ORDINANCE NO. 14
Series 2013

August 20, 2013: Introduced as Council Bill 13, Series 2013 by Councilor Scott Roswell, seconded by Councilor Klasina VanderWerf and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

September 17, 2013: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
REPEALING AND RE-ENACTING ARTICLES I THROUGH VIII OF CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING BUILDING REGULATIONS; ADOPTING BY REFERENCE, WITH CERTAIN AMENDMENTS, THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 INTERNATIONAL RESIDENTIAL CODE, THE 2012 INTERNATIONAL MECHANICAL CODE, THE 2012 INTERNATIONAL PLUMBING CODE, THE 2012 INTERNATIONAL FUEL GAS CODE, THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2011 NATIONAL ELECTRICAL CODE, AND THE 2012 INTERNATIONAL FIRE CODE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

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

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

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

WHEREAS, the City Council desires to incorporate the 2012 editions of the International Building, Residential, Mechanical, Plumbing, Fuel Gas, Energy Conservation and Fire Codes and the 2011 National Electric Code into the Cherry Hills Village Municipal Code.

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

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 Article I, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Building Code," is hereby repealed and re-enacted to read as follows:

ARTICLE I

International Building Code

Sec. 18-1-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2012 International Building Code*, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771, except that portion of the *2012 International Building Code* entitled "2012 International Property Maintenance Code" and that portion entitled "ICC Electrical Code," which are not adopted by the ordinance codified herein. One (1) copy of such code and other codes adopted by reference in the *2012 International Building Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and standards regulating the construction, alteration, moving, demolition, occupancy, use, height, area and maintenance of all buildings or structures within the City for the purpose of protecting the public health, safety and general welfare.

Sec. 18-1-20. Amendments.

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

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

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

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

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

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

"Building:

"1. One-story detached, prefabricated storage sheds that do not exceed 120 square feet that are located within the building envelope as defined by the appropriate setbacks and bulk plane required for the zone district and meeting all other zoning requirements.

"2. Fences, walls and berms three feet (3') or less in height measured from natural grade and meeting all other zoning requirements.

"3. Retaining walls that are not over 4 feet in height, measured from the bottom of the footing to the top of the wall, unless supporting surcharge or impounding Class I, II or II-A liquids, and meeting all other zoning requirements.

"4. Sidewalks not over six feet (6') in width and driveways. For purposes of this code the term '*driveways*' shall mean an access route, paved or unpaved, that provides access to a garage structure. Permits are required for driveways if they are:

"a. More than thirty inches (30") above grade,

"b. Located over any basement or constructed space, or

"c. Such as do not provide access to a garage used for the storage of automobiles.

"5. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

"6. Swings and other playground equipment accessory to single-family dwellings.

"7. Movable cases, counters and partitions not over six feet (6') in height."

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

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

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

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

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

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

"In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6."

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

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

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

"1. 1st Extension: A fee equal to twenty-five percent (25%) of the original permit fee.

"2. 2nd Extension: A fee equal to fifty percent (50%) of the original permit fee."

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

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

"1. The size and location of new construction and existing structures on the site noting all portions of the structure, including but not limited to eaves, overhangs and cantilevered elements.

"2. Setback distances from lot lines appropriate for the parcel's zoning.

"3. Existing grade contours in one-foot (1') intervals in North American Vertical Datum of 1988 (NAVD88) datum.

"4. The established street grades and the proposed finished grades in NAVD88 datum.

"5. Location of designated 100-year floodplain boundary.

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

"1. Construction to be demolished (structures and their foundations).

"2. The location and size of existing structures and construction that are to remain on the site.

"3. Existing contours in one-foot (1') intervals in NAVD88 datum.

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

"The building official may request a copy of the survey from which the site plan is based upon to verify the accuracy of the site plan and may waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted."

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

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

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

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

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"Table 1-A
Building Permit Fees

"TOTAL VALUATION	*FEES*
$1.00 to $2,000.00	$20.00
$2,001.00 and up	1% of valuation

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

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

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

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

"Table 1-D
Building, Electrical Plan Review and Other Fees

"PROJECT TYPE	*FEES*
Nonresidential Structures Including: Churches, Schools, Nonprofit Recreational and Commercial Facilities	$1,500 minimum – review beyond 10 hours charged at per hour rate
Nonresidential Remodels	$300.00 minimum – review beyond 2 hours charged at hourly rate
New Home/Scrape and Rebuild – more than 50% of Existing Square Footage	$1,200.00 minimum – review beyond 8 hours charged at hourly rate
Additions/Scrape and Rebuild – less than 50% of Existing Square Footage	$600.00 minimum – review beyond 4 hours charged at houly rate
Remodel With No New Square Footage	$300.00 minimum – review beyond 2 hours charged at hourly rate
Accessory and Recreational Structures	$300.00 minimum – review beyond 2 hours charged at hourly rate
Additional Plan Review beyond hours noted above	$150.00 per hour, minimum 1 hour
Investigation Fee	Same fee as building permit fee or $150.00, whichever is more
Reinspection Fee	$100.00
Duplicate Inspection Record Card	$50.00
Drainage Review	$150.00 per hour
Electrical Reviews: All New & Remodels for Commerical Residential 400 Amp. Services & Greater	$300.00 minimum - review beyond 2 hours charged at hourly rate
Engineering Review — for review of all lots located within the designated 100-year floodplain and for review of drainage plans as required for all new structures and additions that increase square footage by more than 50%	$150.00 per hour, minimum 1 hour

"Table 1-E
Elevator Inspection Fees

"ANNUAL CERTIFICATES OF INSPECTION	*FEES*
For each elevator, dumbwaiter or lift	$200.00
For each escalator or moving walk	$1,000
Special Inspection not otherwise covered, eg. Construction use, temporary use, minor modernization and safety test witnessing	$ 120.00 per hour
"5 YR. WITNESSED SAFETY TEST"	
For each hydraulic elevator, dumbwaiter or lift	$200.00
For each traction elevator	$450.00
"Plan Review Fees"	
Commercial Elevator Acceptance (new installation or major modernization) including 2 progress inspections	$ 800.00
Residential Elevator Acceptance including 1 progress inspection	$ 550.00

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

"109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. For the purpose of determining the valuation for new construction, the building official for the City of Cherry Hills Village will use the value provided by the permit applicant or the most recent Building Valuation Data table in the Building Standards Magazine as published by the International Code Council, whichever is higher. No regional modifier will be used in calculating the valuation of construction"

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

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

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

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

"1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;

"2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;

"3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.

"4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

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

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

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

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

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

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

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

"1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified in Subsection 16-17-40(b) of the Cherry Hills Village Municipal Code. Said areas of special flood hazard are hereby adopted by reference and declared to be part of this section."

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

"Section 3009
Existing Elevators and Escalators

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

"Exception: Conveyances located within a dwelling unit.

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

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

"3009.3 Application for certificates of inspection. The owner of any lift referenced in Section 3009.2 shall make application for an annual certificate of inspection. Fees for certificates of inspection shall be as specified in this section.

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

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

"3009.4 Referenced standards. Elevators and escalators shall conform to ASME A17.1-2007. Vertical and Inclined platform lifts shall comply with ASME A18.1-2005 published by the American Society of Mechanical Engineers.

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

"3009.5.1 Periodic inspections and tests. Routine and periodic inspections and tests (including 5-yr. witnessed tests) shall be made as required by Part X of the ASME A17.1 Elevator and Escalator Safety Code and the State of Colorado Elevator and Escalator Certification Act. The owner shall pay all costs of such inspections and tests. A full and correct report of such inspection shall be filed with the building official after each required inspection."

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

(20) The following Appendix Chapters are hereby adopted:

Appendix C — Group U - Agricultural Buildings

Appendix I — Patio Covers

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

ARTICLE II

International Residential Code

Sec. 18-2-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2012 International Residential Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2012 International Residential Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes the design and construction of one- and two-family dwellings and townhomes in the City for the purpose of protecting the public health, safety and general welfare.

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Sec. 18-2-20. Amendments.

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

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

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

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

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

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

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

Building:

1. One-story detached, prefabricated storage sheds that do not exceed 120 square feet that are located within the building envelope as defined by the appropriate setbacks and bulk plane required for the zone district and meeting all other zoning requirements.

2. Fences, walls and berms three feet (3') or less in height, measured from natural grade and meeting all other zoning requirements.

3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting surcharge or impounding Class I, II or II-A liquids, and meeting all other zoning requirements.

4. Sidewalks not over six feet (6') in width and driveways. For purposes of this code, the term 'driveways' shall mean an access route, paved or unpaved, that provides access to a garage structure. Permits are required for driveways if they are:

"a. More than thirty inches (30") above grade,

"b. Located over any basement or constructed space, or

"c. Such as do not provide access to a garage used for the storage of automobiles.

5. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.

6. Swings and other playground equipment accessory to single-family dwellings.

7. Movable cases, counters and partitions not over six feet (6') in height."

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

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

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

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

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

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

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

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

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

1. 1st Extension: A fee equal to twenty-five percent (25%) of the original permit fee.

2. 2nd Extension: A fee equal to fifty percent (50%) of the original permit fee."

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

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

"1. The size and location of new construction and existing structures on the site noting all portions of the structure, including but not limited to eaves, overhangs and cantilevered elements.

"2. Setback distances from lot lines appropriate for the parcel's zoning.

"3. Existing grade contours in one-foot (1') intervals in North American Vertical Datum of 1988 (NAVD88) datum.

"4. The established street grades and the proposed finished grades in NAVD88 datum.

"5. Location of designated 100-year floodplain boundary on subject property.

"6. For all new residences and proposals to increase the square footage of a residence by 50% or more, the proposed contours and drainage plan required by the Arapahoe County Stormwater Management Manual, as the same may be amended from time to time. Exemptions from the detention requirement in accordance with Section 13.1.5 of the Manual may be granted by the City Engineer for additions to existing buildings or redevelopment of the lot when the net increase in impervious area (cumulative over the history of the site expansions) cover less than 2,500 square feet. All other provisions of Section 13.1.5 remain unchanged. A copy of the manual is on file in the Community Development Department.

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

"1. Construction to be demolished (structures and their foundations).

"2. The location and size of existing structures and construction that are to remain on the site.

"3. Existing contours in one-foot (1') intervals in U.S.G.S. datum.

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

"The building official may request a copy of the survey from which the site plan is based upon to verify the accuracy of the site plan and may waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted."

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

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

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

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

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

"R108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. For the purpose of determining the valuation for new construction, the building official for the City of Cherry Hills Village will use the value provided by the permit applicant or the most recent Building Valuation Data table in the *Building Standards Magazine* as published by the International Conference of Building Officials, whichever is higher. No regional modifier will be used in calculating the valuation of construction."

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

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

"1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;

"2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;

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"3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.

"4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Exceptions to remain unchanged)

(20) Section R314.3.1 Exceptions is here by amended to read as follows:

"Exceptions:

1. Work involving the exterior of Structures such as the replacement of roofing, siding, masonry, stucco or other exterior surfaces; and

2. The replacement of doors, or the addition, repair or replacement of a deck; and

3. Installation of retaining walls, fences or berms; and

4. Installation, repair, or alteration of plumbing, mechanical or electrical systems when work exclusively occurs on the exterior of the Structures;

are exempt from the requirements of this section."

(21) A new Section R315.3 Exceptions is here by added and shall read as follows:

"Exceptions:

1. Work involving the exterior of Structures such as the replacement of roofing, siding, masonry, stucco or other exterior surfaces; and

2. The replacement of doors, or the addition, repair or replacement of a deck; and

3. Installation of retaining walls, fences or berms; and

4. Installation, repair, or alteration of plumbing, mechanical or electrical systems when work exclusively occurs on the exterior of the Structures;

are exempt from the requirements of this section."

(22) A new Section R324 is hereby added and shall read as follows:

"R324 Solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections R324.1 through R324.7 and NFPA 70.

"R324.1 Access and pathways. Roof access, pathways, and spacing requirements shall be provided in accordance with Sections R324.2 through R324.7.

"Exceptions:

"1. Residential structures shall be designed so that each photovoltaic array is no greater than 150 feet by 150 feet in either axis.

"2. Panels/modules shall be permitted to be located up to the roof ridge where an alternative ventilation method approved by the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

"R324.2 Roof access points. Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows or doors, and located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires, or signs.

"R324.3 Residential systems for one- and two-family dwellings. Access to residential systems for one- and two-family dwellings shall be provided in accordance with Sections R324.4 through R324.7.

"R324.4 Residential buildings with hip roof layouts. Panels/modules installed on residential buildings with hip roof layouts shall be located in a manner that provides a 3-foot-wide clear access pathway from the eave to the ridge on each roof slope where panels/modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

"Exception: These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

"R324.5 Residential buildings with a single ridge. Panels/modules installed on residential buildings with a single ridge shall be located in a manner that provides two, 3-foot-wide access pathways from the eave to the ridge on each roof slope where panels/modules are located.

"Exception: This requirement shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

"R324.6 Residential buildings with roof hips and valleys. Panels/modules installed on residential buildings with roof hips and valleys shall be located no closer than 18 inches to a hip or a valley where panels/modules are to be placed on both sides of a hip or valley. Where panels are to be located on only one side of a hip or valley that is of

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equal length, the panels shall be permitted to be placed directly adjacent to the hip or valley.

"Exception: These requirements shall not apply to roofs with slopes of two units vertical in 12 units horizontal (2:12) or less.

"R324.7 Residential building smoke ventilation. Panels/modules installed on residential buildings shall be located no higher than 3 feet below the ridge in order to allow for fire department smoke ventilation operations."

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

"Section R1007
Pollution Control

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

"1. A gas appliance;

"2. An electric device; or

"3. A fireplace or fireplace insert that meets the most stringent emission standards for wood stoves established by the State of Colorado Regional Air Quality Control Commission; or

"4. Any other clean-burning device approved by the State of Colorado Regional Air Quality Control Commission."

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

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

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

a. Appendix G — Swimming Pools, Spas and Hot Tubs.

b. Appendix H — Patio Covers.

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

ARTICLE III

International Mechanical Code

Sec. 18-3-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2012 International Mechanical Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2012 International Mechanical Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the regulation and control of the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, comfort cooling and refrigeration systems, incinerators and other miscellaneous heat-producing appliances; construction, enlargement, alteration, repair, removal, demolition, equipment and use of buildings and structures and the standards for design and installation of heating, ventilation and air conditioning units; plumbing systems and fuel gas systems within buildings and structures within the City for the purpose of protecting the public health, safety and general welfare.

Sec. 18-3-20. Amendments.

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

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

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

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

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

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

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

(4) Section 106.5.2 is hereby amended as follows:

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

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

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

"1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;

"2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;

"3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.

"4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

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

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

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

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

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

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

ARTICLE IV

International Plumbing Code

Sec. 18-4-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2012 International Plumbing Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2012 International Plumbing Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes minimum provisions and standards for the installation, alteration or repair of plumbing and drainage systems and equipment within or on public or private buildings or other structures in the City, and provides for the inspection thereof within the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-4-20. Amendments.

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

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

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

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

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

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

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

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

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

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

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

"1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;

"2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;

"3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead;

"4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

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

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

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

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

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

(9) Section 305.4.1 is hereby amended to read as follows:

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

(10) Section 903.1 is hereby amended to read as follows:

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

(11) A new exception to Section P2904.3.2

"Exception: The sprinkler system piping shall be permitted to have additional control valves install when supervised by one of the following methods:

1. Central station, proprietary, or remote station alarm service.

2. Local alarm service that causes the sounding of an audible signal at a constantly attended location.

3. Valves that are locked open or other approved method of securing the valve.

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

ARTICLE V

International Fuel Gas Code

Sec. 18-5-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2012 International Fuel Gas Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2012 International Fuel Gas Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes minimum provisions and safety standards for the regulations of fuel gas systems and gas-fired appliances

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within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-5-20. Amendments.

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

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

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

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

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

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

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

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

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

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

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

"1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected;

"2. The full amount of any building permit fee paid hereunder less a fifty-dollar administrative fee when no work has been done under a permit issued in accordance with this code;

"3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead;

"4. The full amount of the plan review fee paid hereunder less a fifty-dollar administrative fee for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended."

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

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

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

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

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

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

"G2432.3.1 Unvented decorative appliances. Unvented decorative appliances shall not be installed.

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

ARTICLE VI

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Sec. 18-6-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2012 International Energy Conservation Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2012 International Energy Conservation Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the design of energy-efficient buildings and energy-efficient mechanical, lighting and power systems within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-6-20. Amendment.

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

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

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

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

ARTICLE VII

National Electrical Code

Sec. 18-7-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2011 National Electrical Code*, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02269, or any other electrical code revision approved by the State. One (1) copy of such code and other codes adopted by reference in the *2011 National Electrical Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the City Clerk and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the electrical construction, alteration, repair, removal and demolition of equipment within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-7-20. Amendments.

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

(1) Annex H of the *2011 National Electric Code* is hereby adopted.

(2) Annex H, Section 80.13(13), is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VIII

International Fire Code

Sec. 18-8-10. Adoption.

Pursuant to state law, there is hereby adopted by reference the *2012 International Fire Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. One (1) copy of such code and other codes adopted by reference in the *2012 International Fire Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Building Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for fire prevention generally and, specifically, the regulation of conditions hazardous to life and property from fire or explosion; and to provide for the issuance of permits for hazardous uses or operations within buildings and structures in the City for the purpose of protecting the public health, safety and general welfare. (Ord. 17 §2, 2002; Ord. 9 §1, 2003; Ord. 01, 2008)

Sec. 18-8-20. Amendments.

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

(1) Section 101.1 is hereby amended as follows:

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

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

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

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

"108.1 Board of Appeals. The board of appeals shall hear and decide appeals or orders, decisions or determinations made by the fire code official or the City Manager or his or her designee relative to the application and interpretation of this code. The board of appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-3-30 of the Cherry Hills Village Municipal Code shall apply to all appeals brought under this code."

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

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

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

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

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

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

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

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

(8) Section 5601.1.3 is hereby amended to read in its entirety as follows:

"5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

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"Exceptions:

"1. The use of fireworks for display as allowed in Section 5608.

(9) Section 5704.2.9.6.1 is hereby amended to read as follows:

"5704.2.9.6.1 Locations of aboveground tanks. Aboveground tanks shall be located in accordance with this section."

(10) Section 5706.2.4.4 is hereby deleted in its entirety.

(11) Section 6104.2 is hereby deleted in its entirety.

(12) The following Appendix Chapters of this code are hereby adopted:

a. APPENDIX B — Fire-Flow Requirements for Buildings.

b. APPENDIX C — Fire Hydrant Locations and Distribution.

Section 9. Penalties. Violations of any provision set forth in this Ordinance shall be subject to the penalty and enforcement provisions set forth in Sections 18-9-20, 18-9-30 and 18-9-40 of the Code as more fully set forth as follows:

Sec. 18-9-20. Violations.

Persons who violate a provision of this Chapter or any provision of any code adopted within this Chapter, or who erect, install, alter or repair a structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor. Misdemeanors are punishable by:

(1) A fine of not more than the maximum fine authorized in Section 1-4-20 of this Code for any one (1) offense, each day after a ticket is given constituting a separate offense, or

(2) By imprisonment in the County jail for a period of not more than ninety (90) days or by both such fine and imprisonment.

Sec. 18-9-30. Stop work orders and notices.

The code official is authorized to issue a notice, order and demand to immediately cease work or any other action found by the code official to be in violation of this Chapter or any code or codes either currently adopted or subsequently adopted by the City.

(1) A stop work order or other notice shall be made in writing and signed by the code official. The stop work order shall identify with reasonable specificity the activity found by the code official to be in violation of this Code or conducted in an unsafe or dangerous manner. Whenever possible, the order shall cite the applicable provisions of the code. The order shall identify the conditions necessary to remedy the violation and permit the continuation of the work authorized under the permit.

(2) A stop work order shall be deemed issued and effective when posted in a conspicuous place at the site described in the application for permit. The code official shall endeavor to mail or otherwise deliver a copy of the stop work order to the permit holder, the owner of the property and/or to persons engaged in the performance of the work authorized by the permit. Provided that the stop work order is properly posted in accordance with this Section, failure to deliver a copy of the order to the permit holder, the property owner or any other person shall not invalidate or render ineffective the order.

(3) Upon correction or remedy of the violations cited in a stop work order, the code official shall issue a written order rescinding the stop work order.

(4) Upon issuance of a stop work order, the applicant shall submit for a building permit in accordance with this Chapter. The review of such building permit shall be subject to the normal permit fees for such work outlined in Section 108.2.1, Tables 1-A through 1-E, of the 2000 International Building Code, as amended, in addition to an investigation fee as outlined in Table 1-D of said section.

Sec. 18-9-40. Abatement of violations.

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

Section 10. Repeal. Existing ordinances or parts thereof covering the same matters as embraced in this ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed provided, however, that the repeal of any ordinance or parts of ordinances of the City of Cherry Hills Village shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 11. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 12. Effective date and time. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 14 Series 2013, by the City Council of the City of Cherry Hills Village, Colorado this 17 day of September, 2013.

(SEAL)

Douglas M. Tisdale, Mayor

ATTEST:

Laura Smith, City Clerk

Approved as to form:

Linda C. Michow, City Attorney

Published in the Villager
Published: 9-26-13
Legal # 3584

CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 14, SERIES 2013

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE REPEALING AND RE-ENACTING ARTICLES I THROUGH VIII OF CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING BUILDING REGULATIONS; ADOPTING BY REFERENCE, WITH CERTAIN AMENDMENTS, THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 INTERNATIONAL RESIDENTIAL CODE, THE 2012 INTERNATIONAL MECHANICAL CODE, THE 2012 INTERNATIONAL PLUMBING CODE, THE 2012 INTERNATIONAL FUEL GAS CODE, THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2011 NATIONAL ELECTRICAL CODE, AND THE 2012 INTERNATIONAL FIRE CODE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

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

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