be made at the expense of the proponent of the questioned material or method of construction.

(1) Test methods shall be as specified by the Building Official or by other recognized test standards. In the absence of recognized and accepted test methods of the proposed alternate material or method of construction, the Building Official shall determine which test procedures are appropriate.

(2) All tests shall be made by an approved agency. Reports of such tests shall be retained by the Building Official.

7. Modifications. Whenever there are practical difficulties involved in complying with the provisions of the Building Codes, the Building Official shall have the authority to grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the Building Codes impractical; that the modification is consistent with the intent and purpose of this Code; and that such modification not lessen health, life, fire safety, accessibility or structural requirements. Any decision granting a modification shall be documented by the Building Official and shall include the reasons therefor.

(E) Unsafe Buildings, Structures and Equipment.

1. Unsafe Buildings, Structures, and Equipment. Any building, structure, or equipment regulated by the Building Codes which are structurally unsafe, unsanitary or not provided with adequate egress, or not provided with adequate light and ventilation or which constitutes a fire or health hazard or is otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy is deemed unsafe.

a. Any building or structure which has any of all of the conditions or defects herein described shall be deemed to be a unsafe building, provided that such condition or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.

(1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

(5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

(7) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(8) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

(11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for

vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or Jurisdiction relating to the condition, location or structure of buildings.

(14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, the accumulation of trash, inadequate maintenance or other cause, is determined by the fire marshal to be a fire hazard.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) A vacant structure that is not secured against entry shall be deemed unsafe.

b. In addition to the above unsafe conditions, any use of buildings, structures, or equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are deemed unsafe building appendages.

2. Abatement of Unsafe Buildings. All buildings or portions thereof which are determined after inspection by the Building Official to be unsafe as defined in this section are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in section 11-9-2(E)3 of this Code.

a. Any building declared an unsafe building shall be made to comply with one of the following:

(1) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair. If requested, the owner shall, at the owner's expense, provide to the Building Official a remedial plan for the corrective work and information necessary to determine whether the remedial work can be completed within the time stated in the order; or

(2) The building shall be demolished; or

(3) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry until such time as the building is demolished or repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair.

b. If the building is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public and its occupants, it shall be ordered to be vacated and the Building Official may take all actions necessary to summarily abate the dangerous or unsafe condition pursuant to Section 8-4-5 of the Westminster Municipal Code.

3. Notice and Orders. When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is unsafe, the Building Official shall commence proceedings to cause the repair, vacation or demolition of the building.

a. Notice and Order. The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

(1) The street address and legal description of the property that the unsafe building is located.

(2) A statement that the Building Official has found the building to be unsafe with a brief and concise description of the conditions found to deem the building unsafe under the provisions of this section.

(3) A statement of action required to be taken and the time period allowed for such action.

(4) Statements advising that if the required action is not commenced within the time specified, the Building Official will order the building vacated and posted to prevent further occupancy until the work is completed and may proceed to cause the work to be done and charged the costs thereof against the property or its owner.

(5) A statement advising that any person having any record title or legal interest in the building may appeal the notice and order or any action of the Building Official to the Board of Building Code Appeals, provide that the appeal is made in writing as provide in this code within 30 days from the date of service of such notice and order and that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

b. Service. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the building affected by such notice. The Building Official may serve additional such notice and order on any parties that may have interest in the property. The failure of the Building Official to serve any person required to be served shall not invalidate any proceedings herein or relieve any person from any duty or obligation imposed by the provisions of this code.

c. Method of Service. Service of the notice and order shall be deemed properly served if a copy thereof is delivered to the owner personally or sent by first-class mail to the owner of the subject property at the address shown in the county assessor records for the county in which the property is located. Notice shall be deemed served on the date of receipt by the owner, if personally served, or upon the fifth day after mailing of the notice and order.

d. Recordation of Notice and Order. If compliance is not had with the notice and order within the specified time, and no appeal has been properly filed, the Building Official may file in the office of the county recorder a certificate describing the property and certifying that the building is unsafe and the owner has been so notified.

e. Notice to Vacate. Every notice to vacate shall, in addition to being served as required in this section, be posted at or upon each exit of the building. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such posting until the required repairs, demolition or removal have been completed.

4. Appeal and Procedure for Conduct of Hearing Appeals. Appeals shall be made to the Board of Building Code Appeals. Appeals and hearings shall be as set forth in Chapter 10 of Title II of the Westminster Municipal Code.

a. Effects of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this code shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

b. Scope of Hearing on Appeal. Only those matters or issues raised by the appellant shall be considered in the hearing of the appeal.

c. Staying of Orders of Appeal. Except for vacation orders, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

5. Enforcement of Orders. After any order of the Building Official or the Board of Building Code Appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with such order is guilty of a misdemeanor.

a. Failure to Obey Order. If, after any order of the Building Official or the Board of Building Code Appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted per section Chapter 4 of Title VIII, or (ii) institute any appropriate action to abate such building as a public nuisance.

b. Failure to Commence Work. Whenever the required repair or demolition is not commenced within the specified time as required in the notice and order the Building Official may cause the building to be vacated.

c. Extension of Time. Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the Building Official may grant an extension of time, not to exceed 120 days, within which to complete said repair, rehabilitation, or demolition, if the Building Official determines that such an extension of time will not create

or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

d. Interference with Repair or Demolition. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated, or demolished under the provisions of this Code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Code.

6. Performance of Work. When any work of repair or demolition is to be done pursuant to this Code, the Building Official shall issue his order therefor and the City of Westminster may decide to delay the work, perform the work with City personnel, or contract with a private entity to do the work. Plans and specification therefor may be prepared by the City or outside consultants under contract with the City.

a. Costs. The costs of such work may be collected pursuant to the provisions of Section 8-4-5 of the Westminster Municipal Code.

(F) Compliance With Building Codes.

1. Violation. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system, in the City, or cause or permit the same to be done in violation of any of the provisions of the Building Codes.

2. Nuisance. It is a public nuisance to use a building, structure, or equipment in violation of the Building Codes. This condition may be abated pursuant to the provisions of Chapter 4 of Title VIII of this Code.

3. Penalties. Any person in violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine or imprisonment for each violation as set forth in Section 1 of Chapter 8 of Title I of this Code. Any violation of the provisions of this chapter shall be a criminal offense.

4. Notice of Violation. Prior to causing a summons to be issued for a violation of the provisions of this chapter, the Building Official may, at his discretion, issue a written notice to the person found in violation, describing the violation and ordering the person to correct or remedy the violation within a stated period of time.

(G) Board of Building Code Appeals. Appeals of orders, decisions, or determinations made by the Building Official or Fire Chief regarding the application or interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code Appeals pursuant to Chapter 10 of Title II of this Code. No such appeal shall be heard by the Board of Building Code Appeals unless the appeal is filed within 30 calendar days after the date of the action of the Building Official or Fire Chief.

11-9-3: PERMITS AND FEES:

(A) Permits Required.

1. General. No person shall construct, install, enlarge, alter, repair, move, improve, remove, replace, convert, demolish, equip, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; gas system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa or hot tub; elevator, escalator, or moving walk; fire protection system, or other work regulated by this code, or portion thereof, in the City, or cause the same to be done without first obtaining a building permit for all such work from the Building Official, except as follows:

a. A public utility, duly franchised or authorized as such in the City, shall not be required to obtain a permit prior to performing emergency maintenance or repairs on its equipment, building, or structure, when necessary to sustain service or protect life or property; provided, however, that the public utility shall obtain a permit for the work as soon as it is practical to do so.

b. Public utilities, duly franchised or authorized as such in the City, shall not be required to obtain a permit for the installation, alteration or repair of generation, transmission, or distribution equipment that is under the ownership and control of the public utility.

2. Exempt work. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of this Code or any other laws or ordinances of the City. A building permit shall not be required for the following:

a. One-story, detached accessory buildings or structures used as tool and storage sheds, playhouses, and similar uses provided that the floor area does not exceed 120 square feet;

b. Oil derricks;

c. Movable cases, counters, and movable partitions not over 5 feet 9 inches in height;

- d. Retaining walls which are not over 3 feet in height when measured from the grade level on the low side to the top of the wall, unless supporting an additional load due to a surcharge of earth; a structure; or impounding Class I, II, or IIIA flammable liquids;
- e. Water tanks supported directly upon the grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one (2:1);
- f. Platforms, patios, or decks associated with Group R occupancies not more than 30 inches above grade at any point and not over any basement or story below or which are not part of an accessible route;
- g. Non-structural concrete slabs on grade;
- h. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- i. Temporary motion picture, television, and theater sets and scenery, except that, the Fire Code provisions shall apply;
- j. Window awnings supported by an exterior wall of any structure regulated by the International Residential Code or accessory thereto, when projecting not more than 54 inches beyond the plane of the wall;
- k. Nonfixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height;
- l. Agricultural buildings as defined in Appendix Chapter C of the International Building Code;
- m. Sidewalks, driveways or similar at grade concrete flatwork;
- n. Swings or other playground equipment;
- o. Portable heating, ventilating, and cooling appliances or equipment; unit refrigeration systems, cooking, or clothes drying equipment; and the replacement of any component part or assembly or an appliance so long as the appliance continues to comply with other applicable requirements of this Code;
- p. Portable wading pools constructed of flexible plastic, rubber, or similar materials 24 inches or less in depth;
- q. The repair of broken or defective electrical receptacles, switches or lamps;
- r. The clearing of stoppages or the repair of leaks in pipes, valves, or fixture drains, provided such maintenance or repair does not involve or require the replacement or rearrangement of valves or pipes, or the replacement of fixtures provided such replacement does not involve the replacement or relocation of valves or pipes;
- s. Fences not over 30" height.

3. Separate Permits. Unless otherwise exempt, separate plumbing, electrical, or mechanical permits may be required for work on the buildings or structures listed in subsection (A)2 of this section.

4. Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment at approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting away of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waster, vent or similar piping, electrical wiring or mechanical or work affecting public health or general safety.

5. Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day.

(B) Contractor Registration/License Required.

1. Contractor Registration Required. Only persons, firms, or corporations holding a current City contractor's registration certificate, issued pursuant to Chapter 5 of Title V of this Code may obtain a building permit, except as follows:

- a. Any person who intends to build and occupy a single family detached home, or a building or structure accessory thereto, may apply for a building permit without a City contractor's registration certificate provided, however, that only one such permit may be issued in any calendar year.

- b. Homeowners shall not be required to obtain a City contractor's registration certificate for the purposes of remodeling, enlarging, altering, repairing, or in any other way improving any building regulated by the International Residential Code, or accessory thereto, which they own.

2. License Required. The State of Colorado laws applicable to licensing of electricians and plumbers shall apply within the City.

(C) Application for Permit.

1. Application. To obtain a permit, the applicant shall file an application therefor in writing on a form furnished by the Building Official for that purpose. Each application shall:

- a. Identify and describe the work to be covered by the permit for which application is made.

b. Describe the land on which the proposed work is to be done by street address and legal description, or similar description that will readily identify and definitely locate the proposed building or work.

c. Fully describe the use or occupancy for which the proposed work is intended. For non-residential uses, state the name of the user and describe the nature of the use or business.

d. Include plans, diagrams, computations, specifications, and other data as required in Subsection (C)2 of this section.

e. State the valuation of the proposed work.

f. Be signed by the applicant or the applicant's authorized agent.

g. Give such other data and information as may be required by the Building Official.

2. Plans and Specifications. Plans, engineering calculations, diagrams, and other data shall be submitted in accordance with the City's submittal requirements with each application for a permit. The construction documents shall be prepared by an architect or engineer licensed by the State of Colorado when required by section 11-9-3(C)3. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared. The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.

3. Design Professional.

a. All proposed erection, construction, reconstruction, alteration, or remodeling shall be prepared by and bear the seal of an architect or engineer licensed by the State of Colorado unless exempted in this section. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that the State law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law or exempted below.

b. An architect's or engineer's design and stamp shall be required on plans, engineering calculations, diagrams, and other data on the following types of projects:

(1) Smoke Control Systems

(2) Elevators, escalators and moving walks

(3) Foundation designs for all buildings or structures excluding accessory structures to buildings regulated by the International Residential Code.

(4) Retaining walls over 3 feet in height when measured from the grade level on the low side to the top of the wall

c. The architect or engineer in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

d. Exemptions. Any applicant may prepare plans, calculations, and specifications for construction, alterations, remodeling, additions to, or repair of any of the following:

(1) One, two, three, and four unit family dwellings, including accessory buildings commonly associated with such dwellings;

(2) Garages, industrial buildings, offices, farm buildings and buildings for the marketing, storage, or processing of farm products, and warehouses, which do not exceed one story in height, exclusive of a one-story basement, and which under the provisions of this Code are not designed for occupancy by more than ten people.

(3) Additions, alterations, or repairs to the foregoing buildings which do not cause the completed buildings to exceed the applicable limitations set forth in this subsection.

(4) Nonstructural alterations of any nature to any building if such alterations do not affect the life safety of the occupants of the building.

4. Structural Observation. When special inspection and/or structural observation is required by Chapter 17 of the International Building Code, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of the individuals and firms who are to perform the special inspections, and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work.

5. Information on Construction Documents. Construction documents shall be dimensioned and drawn to scale upon substantial paper. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of

the work proposed, and shall show in detail that it will conform to the provisions of the Building Codes and all relevant laws, ordinances, rules, and regulations, as determined by the Building Official.

6. Expiration of Permit Applications or Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation unless such application has been pursued in good faith, and the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(D) Permit Issuance.

1. Issuance.

a. The application, plans, specifications, computations, and other data submitted by the applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other City departments to substantiate compliance with any applicable laws under their control. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of the Building Codes and other pertinent laws, and that all applicable fees have been paid, a building permit shall be issued to the applicant.

b. When the Building Official issues a permit for which plans are required, the plans shall be approved in writing or by stamp. The approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans

c. The Building Official may issue a permit for the construction of part of a building and structure before all of the plans and specifications for the entire building or structure have been submitted or approved provided that adequate information verifying compliance with all pertinent requirements of the Building Codes have been submitted and approved for that portion of the building or structure. A permit issued based on partial plan approval will be restricted to the portion of the work that has been reviewed and approved and the holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

2. Retention of Plans. One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than 90 days from the date of completion of the work covered therein, and one set of approved plans shall be returned to the applicant and shall be kept on the job site at all times during which work is in progress.

3. Validity of Permit. The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for or an approval of any violation of any of the provisions of the Building Codes or other ordinances of the City. Permits presuming to give authority to violate or cancel the provisions of the Building Codes or other ordinances of the City shall not be valid. The issuance of a permit based upon plans, specifications, and other data shall not prevent the Building Official from thereafter requiring the correction of errors in the plans, specifications, and other data, or from ordering the work being carried on to be stopped when in violation of the Building Codes or other ordinances of the City. The building official is also authorized to prevent occupancy or use of a structure in violation of the building code or of any other ordinance of the City.

4. Expiration of Permit.

a. Every permit issued by the Building Official under the provisions of the Building Codes shall expire if the building or work authorized by such permit is not commenced within 180 days from the date the permit was issued, or if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Before such work can be resumed, a new permit shall be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes are to be made in the original plans and specifications for such work and, provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after the work authorized by such permit has been suspended or abandoned for more than one year, the permittee shall pay a new, full permit fee.

b. When a permittee is unable to commence work within the time required by this subsection for good and satisfactory reasons, a permittee holding an unexpired permit may apply for an extension of the time in which he may commence work under that permit. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Building Codes or any other ordinance or regulation of the City whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information supplied by the applicant.

(E) Fees and Taxes.

1. General. A permit shall not be valid until the prescribed fees have been paid. Fees shall be assessed in accordance with the provisions of this subsection.

- a. Building use tax shall be paid in accordance with this Code.
- b. Park development fees shall be paid in accordance with this Code.
- c. Water and sanitary sewer tap fees shall be paid in accordance with this Code.
- d. School Land Dedication fees shall be paid in accordance with this code.

2. Permit Fees. A fee for each building permit shall be paid to the City of Westminster as specified in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council; except that, the City, the Counties of Adams and Jefferson, the State of Colorado, the United States Government, and all agencies and departments thereof, shall be exempt from payment of building permit fees for the construction or repair of buildings or structures owned wholly by such agencies and departments and devoted to governmental use. Fees shall be reduced by twenty percent (20%) for building permits issued for work within the boundaries of the urban renewal area of the city.

EXCEPTION: The Building Official shall indefinitely waive the permit fees and use tax for the conversion of existing non-conforming solid fuel burning devices to gas, electric, EPA certified phase II, Colorado Phase III, or devices meeting the emission standard for solid fuel burning devices established under the State statutes and/or regulations promulgated by the Colorado Department of Public Health and Environment, as demonstrated by a test by an EPA accredited laboratory. This exemption shall be in effect for those devices purchased or installed on or after September 1, 1993.

3. Valuation. The applicant for a permit shall provide an estimated permit value at time of permit application. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work, including labor and materials, for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, conveyance systems, fire protection systems, and other permanent work or equipment. The final determination of value or valuation shall be made by the Building Official.

4. Plan Review Fees. When plans or other data are required to be submitted by the building codes, a plan review fee shall be paid at the time the plans and specifications are submitted for review. Said plan review fee shall be 65 percent of the building permit fee as shown in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition thereto. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established in the "Building Permit Fee Schedule".

5. Work Commenced Without a Permit. When work for which a permit is required by the Building Codes is commenced without first obtaining the required permit, the fee for any subsequently issued permit shall be double the prescribed permit fee as set forth in subsection (E)8 of this section, but not less than two hundred fifty dollars (\$250) for the first such offense, triple the prescribed permit fee as set forth in subsection (E)8 of this section, but not less than five hundred dollars (\$500) for the second such offense, and the immediate revocation of the contractors license for the third such offense. These provisions shall not apply to emergency work when it can be demonstrated to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of such work. In all such cases, a permit shall be obtained as soon as practical to do so, and any unreasonable delay in obtaining such permit shall result in the assessment of fees as outlined above. Payment of such increased permit fee shall not relieve any persons from fully complying with the requirements of the building codes in the execution of the work nor from any other penalties prescribed herein.

6. Reinspection Fees. Permit fees provide for customary inspections only. A reinspection fee may be assessed when the portion of work for which an inspection is scheduled is not complete or when corrections listed during a previous inspection have not been made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which an inspection is requested, or for deviating from plans requiring the approval of the Building Official. This subsection is not to be interpreted as requiring reinspection fees the first time work fails to comply with the requirements of the building codes but as a means of controlling the practice of calling for inspections before the work is ready for inspection or reinspection. In instances where a reinspection fee has been assessed, a reinspection fee as set forth in the "Building Permit Fee Schedule" as adopted by Resolution of the City Council shall be paid by the holder of the permit to the City of Westminster before any additional inspections or reinspections may be made.

7. Fee Refunds. The Building Official may authorize fee refunds as follows:

- a. The Building Official may authorize the refund of any fee which was erroneously paid or collected.
- b. The Building Official may authorize the refund of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
- c. The Building Official may authorize the refund of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plans are reviewed.
- d. The Building Official shall not authorize the refund of any fee paid except upon receipt of a written request, by the original permittee, filed not later than 180 days after the date such fee was paid.

11-9-4: INSPECTIONS:

(A) Inspection Procedures.

1. General.

a. All construction or work for which a permit is required shall be subject to inspection by the Building Official, and all such construction or work shall remain accessible and exposed for inspection until approved by the Building Official. In addition, certain types of construction shall have continuous inspection as specified in the Building Codes. It shall be the duty of the permittee to cause the work to remain accessible and exposed for inspection. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material to allow inspection.

b. Approval as a result of inspection shall not be construed to be an approval of a violation of the provisions of the building code or other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of the Building Codes shall not be valid.

c. A survey of the lot may be required by the Building Official, at the permittee's expense, to verify that the structure is located in accordance with the approved plans.

d. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

2. Inspection Record Card. Work requiring a permit shall not be commenced, and required inspections of such work shall not be made, until the permittee or his authorized agent has posted or has otherwise made an inspection record card available to the inspector to make the required entries thereon regarding inspection of the work. This card shall be kept available by the permittee until final approval has been granted by the Building Official.

3. Inspection Requests. It shall be the responsibility of the person doing the work authorized by a permit to notify the Building Official that the work is ready for inspection. The Building Official may require that every request for inspection be filed at least one day prior to the day the inspection is desired. The request shall be by telephone as specified on the inspection record card or other means approved by the Building Official. It shall be the duty of the person requesting any inspection required by this Code to provide access to and means for inspection of the work.

4. Approval Required. Work shall not be done beyond the point indicated in each successive inspection. The Building Official, upon notification, shall make the requested inspection and shall indicate the portion of the work that is satisfactory as completed, or shall notify the permit holder or authorized agent wherein the same fails to comply with the building code. Any provisions that do not comply shall be corrected and such work shall not be covered or canceled until authorized by the Building Official.

(B) Required Inspections.

1. General. The Building Official, upon notification, shall make an inspection required by this subsection. The following are required inspections:

a. Footing Inspection. Shall be made after excavations are completed, all forms are in place, any required reinforcing steel is in place, and the footing is ready for the placement of concrete but before any concrete is placed.

b. Caisson/Drilled Pier Inspection. Shall be made after caisson drilling has been completed and prior to any concrete being placed.

c. Foundation Inspection. For concrete foundations, all forms, required void material, and required reinforcement shall be in place prior to the placement of any concrete. Where the foundation is to be constructed of approved, treated wood, additional inspections may be required by the Building Official.

d. Underslab or Underground Inspection. Shall be made after all underslab or underground building service equipment, electrical conduit, plumbing piping, and other ancillary equipment items are in place, but before any such equipment, conduit, or piping is buried or any concrete is placed. Required pressure tests of underground piping or ductwork shall be performed at this time, as specified in the Building Codes.

e. Rough Inspection. Shall be made after all rough-in work is completed and ready for inspection; all circuits are made up, electrical boxes, and plaster rings are installed, electrical panels are set, neutrals and

grounds are made up, and all grounding is completed; all air or water tests required by the Building Codes have been performed; all ductwork, venting, and piping are completely roughed in; the roofing, all framing, fire blocking and bracing are complete; and when the job is ready for drywall but prior to the installation of any insulation.

f. Wallboard Inspection. Gypsum wallboard which is part of a required fire assembly or designed to resist shear forces shall be inspected after all gypsum board, interior and exterior, is in place and properly fastened but before any gypsum board joints or fasteners are taped or finished.

g. Final Inspection. Shall be made after all work, including final grading, is completed, and the building or space is ready for occupancy.

2. Other Inspections. In addition to the inspections specified in Subsection (B) of this section, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Codes and other laws which are enforced by the City.

3. Special Inspections. Special inspections shall be conducted as required by the building code and Building Division procedures.

(C) Certificates of Occupancy.

1. Use and Occupancy. No building or structure, except Group U occupancies, shall be used or occupied and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a certificate of occupancy therefor. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the building codes or other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of the Building Codes or other ordinances of the City shall be invalid.

2. Change in Use. Changes in the character or use of a building shall not be made without the approval of the Building Official.

3. Certificate Issued. After all required final inspections have been made, finding no violations of the provisions of the Building Codes or any other laws or ordinances of the City, all fees have been collected, and all improvements required by the City have been made in accordance with City specifications, including the installation of sidewalks, curbs, gutters, street paving, and any required landscaping, the Building Official shall issue a certificate of occupancy. However, the Building Official may issue the certificate of occupancy prior to the completion of the required improvements provided the City has entered into an agreement with the owner of the property regarding delayed completion. Only those improvements specified in such agreement with the City shall be considered for delayed completion, and the certificate of occupancy shall not be issued if required improvements, other than those included in the agreement with the City, have not been completed. The certificate of occupancy shall contain the following information:

- a. The building permit number.
- b. The address and legal description of the building.
- c. The name and address of the owner.
- d. If not the entire building, a description of the portion of the building for which the certificate was issued, including the occupancy group classification.
- e. A statement that, at the time of issuance, the building or portion thereof was in compliance with the requirements of the Building Codes for the occupancy and the use for which the building is classified.
- f. The edition of the code under which the permit was issued.
- g. The type of construction.
- h. Any special stipulations and conditions of the building permit or certificate of occupancy.
- i. The date of issuance of the certificate.
- j. The signature of the Building Official or his representative.

4. Temporary Certificate. If the Building Official finds that no substantial hazard will result from the occupancy of a building or portion thereof before completion, he may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The Building Official shall set a time period for which the temporary certificate of occupancy is valid. A fee shall be charged for the issuance or reissuance of a temporary certificate of occupancy as set forth in the fee schedule. The fee for the temporary certificate of occupancy shall be based upon the permit fee paid for the building or portion thereof.

5. Revocation. The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of the Building Codes whenever the certificate is issued in error or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of the Building Codes or any ordinance or regulation of the City.

11-9-5: INTERNATIONAL BUILDING CODE AMENDMENTS:

(A) Section 406.1.4, number 1 of the International Building Code is amended to read as follows:

406.1.4. Separation. Separations shall comply with the following:

1. The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8-inch type “X” gypsum board applied to the garage side. Where the separation is horizontal the gypsum board shall be attached to framing members spaced no more than 16 inches on center and the structure supporting the separation shall also be protected by not less than 5/8-inch type “X” gypsum board or equivalent. Door openings between the garage and the dwelling unit shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch thickness, solid or honeycomb core steel door not less than 1 3/8 inches thick, or doors in compliance with Section 715.4.3. Openings in the required separation shall be in conformance with Section 712. Openings from a garage directly into a room used for sleeping purposes shall not be permitted.

(B) The International Building Code is amended to add Section 421 to read as follows:

Section 421 Dwelling Unit Security.

421 Dwelling unit security. The provisions of this section shall apply to openings into all dwelling units as well as to openings between attached garages and dwelling units. Except for vehicular access doors, door openings in attached garages shall be in accordance with the provisions of this section.

421.1 Obstructing means of egress. Security methods of this section shall not create a hazard to life by obstructing any means of egress. The provisions of this section shall not supersede the requirements of Chapter 10 of this code.

421.2 Entry vision. All main or front entry doors to dwelling units shall be so arranged so that the occupants have a view of the area immediately outside of the door without having to open the door. Such view can be provided by a window or by the use of a door viewer with a 180 degree field of view.

421.3 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch thickness, a metal door constructed with at least 18-gauge metal or similar approved material.

421.3.1 Strike plate installation. In wood-frame construction, any open space between trimmers and wood doorjamb shall be solid shimmed not less than 12 inches above and below the strike plate. Strike plates shall be attached to the jamb with not less than two No. 8 by 3-inch screws, which have a minimum of 3/4 inch penetration into the nearest framing member. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

421.3.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a non-removable hinge pin. Not less than three 4 1/2 inch steel butt hinges shall be fastened to both the door and jamb with not less than four No. 9 by 3/4 inch wood screws or to metal doors and jambs with not less than four No. 8 machine screws. In wood construction, any open space between trimmers and wood jambs shall be solid shimmed extending not less than 6 inches above and below each hinge.

421.3.3 Locking Hardware. Swinging doors shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one-inch bolt throw that will penetrate the strike at least 3/4 of an inch. See Chapter 10 of this code for requirements on door operation for exiting.

(C) Section 708.3 of the International Building Code is amended as follows:

Section 708.3 Fire-resistance rating. Exception No. 2 is deleted in its entirety.

(D) Section 711.3 of the International Building Code is amended as follows:

Section 711.3 Fire-resistance rating. The Exception is deleted in its entirety.

(E) Section 1608.2 of the International Building Code is amended to read as follows:

1608.2 Ground snow loads. The ground snow load to be used within the City of Westminster in determining the design snow loads for roofs is 30 pounds per square foot.

(F) Section 1609.1.2 of the International Building Code, Protection of Openings, is deleted in its entirety.

(G) Section 1609.3 of the International Building Code is amended to read as follows:

1609.3 Basic wind speed. The minimum basic wind speed, based on a 3-second gust, for any site within the limits of the City of Westminster shall be a minimum of 100 miles per hour (MPH) in areas located east of Sheridan Boulevard, 110 MPH in areas between Sheridan Boulevard and Wadsworth Parkway, and 120 MPH in areas west of Wadsworth Parkway. Exposure B shall be used unless specified as exposure C by the Building Official.

(H) Sections 1612.3 and 1612.4 of the International Building Code are amended to read as follows:

1612.3 Establishment of flood hazard areas. The flood hazard areas of the City of Westminster are as established in Article 11, Chapter 8 of the Westminster Municipal Code.

1612.4 Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be designed and constructed in accordance with City of Westminster standards and ASCE 24, whichever is the most restrictive.

(I) Section 2111.1 of the International Building Code is amended to read as follows:

2111.1 Definition. A masonry fireplace is a fireplace constructed of concrete or masonry, hereafter referred to as masonry. Masonry fireplaces shall be constructed in accordance with this section and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(J) Section 2304.11.5 of the International Building Code is amended as follows:

Section 2304.11.5 Supporting member for permanent appurtenances. Exception is deleted in its entirety.

(K) The International Building Code is amended to add Section 3007 to read as follows:

Section 3007 Permits - Certificates of Inspection.

3007.1 Permits required. It shall be unlawful to hereafter install any new elevator or conveying system, or to make major alterations to any existing elevator or conveying system without first obtaining a permit for such installation from the Building Official. Permits shall not be required for maintenance or minor alterations.

3007.2 Certificate of inspection required. It shall be unlawful to operate any elevator or conveyance system without a current certificate of inspection issued by the building official. Such certificate shall be issued upon payment of the prescribed fees and the presentation of a valid inspection report indicating that the elevator or conveyance system is safe and that the inspections and tests have been performed in accordance with Part X of the ANSI code.

Exception: Elevators or conveyance systems within individual dwelling units.

3007.3 Fees. A fee for each elevator permit shall be paid to the City of Westminster as set forth in this Code. A fee for each certificate of inspection shall be paid to the Building Official as follows:

Annual Certification 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.

(L) Section 3109 of the International Building Code is amended as follows:

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence as required by Sections 3109.4.1 through 3109.4.1.7.

3109.4 Swimming pools. Swimming pools associated with structures regulated by this code shall comply with Sections 3109.4.1 through 3109.4.3.

Exception: Delete the exception in its entirety.

3109.4.1 Barrier height and clearances. The top of the barrier shall be at least 60 inches, but not exceed 72 inches, above grade measured on the side of the barrier which faces away from the swimming pool. (remaining unchanged)

3109.4.1.7 Gates. Access gates shall comply with the requirements of section 3109.4.1.1 through 3109.4.1.6, and shall be equipped to accommodate a locking device. Access gates shall be self-closing and be equipped with a self-latching device located a minimum of 54 inches above the bottom of the gate. Where egress hardware is required by Chapter 10 of this code, it shall be used instead of the required latching device. If egress hardware is used, the gate or fence shall have no openings larger than ½ inch within 18 inches of the hardware.

3109.4.1.8 Dwelling wall as a barrier. Delete this section in its entirety.

11-9-6: INTERNATIONAL RESIDENTIAL CODE AMENDMENTS:

(A) Table R301.2(1) of the International Residential Code is amended to read:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground snow load	Wind Speed	Seismic Design Category	Subject to Damage from			Winter Design Temp	Ice Barrier Underlayment Required	Air Freezing Index	Mean Annual Temp	Accumulated Snow Level
			Weathering	Frost Depth	Termite					
30 PSF	100 – 120*	B	Severe	36"	Slight to Moderate	1°F	No	532	51.0	12 inches

* See amended IBC Section 1609.3

(B) Section R301.2.1.2 of the International Residential Code, Protection of openings, is deleted in its entirety.

(C) Section R301.2.4 of the International Residential Code is amended to read as follows:

R301.2.4 Floodplain construction. The design and construction of buildings and structures located in whole or in part in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be designed and constructed in accordance with City of Westminster standards and R324, whichever is the most restrictive.

(D) Section R305.1 of the International Residential Code is amended as follows:

R305.1 Minimum height. Exceptions:

2. In basements, a minimum clear height of 6 foot 8 inches is permitted under beams, ducts, pipes and other obstructions. The finished clear height under such beams, ducts, pipes and other obstructions may be 6 foot 6 inches.

(F) Sections R309.1, R309.1.2 and R309.2 of the International Residential Code are amended to read as follows:

R309.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and the residence shall be equipped with a self-closing, self-latching solid wood door not less than 1 3/8 inch in thickness, solid or honeycomb core steel door not less than 1 3/8 inches thick, or 20-minute fire-rated door assembly.

R309.1.2 Other penetrations. Penetrations through the separation required in Section R309.2 shall be protected in accordance with Section R317.3.

R309.2 Separation Required. The garage shall be separated from the residence and its attic space by not less than 5/8-inch type "X" gypsum board applied to the garage side. Where the separation is horizontal the gypsum board shall be attached to framing members spaced no more than 16 inches on center and the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" gypsum board or equivalent. Garages located less than 3 feet from a dwelling unit on the same lot shall be protected with not less than 5/8 inch type "X" gypsum board on the interior side of exterior walls. Openings in these walls shall be regulated by Section R309.1.

(G) Section R310.1.1 of the International Residential Code is amended as follows:

R310.1.1 Minimum opening area. Exception is deleted in its entirety.

(H) Section R310.1.4 of the International Residential Code is amended to read as follows:

R310.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools, special knowledge or removal of any part of the window assembly.

(I) Section R310.5 of the International Residential Code is amended to read as follows:

Section R310.5 Emergency escape windows under decks and porches. Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches in height and 36 inches in width to a yard or court.

(J) Section R311.4.3 of the International Residential Code is amended as follows:

R311.4.3 Landings at Doors. Exceptions: Exception 1 is deleted in its entirety.

(K) Section R311.5.3.1 of the International Residential Code is amended to read as follows:

R311.5.3.1 Riser height. The maximum and minimum riser height shall be 7 3/4 inches and 4 inches respectively. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch.

(L) Section R317.1 of the International Residential Code is amended as follows:

R317.1 Two-family dwellings. Exceptions:

1. Exception is deleted in its entirety.
2. Wall assemblies need not extend through attic spaces when the ceiling is protected by not less than 5/8 inch Type X gypsum board and an attic draft stop constructed as specified in Section R502.12.1 is provided above and along the wall assembly separating the dwellings. The structural framing supporting the ceiling shall also be protected by not less than 5/8 inch type X gypsum board or equivalent.

(M) Section R319.1.3 of the International Residential Code is amended to read as follows:

R319.1.3 Geographical areas. Approved naturally durable or pressure-preservative-treated wood shall be used for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances when those members are exposed to the weather without adequate protection from a roof, eave, overhang or other covering that would prevent moisture or water accumulation on the surface or at joint between members. Such members shall include: (remainder of section unchanged)

(N) Section R320.1 of the International Residential Code is amended to read as follows:

R320.1 Subterranean termite control methods. In areas subject to moderate to heavy or very heavy damage as indicated by Table R301.2(1), methods of protection shall be one of the following methods or a combination of these methods: (remainder of section unchanged)

(O) The International Residential Code is amended to add Section R325 to read as follows:

R325 BUILDING SECURITY

R325.1 General. The provisions of this section shall apply to openings into all dwelling units as well as to openings between attached garages and dwelling units. Except for vehicular access doors, door openings in attached garages shall be in accordance with the provisions of this section.

R325.2 Obstructing means of egress. Security methods of this section shall not create a hazard to life by obstructing any means of egress. The provisions of this section shall not supersede the requirements of section R311 of this code.

R325.3 Entry vision. All main or front entry doors to dwelling units shall be so arranged so that the occupants have a view of the area immediately outside of the door without having to open the door. Such view can be provided by a window or by the use of a door viewer with a 180 degree field of view.

R325.4 Swinging doors. All exterior doors shall be constructed of solid core wood a minimum of 1 3/8 inch thickness or a metal door constructed with at least 18-gauge metal or similar approved material.

R325.4.1 Strike plate installation. In wood-frame construction, any open space between trimmers and wood doorjamb shall be solid shimmed not less than 12 inches above and below the strike plate. Strike plates shall be attached to the jamb with not less than two No. 8 by 3-inch screws, which have a minimum of 3/4 inch penetration into the nearest framing member. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

R325.4.2 Hinges. When hinges are exposed to the exterior, at least one of the hinges shall be equipped with a non-removable hinge pin. Not less than three 4 1/2 inch steel butt hinges shall be fastened to both the door and frame with not less than four No. 9 by 3/4 inch wood screws or to metal with not less than four No. 8 machine screws. In wood construction, any open space between trimmers and wood jambs shall be solid shimmed extending not less than 6 inches above and below each hinge.

R325.4.3 Locking Hardware. Swinging doors shall be equipped with an approved exterior key-operated deadbolt. Deadbolt locks shall have at least a one-inch bolt throw that will penetrate the strike at least 3/4 of an inch. See section R311 for requirements on door operation for exiting.

(P) Section R502.3.1, Table R502.3.1(1), and Section R502.3.2 of the International Residential Code are amended as follows:

R502.3.1 Sleeping areas and attic joist. – Section is deleted in its entirety.

Table R502.3.1(1) FLOOR JOIST SPANS FOR COMMON LUMBER SPECIES. Table is deleted in its entirety.

R502.3.2 Other floor joist. Table 502.3.1(2) shall be utilized to determine the maximum allowable span of floor joist that support all areas of the building provided that the design live load does not exceed 40 psf and the design dead load does not exceed 20 psf.

(Q) Section R801.3 of the International Residential Code is amended to read as follows:

Section 801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least five feet from the foundation walls or to an approved drainage system.

(R) The International Residential Code is amended to add Section R903.2.2 to read as follows:

R903.2.2 Drip edge. Drip edge shall be provided at eaves and gables of shingle roofs. Overlap shall be a minimum of 2". Eave drip edges shall extend .25" below sheathing and extend back on the roof a minimum of 2". Drip edge shall be mechanically fastened a maximum of 12" on center.

(S) Sections R1001.1 and R1004.1 the International Residential Code are amended to read as follows:

R1001.1 General. Masonry fireplaces shall be constructed in accordance with this section and the applicable provisions of Chapters 3 and 4 of this code and subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

R1004.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127 and be subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

(T) Section R1004.4 of the International Residential Code is amended as follows:

R1004.4 Unvented gas log heaters. Section is deleted in its entirety.

(U) The International Residential Code is amended to add Section M1416 to read as follows:

M1416 Unvented Room Heaters

M1416.1 General. Unvented room heater, fireplaces, gas logs or other similar unvented devices are prohibited.

(V) Sections M1502.2 and M1502.3 of the International Residential Code are amended to read as follows:

M1502.2 Duct termination. Exhaust ducts shall terminate on the outside of the building. Exhaust ducts shall terminate not less than 3 feet in any direction from any opening into the building. Exhaust duct termination shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination.

M1502.3 Duct size. The minimum size of dryer duct shall be 4 inches and installed in accordance with sections M1502.4 through section M1502.6.

(W) Section M1502.6 of the International Residential Code is amended as follows:

Section M1502.6 Duct length. Exceptions: Exception 1 is deleted in its entirety.

(X) Section M1801.1 of the International Residential Code is amended to read as follows:

M1801.1 Venting required. Fuel-burning appliances shall be vented to the outside in accordance with their listing and label and manufacturer's installation instructions. Venting systems shall consist of approved chimneys or vents,

or venting assemblies that are integral parts of labeled appliances. Gas-fired appliance shall be vented in accordance with Chapter 24.

(Y) Section G2406.2 of the International Residential Code is amended as follows:

Section G2406.2 Prohibited locations. Items 3 and 4 are deleted in their entirety.

(Z) Section G2407.6.2 of the International Residential Code is amended as follows:

Section G2407.6.2 One-permanent-opening method. Section is deleted in its entirety.

(A)(A) Section G2415.9 and Section G2415.9.1 of the International Residential Code are amended as follows:

G2415.9 Minimum burial depth. Underground metallic piping systems shall be installed a minimum depth of 12 inches below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches below grade.

G2415.9.1 Individual outside appliances. Section is deleted in its entirety.

(B)(B) Sections G2417.4 and G2417.4.1 of the International Residential Code are amended to read as follows:

G2417.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than three times the test pressure.

G2417.4.1 Test pressure. The minimum test pressure to be used on threaded pipe shall be 20 psi gauge pressure. For welded pipe the minimum test pressure shall be 60 psi gauge pressure.

(C)(C) Section G2420.5 of the International Residential Code is amended as follows:

Section G2420.5 Equipment shutoff valve. Exception is deleted in its entirety.

(D)(D) Section G2425.8 of the International Residential Code is amended as follows:

Section G2425.8 Equipment not required to be vented. Item #7 is deleted.

(E)(E) Section G2445 of the International Residential Code is amended as follows:

Section G2445 Unvented Room Heaters. Section is deleted in its entirety.

(F)(F) Section P2603.6.1 of the International Residential Code is amended to read as follows:

P2603.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 42 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches below grade.

(G)(G) Section P2903.8.5 of the International Residential Code is amended to read as follows:

Section P2903.8.5 Valving. Fixture valves shall be located at both the fixture and at the manifold. Valves located at the manifold shall be labeled indicating the fixture served.

(H)(H) Section P3201.5 of the International Residential Code is amended as follows:

P3201.5 Prohibited trap designs. The following types of traps are prohibited:

- 1-5. (Unchanged)
6. Running traps.

(I)(I) Table P3201.7 of the International Residential Code is amended to read as follows:

TABLE P3201.7 SIZE OF TRAPS AND TRAP ARMS FOR PLUMBING FIXTURES is amended to reflect the trap size minimum for a shower is 2 inches.

(J)(J) The General Statement of Chapter 33 and Section E3301.1 of the International Residential Code are amended to read as follows:

CHAPTER 33 GENERAL REQUIREMENTS

The Electrical Part is produced and copyrighted by the National Fire Protection Association (NFPA) and is based on the 2005 National Electrical Code, copyright 2005 National Fire Protection Association, all rights reserved. Use of the Electrical part is pursuant to license with the NFPA.

E3301.1 Applicability. Add the following to the section: Whenever there is a conflict between this code and the 2005 NEC, the provisions of the NEC will govern.

(K)(K) Section AG105.2 and AG105.5 of the International Residential Code are amended as follows:

Section AG 105.2 Outdoor swimming pool.

1. The top of the barrier shall be at least 60 inches, but not exceed 72 inches, above grade measured on the side of the barrier which faces away from the swimming pool. (remainder of section unchanged)

8. Access gates shall comply with the requirements of section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Access gates shall be self-closing and be equipped with a self-latching device located a minimum of 54 inches above the bottom of the gate. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate as allowed by Section AG105.5, the release mechanism and openings shall comply with the following:

8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate, and

8.2 The gate and barrier shall have no opening greater than ½ inch within 18 inches of the release mechanism.

9. Where a wall of a dwelling unit serves as part of the barrier, doors through the wall need not be equipped with self-closing or self-latching devices.

Section AG105.5 Barrier exceptions. Outdoor pools, spas and hot tubs provided with a safety cover that complies with ASTM F1346 or hot tubs provided with a locking cover shall be provided with a barrier at least 36 inches in height which complies with Section AG105.5, items 1 through 10.

(L)(L) he International Residential Code is amended to add Section AG109 to read as follows:

AG109 Testing of swimming pool piping.

AG109.1 Pressure test. Pressure piping and section piping serving permanent residential swimming pools shall be tested at 35 pound for a minimum of 15 minutes.

AG109.2 Supply water. All permanent residential swimming pools shall fill by an indirect means when supplied by potable water.

Exception. Supply piping protected in accordance with Section P2902 of the International Residential Code.

11-9-7: NATIONAL ELECTRICAL CODE AMENDMENTS:

(A) Article 230.70(A)(1) of the National Electrical Code is amended to read as follows:

230.70 (A)(1) Location. The service disconnecting means shall be installed at a readily accessible location on the outside of the building unless approved by the Building Official. No service disconnecting means shall be installed inside a residential dwelling unit.

Exception: The service disconnecting means may be installed inside the garage of a residential dwelling unit when it is located back-to-back to the meter.

(B) Article 406 of the National Electrical Code is amended to read as follows:

406.8(C) Bathtub and Shower Space. Receptacles shall not be installed within or directly over a bathtub or shower stall. This area includes, but is not limited to, tub surrounds, tub decking and all wall surfaces.

(C) The National Electrical Code is amended to add Article 810 to read as follows:

810.80 Public Safety Radio Amplification Systems

810.80. Purpose. The purpose of this part is to provide minimum standards to insure a reasonable degree of reliability for emergency services communication from within certain buildings and structures within the city to and from emergency communication centers. It is the responsibility of the emergency service provider to receive the signal to and from the building or structure.

810.81. Scope. The provisions of this article shall apply to:

a. New buildings and structures of Type I, Type II, or Type III construction greater than 50,000 square feet or additions or modifications that cause the buildings to be greater than 50,000 square feet.

b. All basements over 10,000 square feet where the design occupant load is greater than 50, regardless of the occupancy.

c. Existing buildings and structures of any size or construction type where the Police Chief or the Fire Chief determines that lack of adequate radio coverage for emergency services providers either constitutes a special hazard to occupants or emergency responders or would otherwise likely result in unduly difficult conduct of emergency operations.

d. For purposes of this section, fire walls cannot be used to define separate buildings.

810.82. Radio Coverage. Except as otherwise provided in this article, no person shall erect, construct, or modify any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for emergency services providers.

a. After a building permit has been issued, upon request by the owner or the owner's agent, the police department will, within ten to fourteen days, identify the frequency range or ranges that must be supported.

b. In the event that an emergency service provider modifies its communications equipment in any way that impairs its ability to communicate with an existing system installed in accordance with this part, such agency shall be responsible for all costs associated with reestablishing communications within the affected building or structure.

c. Adequate radio coverage for emergency services providers requires:

(1) That on each floor, 85% of valid tests conducted in accordance with Section 810.84 result in intelligible two-way communications between the appropriate dispatch center and the tester in the building; and

(2) That 100% of valid tests conducted in accordance with Section 810-84 result in intelligible two-way communications between the appropriate dispatch center and the tester within the following building spaces:

(a) Throughout vertical exit enclosures and horizontal exit passageways;

(b) Fire command centers, if provided;

(c) Police substation.

(d) FCC Authorization: If amplification is used in the system, all FCC authorizations must be obtained prior to the use of the system. A copy of these authorizations shall be provided to the City.

810.83. Enhanced Amplification Systems.

a. Where buildings and structures are required to provide amenities to achieve adequate signal strength, such buildings and structures shall be equipped with any of the following to achieve the required adequate radio coverage: radiating cable systems, internal multiple antenna systems with a frequency range as established in Section 810-82, with amplification systems as needed, voting receiver system, or any other approved system.

b. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery and/or generator system for a period of at least four hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power input.

810.84. Testing Procedures. Method to conduct the tests:

a. Measurements shall be made using the following guidelines:

(1) Each measurement shall be made using a portable radio in general use by each emergency-service-provider agency, which agencies minimally include the police department and the fire department. Any digital, non-simplex channel programmed into such radio may be used during testing; the same channel need not be used for all tests.

(2) Portable radios used in testing shall not be displaying "low battery" indications.

(3) During test transmissions, the portable radio shall be held approximately two (2) inches from the mouth of the tester, at approximately a 45-degree angle with the tester's face, with the built-in microphone and speaker directed towards the tester's mouth, and with the antenna in a vertical orientation above the radio. The antenna of each radio shall be mounted directly on the top of the radio body/case. The built-in microphone shall be used for all testing; shoulder or other attached microphones/headsets shall not be used for testing.

(4) The tester shall orient himself or herself so as to be facing towards the exterior wall of the building nearest the point of the test.

(5) Both initial and annual tests shall be conducted by persons employed by the emergency-service-provider agency. At least one tester from the police department and one tester from the fire department shall conduct initial and annual tests, unless alternate arrangements are approved by both agencies.

(6) Each tester shall be solely responsible for determining whether or not radio messages received in the building are intelligible; the dispatcher at the emergency-agency dispatch center shall be solely responsible for determining whether or not radio messages received in the dispatch center are intelligible. An unintelligible message constitutes a failure of the test at the specific location being tested (see below).

(7) The tester in the building shall initiate each test by attempting to transmit a message to the dispatch center. Failure to receive a reply from the dispatch center constitutes a failure of the test at the specific location being tested.

(8) The tester in the building shall exercise reasonableness and discretion in the conduct of all tests. If the tester believes a particular test is not valid (e.g., is flawed by human error), then the results of that test may be discarded and the test shall be repeated.

b. Initial tests.

(1) Each floor of the structure shall be divided into 100-foot grids, and testing shall be performed at the center of each grid. In critical areas, including (but not limited to) those areas enumerated in Section 810-82(c)(2), the grids shall be reduced to 25 feet. At least one test shall be conducted at the center of every room having a use identified in Section 810-82(c)(2)b or 810-82(c)(2)c. The size of the grids may also be further reduced upon recommendation of any tester in areas where displays, equipment, stock, or any other obstruction may significantly affect communications or attenuate radio signals.

(2) A test shall be performed on every landing within vertical exit enclosures.

c. Annual tests.

(1) Annual tests will be conducted by both the fire department and the police department. If the communications appear to have degraded or if the testing fails to demonstrate adequate system performance, the owner of the building or structure shall remedy the problem and restore the system in a manner consistent with the original approval criteria.

(2) If the degradation to the system is due to building additions or remodeling, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria in order to obtain a final inspection for occupancy.

(3) Any system degradation or failure not related to the performance of the owner's on-site system will be the responsibility of the appropriate emergency service agency.

11-9-8 INTERNATIONAL PLUMBING CODE AMENDMENTS:

(A) The International Plumbing Code is amended to add Section 601.5 to read as follows:

Section 601.5 Water conservation. Water recycling systems shall be mandatory for all automatic full-service commercial car wash facilities constructed in the City after December 23, 1982. Water recycling systems shall not be mandatory for manual self-service commercial car wash facilities.

(B) Section 904.1 of the International Plumbing Code is amended to read as follows:

904.1 Roof extension. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than twelve inches above the roof not less than one foot from any vertical surface. Where the roof is used for any purpose other than weather protection the vent extension shall terminate at least 7 feet above the roof.

(C) Section 1002.3 of the International Plumbing Code is amended as follows:

1002.3 Prohibited traps. The following types of traps are prohibited:

- 1.-6. Unchanged
7. Running traps

(D) Section 1003.2 and section 1003.3.4.1 of the International Plumbing Code are amended to read as follows:

Section 1003.2 Approval. The size, type and location of each grease interceptor shall be designed and installed in accordance with City of Westminster specifications, the manufacturer's installation instructions, the requirements of this section and the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor.

Section 1003.3.4.1 Grease trap capacity. When, in the judgment of the Building Official, it would be impractical or unnecessary to install a grease interceptor due to the anticipated use of an establishment, the installation of a grease trap may be approved. Grease traps shall be sized in accordance with City specifications and have the grease retention capacity indicated in Table 1003.3.4.1 for the flow-through rates indicated.

11-9-9 INTERNATIONAL MECHANICAL CODE AMENDMENTS:

(A) Section 504.6.1 of the International Mechanical Code is amended as follows:

504.6.1 Maximum length. Exception is deleted in its entirety.

(B) Section 506.3.10 of the International Mechanical Code is amended as follows:

Section 506.3.10 Grease duct enclosure. Exceptions:

1. The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration firestop system classified in accordance with ASTM E814 and having an "F" and "T" rating equal to the fire-resistance rating of the assembly being penetrated and where the surface of the duct is continuously covered on all sides from the point at which the duct penetrates a ceiling, wall or floor to the outlet terminal with a classified and labeled material system or product specifically evaluated for such purpose, in accordance with ICC-ES AC101. Exposed duct wrap systems shall be protected where subject to physical damage.
3. Delete in its entirety.

(C) Section 903.1 and Section 903.3 of the International Mechanical Code are amended as follows:

Section 903.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL127 and be subject to the restrictions of Title 8, Chapter 6 of the Westminster Municipal Code.

Section 903.3 Unvented gas log heaters. Section is deleted in its entirety.

11-9-10 INTERNATIONAL FUEL GAS CODE AMENDMENTS:

(A) Section 303.3 of the International Fuel Gas Code is amended as follows:

Section 303.3 Prohibited locations. Items 3 and 4 are deleted in their entirety.

(B) Section 304.6.2 of the International Fuel Gas Code is amended as follows:

Section 304.6.2 One-permanent-opening method. Section is deleted in its entirety.

(C) Section 404.9 and Section 404.9.1 of the International Fuel Gas Code are amended as follows:

404.9 Minimum burial depth. Underground metallic piping systems shall be installed a minimum depth of 12 inches below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches below grade.

404.9.1 Individual outside appliances. Section is deleted in its entirety.

(D) Section 406.4, 406.4.1 and 406.4.2 of the International Fuel Gas Code are amended to read as follows:

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to

measure test pressure shall have a range such that the highest end of the scale is not greater than three times the test pressure.

Section 406.4.1 Test pressure. The minimum test pressure to be used on threaded pipe shall be 20 psi gauge pressure. For welded pipe the minimum test pressure shall be 60 psi gauge pressure.

(E) Section 409.5 of the International Fuel Gas Code is amended as follows:

Section 409.5 Equipment shutoff valves. Exception is deleted in its entirety.

(F) Section 501.8 of the International Fuel Gas Code is amended as follows:

Section 501.8 Equipment not required to be vented. Items 8 and 10 are deleted in their entirety.

(G) Section 621 of the International Fuel Gas Code is amended as follows:

Section 621.1 General. Unvented room heater, fireplaces, gas logs or other similar devices are prohibited.

(Remainder of Section 621 is deleted)

11-9-11: INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS: No changes.

11-9-12: INTERNATIONAL EXISTING BUILDINGS CODE AMENDMENTS: No changes.

11-9-13: MOBILE HOMES:

(A) Permits Required.

1. General. Building permits for work on mobile homes or accessory buildings shall be obtained in accordance with the provisions of the Building Codes unless the work is specifically exempt pursuant to the provisions of the Building Codes.

2. Initial Installation. No person shall install or set up a mobile home on any mobile home space without first obtaining a separate permit for each installation from the Building Official. Such permit issuance and fees therefore shall be in accordance with the Building Codes. No utility service shall be provided to any building service equipment without a building permit.

3. Accessory Buildings and Structures. Building permits shall be required for the installation of all accessory buildings and structures and their building service equipment, unless the work is specifically exempt pursuant to the provisions of the Building Codes. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

4. Additions, Alterations, and Repairs to Mobile Homes. No person shall alter, remodel, repair, or enlarge a mobile home or accessory building subsequent to its initial installation without first obtaining a separate building permit for each such alteration, addition, enlargement, or repair from the Building Official. Such permit issuance and fees therefor shall be pursuant to the Building Codes.

(B) Installation Requirements.

1. General. The installation of a mobile home upon a mobile home space shall comply with the manufacture's installation instructions as well as the provisions of this subsection, the Building Codes, and other provisions of the City codes. If the manufacture's installation instructions are not available the installation of such mobile home shall comply with the following standards:

Non-permanent Installation: Provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 – 1994 amended.

Permanent foundation installations: Permanent foundation, Guide for Manufactured Housing, September 1996, amended; and Engineered foundation systems as designed by an architect or engineer licensed by the State of Colorado.

2. Location on Property. Mobile homes and accessory buildings shall be located on the mobile home space as follows:

(a) No mobile home shall be parked less than 7 feet 6 inches from the front boundary of the mobile home space, measured from the flowline of the curb and gutter of the road providing access to the space. No mobile home shall be parked less than 3 feet from the side or rear boundaries of the mobile home space.

(b) Accessory buildings to mobile homes shall be located on the mobile home space so that no part of the accessory building is closer than 3 feet to the side or rear boundaries of the mobile home space nor closer than 7 feet 6 inches to the front boundary of the mobile home space. Accessory buildings may be adjacent to mobile homes or other accessory buildings within the same mobile home space.

(c) Carport and patio cover structures shall not be erected closer than 3 feet to the side or rear boundaries of the mobile home space nor closer than 7 feet 6 inches to the front boundary of the space. Patio and carport structures may be adjacent to mobile homes or accessory buildings within the same mobile home space.

3. Pier Construction. Piers shall be designed and constructed to distribute loads evenly. Such piers shall be considered to resist vertical forces acting in a downward direction only and shall not be considered as providing any resistance to horizontal or uplift loads. The construction and spacing of piers shall be as specified in the manufacturers installation instructions or in accordance with section 11-9-12(B)1. Alternate materials and methods of construction may be used for piers when designed by an architect or engineer, licensed as such in the State of Colorado and approved by the Building Official.

4. Anchorage. Ground anchors shall be of the auger type and shall be designed and installed to transfer the anchoring loads to the ground. The installation and spacing of all ground anchoring equipment shall be specified in the manufacture's installation instructions or in accordance with section 11-9-13(B)1. Alternate materials and methods of construction may be used for the anchoring systems when designed by an architect or engineer licensed as such in the State of Colorado and approved by the Building Official.

5. Building Service Equipment. The installation, alteration, repair, replacement, addition to, or maintenance of all building service equipment within the mobile home park shall comply with the applicable plumbing, mechanical, and electrical provisions of the Building Codes. Utility service shall not be provided to any building service equipment which is regulated by the Building Codes, and for which a mobile home set up permit is required by the Building Codes, until the building service equipment has been inspected and approved by the Building Official.

6. Stairs and Landings. Landings and stairways with hand railings and guard railings shall be provided at each exterior door from a mobile home. Landings, stairways, guardrails and handrails shall comply with the provisions of the Building Code and shall be in place prior to requesting the set-up inspection.

7. Skirting. The area beneath each mobile home unit shall be enclosed with full perimeter skirting of material that is compatible with the exterior cladding of the mobile home unit. At least one access opening not less than 18" in any dimension and not less than 3 square feet in area shall be provided and located so that any water supply and sewer drain connections located under the unit are accessible. The skirting shall not be installed prior to the approval of the set-up inspection but shall be installed as soon as it is practical to do so after such inspection.

8. Smoke Detectors. Smoke detectors shall be located in each mobile home unit. A detector shall be installed in each sleeping room and at a point centrally located in the hallway or area giving access to each separate sleeping area. Smoke detectors added to satisfy the requirements of this subsection may be of the battery-operated type and shall be installed in accordance with their listing.

Exception: New mobile homes may have smoke detectors located per the State of Colorado, Division of Housing approval.

(C) Additions, Alterations, and Repairs to Mobile Homes.

1. Permanent Additions. No permanent additions of any type shall be built onto or become part of any mobile home unless designed and constructed to conform with the applicable provisions of the Federal Manufactured Home Construction and Safety Standards, NCSBCS/ANSI A225.1 - 1994. A certificate of compliance issued by the manufacturer and verified by the State of Colorado shall be provided to the Building Official for any such addition.

2. Carport and Patio Cover Structures. Temporary carport and patio cover structures may be attached to and structurally supported by a mobile home when justified by engineering calculations or when approved by the Building Official. All such structures shall be of light-weight metal, fiberglass, plastic, or other material similar in type and color to the exterior cladding of the mobile home unit and shall be entirely open on two or more sides. All such structures shall be designed and approved in accordance with the applicable provisions of the Building Codes and other provisions of the City code.

3. Structural Additions. Accessory buildings or structures shall not be structurally supported by or attached to any mobile home unless engineered calculations are submitted to the Building Official to substantiate any proposed structural connection and approved by the Building Official; except that the Building Official may waive the submission of engineering calculations if he finds that engineering calculations are not necessary to show conformance to the requirements of the Building Codes.

4. Fences. Individual lot perimeter fences may be erected at the lot line of individual mobile home spaces. Such fences shall be constructed of the chain link fencing and shall be of a standard design for the entire mobile home park. The top of such fences shall not exceed 36 inches in height. Fence permit issuance and fees therefor shall be in accordance with the provisions of this Code.

Section 2. Chapter 10 of Title IX, W.M.C., is hereby REPEALED AND REENACTED in its entirety to read as follows:

CHAPTER 10 FIRE CODES

11-10-1: INTENT

11-10-2: ADOPTION OF FIRE CODE

11-10-3: CHAPTER 1 AMENDMENTS-ADMINISTRATION

11-10-4: CHAPTER 5 AMENDMENTS-FIRE SERVICE FEATURES

11-10-5: CHAPTER 9 AMENDMENTS-FIRE PROTECTION SYSTEMS

11-10-6: CHAPTER 33 AMENDMENTS-EXPLOSIVES AND FIREWORKS

11-10-7: CHAPTER 38 AMENDMENTS-LIQUIFIED PETEROLEUM GASES

11-10-1: INTENT: The intent of this chapter is to adopt by reference and with modifications the International Fire Code, 2006 Edition. Hereinafter, this Code may be referred to as the "Fire Code." The City Council of the City of Westminster finds that the adoption of the Fire Code is essential for fire prevention and the preservation of the health, safety, and welfare of the citizens of Westminster. The City Council finds that the adoption of such Codes is essential in the preservation of the health, safety, and welfare of the citizens of Westminster.

11-10-2: ADOPTION OF FIRE CODE: That certain document, one (1) copy of which is on file in the Office of the City Clerk, being marked and designated as the International Fire Code, 2006 Edition, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401 and, in particular Chapters 1 through 45, inclusive and Appendix B – Fire Flow Requirements For Buildings, Appendix C – Fire Hydrant Location And Distribution, Appendix D – Fire Apparatus Access Roads, Appendix E – Hazard Categories, Appendix F – Hazard Ranking, and Appendix G – Cryogenic Fluids – Weight And Volume Equivalents is hereby adopted as the Fire Code of and for the City. These sections of the Fire Code, as modified in this chapter, are hereby referred to, adopted, and made a part of the Code as if fully set forth.

11-10-3: CHAPTER 1 ADMINISTRATION AMENDMENTS:

(A) DEPARTMENT OF FIRE PREVENTION. Section 103 of the International Fire Code is amended as follows:

103.4 Liability. Subsection is deleted in its entirety.

103.4.1 Legal defense. Subsection is deleted in its entirety.

(B) ENFORCEMENT AUTHORITY. The Fire Chief and his designees are hereby authorized to enforce the provisions of this ordinance as specified in Section 104.1 of the International Fire Code, 2006 Edition.

(C) REQUIRED OPERATIONAL PERMITS. Subsection 105.6 of the International Fire Code is amended to read as follows.

105.6 Required operational permits. An operational permit shall be obtained from the Prevention Bureau prior to engaging in the following activities, functions, operations, or practices as defined in accordance with the Fire Code, unless otherwise specified in this Code:

1. 105.6.2 Amusement buildings
2. 105.6.4 Carnivals and fairs
3. 105.6.4.1 Block parties and event street closures
4. 105.6.11 Cryogenic fluids
5. 105.6.15 Explosives, explosive materials, and fireworks
6. 105.6.17 Flammable and combustible liquids:
 - a. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
 - b. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.
 - c. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.
7. 105.6.20 Fumigation and thermal insecticidal fogging
8. 105.6.20.1 Fumigation and/or associated operations for removing biological, chemical, or other naturally occurring agents, chemicals, organisms, or substances
9. 105.6.21 Hazardous Materials
10. 105.6.27 Liquid- or gas-fueled vehicles or equipment in buildings for display, demonstrating, or operation. This shall not apply to parking garages, private garages, repair garages, or other buildings normally utilized for the operation, repair, restoration, and storage of motor vehicles.
11. 105.6.28 LP-gas
12. 105.6.29 Magnesium
13. 105.6.31 Open burning
14. 105.6.35 Private fire hydrants
15. 105.6.36 Pyrotechnic special effects material
16. 105.6.43 Temporary membrane structures, tents and canopies

(D) REQUIRED CONSTRUCTION PERMITS. Subsection 105.7 of the International Fire Code is amended to read as follows:

105.7 Required construction permits. Upon approval of required construction documents, as required by Subsection 105.4, a fire protection permit shall be obtained from the Fire Prevention Bureau prior to initiating any

alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the Fire Code. The following fire protection systems shall require submittal of plans, specifications, design and installation criteria, as required by the Fire Code Official, prior to issuance of a fire protection permit, those not listed are excluded from the requirements of this Section:

1. 105.7.1 Automatic fire-extinguishing systems
2. 105.7.2 Compressed gases
3. 105.7.3 Fire alarm and detection systems and related equipment
4. 105.7.4 Fire pumps and related equipment
5. 105.7.5 Flammable and combustible liquids
6. 105.7.6 Hazardous materials
7. 105.7.8 LP-gas
8. 105.7.9 Private fire hydrants
9. 105.7.10 Spraying and dipping
10. 105.7.11 Standpipe systems
11. 105.7.12 Temporary membrane structures, tents and canopies

(E) FEES. Section 105 of the International Fire Code is amended to add Sections 105.8 and 105.9 to read as follows:

105.8 Operational Permit Fees. The fee for operational permits required by Subsection 105.6 of this Code shall be as set forth in the fee schedule adopted by Resolution by the City Council. Fees shall be collected by the Fire Prevention Bureau. The Fire Code Official is authorized to waive the fee in accordance with approved standard operating guidelines for administering permits for activities described in Subsection 105.8.

105.9 Construction Permit Fees. Permit fees and taxes are required for fire protection and life safety systems required by Subsection 105.7 of this Code for initiating any alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the Fire Code. These fees shall be assessed by and paid to the City of Westminster in accordance with the provisions of the fee schedule adopted by Resolution by the City Council.

(F) BOARD OF APPEALS. Section 108 of the International Fire Code is amended as follows:

108.1 Board of appeals. Appeals of orders, decisions, or determinations made by the Building Official or Fire Code Official relative to the application and interpretation of the Building and Fire Codes, and amendments thereto, shall be made to the Board of Building Code of Appeals pursuant to Title II, Chapter 10, of this Code. No such appeal shall be heard by the Board of Building Code Appeals unless the appeal is filed within 30 calendar days after the date of the action of the Building Official or Fire Chief.

108.2 Limitations on authority. Subsection is deleted in its entirety.

108.3 Qualifications. Subsection is deleted in its entirety.

(G) VIOLATIONS. Section 109 of the International Fire Code is amended to read as follows:

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

109.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by first class mail to the owner of the subject property at the address shown in the county assessor records for the county in which the property is located. Notice shall be deemed served on the date of receipt by the owner, if personally served, or upon the fifth day after mailing of the notice.

109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.2.3 Prosecution of violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.2.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

109.3 Violation Penalties. Any person who violates any of the provisions of this Code, or who fails to comply therewith, or who builds any structure in violation of a detailed statement of specifications or plans submitted and approved pursuant to this Code and from which no appeal has been taken, or who fails to comply with a final order issued pursuant to this Code within the time fixed therein shall be guilty of a misdemeanor punishable by a fine or imprisonment pursuant to the limits set forth in Section 1-8-1 of the Westminster Municipal Code, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense. The imposition of a criminal penalty shall not prevent the abatement of prohibited conditions.

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(H) STOP WORK ORDER. Section 111 of the International Fire Code is amended as follows:

111.4 Failure to comply. Subsection is deleted in its entirety.

11-10-4: CHAPTER 5 FIRE SERVICE FEATURES AMENDMENTS: (2965)

(A) FIRE APPARATUS ACCESS ROADS. Section 503.1 of the International Fire Code is amended to add Section 503.1.4 to read as follows:

503.1.4 Block Parties and Street Obstructions. The Fire Department is authorized to issue operational permits for street closures intended for block parties, City of Westminster sponsored events, neighborhood events, or for similar purposes where such events will not impede delivery of emergency services and does not create an additional risk to public safety. Applicable fees may be waived for City of Westminster events and events sponsored by non-profit entities and organizations.

(B) MARKINGS. Section 503.3 of the International Fire Code is amended to add Section 503.3.1 to read as follows:

503.3.1. The marking of fire lanes on private property devoted to public use shall be approved by the Fire Code Official in accordance with the Fire Code and the Uniform Traffic Control Manual.

(C) OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS. Section 503.4 of the International Fire Code is amended to add Section 503.4.1 to read as follows:

503.4.1. The fire code official or any of his subordinates, or the Police Department with knowledge of the existence of any vehicle parked in the fire lane, or in such manner as to interfere with the use of any fire hydrant, or in any manner in violation of this Section may have such vehicle towed away and the charges of such towing shall be assessed to the owner of such vehicle. The aforesaid violation shall be sufficient grounds to cause a citation to be issued. In the event of a fire, the Fire Department shall have the authority to cause the vehicle blocking a fire hydrant or fire lane to be removed with any subsequent damage to the vehicle being paid by the owner of said vehicle. The towing of any vehicle pursuant to this section shall comply with the provisions of Chapter 1 of Title X of the Westminster Municipal Code.

(D) PREMISES IDENTIFICATION. Section 505.1 of the International Fire Code is amended to add Section 505.1.1 and 505.1.2 to read as follows:

505.1.1. Buildings having exterior rear or side access doors shall have approved address numbers, building numbers or approved building identification placed in a position approved by the fire code official.

505.1.2. Buildings with multiple tenants with interior access doors shall have approved unit or space identification numbers, address numbers or other approved means of identifying individual tenant spaces or units.

(E) PRIVATELY OWNED HYDRANT SYSTEMS. Section 508 of the International Fire Code is amended to add Section 508.5.3.1 and 508.5.7 to read as follows:

508.5.3.1. Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the Fire Code Official. Such private hydrants shall be flushed and tested periodically according to the Fire Code. In the event such testing reveals that the flow from private hydrants is inadequate according to applicable standards, modifications necessary to meet these standards shall be ordered by the Fire Code Official and made at the expense of the property owner. All private hydrants shall be painted the same color as hydrants on public rights-of-way or elsewhere throughout the City. Appropriate markings or signs restricting parking in front of or adjacent to fire hydrants shall be designated by the Fire Code Official and implemented at the expense of the owner of the property. No point of connection to any private fire hydrant shall be left uncapped without permission of the Fire Code Official.

508.5.7. Existing Private Fire Hydrants. Existing hydrants which do not conform to City specifications or which do not face in the direction most consistent with emergency use by the Fire Department, as established by the Fire Code Official, shall be changed to meet the City's requirements by the property owner and at the property owner's expense, within 15 days of service of notice of the required changes upon the property owner or its resident agent.

(F) PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS. Section 511 of the International Fire Code is amended to add Sections 511.1, 511.2 and 511.3 to read as follows:

511.1 New Construction. Buildings constructed in accordance with the criteria of Section 810.80 of the City of Westminster Electrical Code shall be required to install a radio amplification system.

511.2 Existing buildings. Buildings determined to present a hazard to public safety personnel due to inadequate radio communication capability shall be required to comply with Section 810.80.

511.3 Acceptance testing and approval. Approval and acceptance of radio amplification system installations shall require concurrent approval of the Fire Department and the Police Department.

11-10- 5: CHAPTER 9 FIRE PROTECTION SYSTEMS AMENDMENTS: (2965)

(A) AUTOMATIC SPRINKLER SYSTEMS. Section 903 of the International Fire Code is amended to delete Section 903.3.2 and add the following new subsections to read as follows:

903.2.8.1. New Construction. Group R-2 Occupancies required to be protected with an automatic fire sprinkler system shall provide fire sprinkler coverage for all exterior balconies. This requirement shall apply to all retroactive installations for Group R-2 Occupancies.

Exception: Existing R-2 buildings and occupancies constructed prior to the adoption of this code.

903.2.9.1 New Construction. Group R-4 Occupancies required to be protected with an automatic fire sprinkler system shall provide fire sprinkler coverage for all exterior balconies. This requirement shall apply to all retroactive installations for Group R-4 Occupancies.

Exception: Existing R-4 buildings and occupancies constructed prior to the adoption of this code.

903.3.2 Residential automatic sprinkler heads. Where automatic sprinkler systems are required by this code, only residential automatic sprinkler heads shall be permitted in:

a. Throughout all spaces within a smoke compartment containing patient sleeping rooms in Group I-2 in accordance with the *International Building Code*.

b. Dwelling units, guestrooms, and sleeping rooms in Group R and I-1 occupancies.

903.3.2.1 Quick-response automatic sprinkler heads. Quick-response sprinkler heads shall be installed in light hazard occupancies as defined in NFPA 13. Residential automatic sprinkler heads are prohibited.

903.3.2.2 Residential and quick-response automatic sprinkler heads. All installation of residential and quick-response automatic sprinkler heads shall be in strict accordance with their listings. Where listings authorize installation where prohibited in 903.3.2 and 903.3.2.1 the Fire Code Official may waive the requirements mandated by 903.3.2 and 903.3.2.1.

903.3.7.1 The fire department connection (FDC) shall be located whenever possible on the street addressed side of the building in a location visible to the responding fire engine. The FDC shall be located at a location visible from the exterior of the main entrance door where the fire alarm annunciator is located. The FDC shall have a fire hydrant within 100 feet in a location approved by the fire department.

(B) STANDPIPE SYSTEMS. Section 905 of the International Fire Code is amended to add the following:

905.3.1. Building Height shall be amended by adding the following exceptions:

Exception 5: Class I standpipes are allowed to be manual systems.

Exception 6: Fire hose is not required for Class I standpipes. Standpipe hose outlets shall be 2-1/2-inch outlets with a 2-1/2-inch to 1-1/2-inch reducing cap.

905.3.8 Bridges and Roadway Overpasses. Where required to extend water supply to streets, highways, and rail systems a dry standpipe shall be installed in accordance with Fire Department requirements.

(C) FIRE ALARM AND DETECTION SYSTEMS. Section 907 of the International Fire Code is amended to add Section 907.9.3 to read as follows:

907.9.3 The fire code official shall determine the extent of zone coverage for fire alarm systems in all buildings and structures.

11-10-6: CHAPTER 33 EXPLOSIVES AND FIREWORKS AMENDMENTS:

(A) GENERAL. Section 3301 of the International Fire Code is amended as follows:

3301.1.3 Fireworks. Exception 1, Exception 2, and Exception 4 are deleted in their entirety and new exceptions are added to read as follows:

Exceptions:

1. State of Colorado defined “permissible fireworks” will be allowed for possession, handling, and use only during the timeframe beginning at 12:00 AM on July 3rd and ending at 12:00 PM on July 5th of any given calendar year.
2. Fireworks shall be prohibited in all City of Westminster parks and open spaces unless approved by the Director of Parks, Recreation, and Libraries and the Fire Department.
4. As provided in W.M.C. Section 6-8-3.

(B) EXPLOSIVES MATERIALS STORAGE AND HANDLING. Section 3304 of the International Fire Code is amended to add Section 3304.1.1 to read as follows:

3304.1.1 General storage limitations. The storage of explosives and blasting agents is prohibited within all zones except PUD (Planned Unit Development) where such storage is specifically listed as an allowed use, except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms, ammunition, explosive bolts, explosive rivets, or cartridges for explosive-actuated power tools in aggregate quantities involving less than 500 pounds of explosive material.

11-10-7: CHAPTER 38 LIQUEFIED PETROLEUM GASES AMENDMENTS:

(A) Subsection 3804.2 of the International Fire Code is amended to add the following text to read as follows:

3804.2 Maximum capacity within established limits.

This maximum capacity limitation specifically applies to the following zoning areas: RA, RE, R1, R2, R3, R4, R5, B1, C1, T1, and PUD (Planned Unit Development) zoned districts.

Section 3. Sections 6-8-2 and 6-8-3(B), W.M.C., are hereby AMENDED to read as follows:

6-8-2: PROHIBITED ACTS: It shall be unlawful for any person within the City to sell, offer for sale, or possess with intent to offer for sale, or to use or explode any fireworks or pyrotechnic special effects material, except as provided in Section 6-8-3 herein AND SECTION 11-10-6 OF THIS CODE.

6-8-3: PERMITS FOR DISPLAY:

(B) The permit shall be granted if the Fire Chief finds that the permit application, operator, and conditions meet the requirements of the ~~current Uniform~~ Fire Code as adopted by the City IN TITLE XI, CHAPTER 10, and other requirements of this Code, AND OTHER REASONABLE REQUIREMENTS THE FIRE CHIEF DEEMS NECESSARY TO PROTECT THE PUBLIC WELFARE.

Section 4. This ordinance shall take effect January 1, 2007.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of November, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of December, 2006.