

ORDINANCE NO. 13

SERIES 2011

AN ORDINANCE AMENDING THE TOWN CODE TO ADOPT BY REFERENCE THE 2009 SERIES OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, ENERGY CONSERVATION CODE, FIRE CODE, MECHANICAL CODE, FUEL GAS CODE, PLUMBING CODE AND NATIONAL ELECTRICAL CODE

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the adoption of uniform codes of construction is necessary to ensure safe and sound construction of buildings;

WHEREAS, the Town Council has adopted numerous uniform codes of construction ("**Uniform Codes**");

WHEREAS, the construction of safe and sound buildings is an important charge of the Town Council;

WHEREAS, it is appropriate that the Town update currently adopted and outdated codes in order to reflect new industry standards; and

WHEREAS, the Town Council has determined that the below amendments to the Uniform Codes suggested by the Town staff promote the desired goals of the Town Council to achieve standardized, safe construction, and, accordingly, are in the best interest of the environment, health, safety and general welfare of the residents and visitors of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending Chapter 18, Article 1 – International Building Code. The following Sections in Chapter 18, Article 1 are deleted, replaced and amended as follows:

"Sec. 18-1-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the building code of the Town, by reference thereto, the *International Building Code*, 2009 edition, Chapters 1 through 35 inclusive, without appendices ("IBC") published by the International Code Council,

Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare.

Sec. 18-1-30. Amendments.

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

(1) IBC Section 105.2 (Work Exempt from Permit) is amended by the deletion of "Building: 1. ('detached accessory structures. . .')." "

(2) IBC Section 105.2.6 (Work Exempt from Permit) is amended by replacing "30 inches" with "18 inches."

(3) IBC Section 109.2 "fees" is amended by inserting the fee schedule set forth in Appendix A to the Code.

(4) IBC Section 907.2.11.2 is amended by adding: carbon monoxide detectors/alarms shall be installed, operated and maintained in compliance with Article 14 of this Chapter.

(5) IBC Section 202 (Definitions) shall be amended by adding the following definition of "Crawlspace": Any space below the first floor of a building with a height of 60 inches or less, measured from the average ground level within the perimeter to the bottom of the floor joist above; "Townhouse" shall be amended by changing the definition from "a group of three (3) or more . . ." to "a group of two (2) or more"

(6) IBC Section 1805.1 shall be amended by adding that all basement construction shall be constructed in accordance with the requirements of Article 16, Section 10 of this Chapter."

Section 2. Amending Chapter 18, Article 2 – International Residential Code. The following Sections in Chapter 18, Article 2 are deleted, replaced and amended as follows:

Sec. 18-2-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the residential code of the Town, by reference thereto, the *International Residential Code*, 2009 edition, Chapters 1 through 44 inclusive, without appendices ("IRC"), published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement,

alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare.

Sec. 18-2-30. Amendments.

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

(1) IRC Section R105.2 (Work Exempt from Permit) is amended by the deletion of "Building: 1. ('One-story detached accessory structures . . .'); 10. Change "30 inches" to "18 inches."

(2) IRC Section R108.2 (Schedule of Permit Fees) is amended by inserting the fee schedule set forth in Appendix A to this Code.

(3) IRC Section 202 (Definitions) definition of "Townhouse" shall be amended by changing the definition from "a group of three (3) or more . . ." to "a group of two (2) or more . . ." and "Crawlspace" shall be defined: as any space below the first floor of a building with a height of 60 inches or less, measured from the average ground level within the perimeter of the bottom of the floor joist above.

(4) IRC Section R301.2 (Climactic and Geographical Design Criteria) is amended by adding the following to Table 301.2(1):

Flat roof snow load	100 lbs.
Ground snow load	Not determined
Wind speed	90 miles per hour – 3-second gust 75 miles per hour fastest mile Exposures C & D
Seismic design category	C
Weathering	Severe
Frost line depth	36"
Termite	Slight to moderate
Decay	None to slight
Winter design temp.	-16 degrees Fahrenheit

Ice shield underlayment required	Required on roofs
Flood hazards	RBD Report September 18, 1992 Flood Insurance Rate Map ("FIRM") September 4, 1985 Flood Insurance Rate Map ("FIRM") June 14, 1974
Air freezing index	3085
Mean annual temp.	35 degrees Fahrenheit"

(5) IRC Section R302.5.1 "Opening Protection" is amended by adding the following: All such doors shall be equipped with a self closing mechanism capable of closing and latching the door from any open position.

(6) IRC Section R303.3 "Bathrooms" shall be amended to read: Bathrooms, water closet compartments and other similar rooms shall provided with mechanical ventilation, with minimum ventilation rates of 50 c.f.m. for intermittent ventilation and 20 c.f.m. for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

(7) IRC Section R310.2 "Window wells" shall be amended to add the following: All window wells shall be provided with a roof structure above and curbing sufficient to prevent the accumulation of snow and ice inside the window well. Window wells shall be maintained to provide operability of any egress opening to the extent required by this code and specifically Section R310.1.4.

(8) IRC Section R313 "Automatic fire sprinkler systems" shall be amended by replacing Subsection R313.2 within the following: R313.2 "Two-family dwellings." An automatic residential fire sprinkler system shall be installed in all new two-family dwellings.

(9) IRC Section R315 "Carbon monoxide alarms" shall be amended by adding: Carbon monoxide detectors/alarms shall be installed, operated and maintained in compliance with Article 14 of this Chapter.

(10) IRC Section R406 shall be amended by stating that all basement construction shall be in compliance with the requirements of Article 16, Section 10 of this Chapter.

(11) IRC Section R1001.1 "Chimneys and Fireplaces General"; IRC Section R1002.2 "Masonry Heaters"; IRC Section 1004.1 "Factory Built Fireplaces" shall be amended by adding the following: All solid fuel-burning devices shall comply with the provisions of Article 8 of this Chapter.

(12) IRC Section N1101 "Energy Efficiency" shall be amended by deleting the entire chapter and replacing it with the following: "All residential construction shall comply with the requirements of the 2009 International Energy Conservation Code and with the provisions of Article 9 of this Chapter.

(13) IRC Appendix F "Radon Control Methods" shall be adopted as part of the IRC."

Section 3. Adoption of International Existing Building Code. A new Article 2.5 is added to Chapter 18 of the Code that shall read as follows:

**"ARTICLE 2.5
International Existing Building Code**

Sec. 18-2.5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the existing building code of the Town, by reference thereto, the *International Existing Building Code*, 2009 edition, Chapters 1 through 15 inclusive, without appendices ("IEBC"), published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures for the purpose of protecting the public health, safety and general welfare.

Sec. 18-2.5-20. Amendments.

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

IEBC Section 101.4 shall be amended to read: This document shall only be applicable with the prior express permission of the Building Official."

Section 4. Amending Section 18-9-40 – International Energy Conservation Code. Section 18-9-40 is hereby deleted in its entirety and replaced with the following new Section:

“Adoption.

“The International Energy Conservation Code, 2009 Edition (IECC), is hereby adopted by reference for the purposes of setting energy efficiency and conservation standards in building projects. Without limitation”

Amendments.

(1) IECC Sec 405 “Simulated Performance Alternative” shall be amended by adding the requirement that utilization of this section must be specifically approved by the Building Official prior to submittal of design documents.

(2) IECC Section 506 “Total Building Performance” shall be amended by adding the requirement that utilization of this section must be specifically approved by the Building Official prior to the submittal of design documents.”

Section 5. Amending Chapter 18, Article 6 – International Fire Code. The following Section in Chapter 18, Article 6 is deleted in its entirety and replaced with the following new Section which shall read as follows:

“Sec. 18-6-20. Adoption of code.

The *International Fire Code*, 2009 Edition, including Appendix Chapters B, C, D, E, F and G, as published by the International Code Council, is hereby adopted by reference as the fire code of the Town of Crested Butte, Colorado, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the Town of Crested Butte are hereby referred to, adopted and made a part hereof, as if fully set out in this Article with the additions, insertions, deletions and changes, if any, prescribed in Section 18-6-10 above. State and EPA regulations shall take precedence if there is a conflict with any International Fire Code regulations pertaining to the use, storage, handling, manufacture or dispensing of flammable and combustible liquids, cryogenic materials, aerosols, compressed gases, corrosive materials, explosives and fireworks, flammable gases and solids, highly toxic and toxic materials, liquefied petroleum gases, organic peroxides, oxidizers, pyrophoric materials, pyroxylin (cellulose nitrate) plastic, unstable (reactive) materials, water-reactive solids and liquids or any other material which may be characterized or become know as a hazardous material.”

Section 6. Amending Chapter 18, Article 3 – International Mechanical Code. The following Sections in Chapter 18, Article 3 are deleted, replaced and amended as follows:

"Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the mechanical code for the Town, by reference thereto, the *International Mechanical Code*, 2009 edition, including Appendix A, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 ("IMC") regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part hereof, as if fully set out herein.

Sec. 18-3-30. Amendments.

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

(1) IMC Section 905 "Fireplace stoves and Room Heaters" shall be amended to add: all solid fuel-burning devices shall comply with the requirements of Article 8 of this Chapter.

(2) Section R106.5.2 (Fee Schedule) is amended by inserting the following fee schedule into Appendix A to this Code.

Solid Fuel Burning Device application	\$100.00	
Solid Fuel Burning Device replacement	\$25.00	
Mechanical Permit	\$28.43	
Supplemental Permit	\$8.77	
Furnaces up to 100,000 BTU/hr	\$17.91	Installation or Relocation
Furnaces over 100,000 BTU/hr	\$22.02	Installation or Relocation
Floor Furnace & Vent	\$17.91	Installation or Relocation
Suspended/Recessed/Wall-mount	\$17.91	Installation or Relocation
Installed Appliance Vents	\$8.77	Installation or Relocation
Repairs/Alterations of Appliances	\$16.58	
Boiler/Compressor/Absorb. System	\$17.79	3 horsepower or 100,000 BTU/hr
	\$32.85	up to 15 hp or 100,000 to 500,000 BTU/hr
	\$45.07	up to 30 hp or 500,000 to 1,000,000 BTU/hr
	\$67.09	up to 50 hp or 1,000,000 to 1,750,000 BTU/hr
	\$112.10	over 50 hp or 1,750,000 BTU/hr
Air Handler	\$12.89	up to 10 cfm or 4,719 L/s
	\$21.90	over 10 cfm or 4,719 L/s
Evaporative Coolers	\$12.89	non-portable type
Single-Duct Vent Fan	\$8.77	
Ventilation System	\$12.89	
Mechanical Exhaust Hood	\$12.89	
Domestic Incinerator	\$22.02	
Comm./Industrial Incinerator	\$17.54	
Misc. Mechanical Equipment	\$12.89	
Inspection after Business Hours	\$59.89/hour	Minimum 2 hour charge
Reinspection Fee	\$59.89	Per Inspection
Plan Review/Misc. Inspection	\$59.89	Per hour or inspection

Section 7. Amending Chapter 18, Article 7 – International Fuel Gas Code. The following Sections in Chapter 18, Article 7 are deleted, replaced and amended as follows:

"Sec. 18-7-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the fuel gas code of the Town, by reference thereto, the *International Fuel Gas Code*, 2009 edition, including Chapters 1-7 and all four Appendices, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 ("IFGC"), regulating and governing the fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and the collection of fees (as appropriate) therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part hereof, as if fully set out herein.

Sec. 18-7-30. Amendments.

(1) IFGC Section 304 "Combustion, ventilation and dilution air" shall be amended by adding to subsection 304.1 General the following: All installed fuel gas-burning appliances shall be high efficiency direct-vent appliances with sealed combustion installed in accordance with their listing and in compliance with the manufacturer's installation instructions. All such appliances shall be installed in compliance with Article 9 of this Chapter.

(2) IFGC Section 621 "Unvented Room Heaters" shall be amended by replacing the language in subsection 621.1 General with the following: Unvented fuel gas appliances are prohibited in all locations.

(3) Section R106.6.2 (Fee Schedule) is amended by inserting the following fee schedule into Appendix A to this Code.

Solid Fuel Burning Device application	\$100.00	
Solid Fuel Burning Device replacement	\$25.00	
Mechanical Permit	\$28.43	
Supplemental Permit	\$8.77	
Furnaces up to 100,000 BTU/hr	\$17.91	Installation or Relocation
Furnaces over 100,000 BTU/hr	\$22.02	Installation or Relocation
Floor Furnace & Vent	\$17.91	Installation or Relocation
Suspended/Recessed/Wall-mount	\$17.91	Installation or Relocation
Installed Appliance Vents	\$8.77	Installation or Relocation
Repairs/Alterations of Appliances	\$16.58	
Boiler/Compressor/Absorb. System	\$17.79	3 horsepower or 100,000 BTU/hr
	\$32.85	up to 15 hp or 100,000 to 500,000 BTU/hr
	\$45.07	up to 30 hp or 500,000 to 1,000,000 BTU/hr
	\$67.09	up to 50 hp or 1,000,000 to 1,750,000 BTU/hr
	\$112.10	over 50 hp or 1,750,000 BTU/hr
Air Handler	\$12.89	up to 10 cfm or 4,719 L/s
	\$21.90	over 10 cfm or 4,719 L/s
Evaporative Coolers	\$12.89	non-portable type
Single-Duct Vent Fan	\$8.77	
Ventilation System	\$12.89	
Mechanical Exhaust Hood	\$12.89	
Domestic Incinerator	\$22.02	
Comm./Industrial Incinerator	\$17.54	
Misc. Mechanical Equipment	\$12.89	
Inspection after Business Hours	\$59.89/hour	Minimum 2 hour charge
Reinspection Fee	\$59.89	Per inspection
Plan Review/Misc. Inspection	\$59.89	Per hour or inspection

Section 8. Amending Chapter 18, Article 4 – International Plumbing Code. The following Section in Chapter 18, Article 4 is deleted, replaced and amended as follows:

"Sec. 18-4-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the plumbing code of the Town, by reference thereto, the *International Plumbing Code*, 2009 edition, excluding Appendix A, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 ("IPC"), regulating and governing design, construction quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part hereof, as if fully set out herein."

Section 9. Amending Chapter 18, Article 5 – National Electrical Code. The following Section in Chapter 18, Article 5 is deleted, replaced and amended as follows:

"Sec. 18-5-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the electrical code of the Town, by reference thereto, the *National Electrical Code*, 2008 edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. The purpose of the adopted code is the practical safeguarding of persons and property from hazards arising from the use of electricity; and each and all of the regulations, provisions, penalties, conditions and terms of said code on file in the office of the Town are hereby referred to, adopted and made a part hereof, as if fully set out herein."

Section 10. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 11. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 20th DAY OF JUNE, 2011.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC

HEARING THIS 5th DAY OF JULY, 2011.

TOWN OF CRESTED BUTTE

By: *Leah B. Williams*
Leah B. Williams, Mayor

ATTEST:

By: *Eileen Hughes*
Eileen Hughes, Town Clerk

[SEAL]

