

CITY OF TRINIDAD, COLORADO

ORDINANCE NO. 1913

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, REPEALING AND RE-ENACTING CHAPTER 5 ("BUILDINGS"), AND ARTICLE 1 OF CHAPTER 8 ("FIRE PREVENTION"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSES OF (i) ADOPTING BY REFERENCE UNIFORM CODES FOR THE REGULATION OF BUILDINGS—TO WIT, THE 2009 EDITIONS OF THE *INTERNATIONAL BUILDING CODE*, *INTERNATIONAL RESIDENTIAL CODE*, *INTERNATIONAL FIRE CODE*, *INTERNATIONAL PLUMBING CODE*, *INTERNATIONAL MECHANICAL CODE*, *INTERNATIONAL FUEL GAS CODE*, *INTERNATIONAL ENERGY CONSERVATION CODE*, *INTERNATIONAL EXISTING BUILDING CODE*, *INTERNATIONAL PROPERTY MAINTENANCE CODE*, AND *INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE*; AND (ii) REPLACING CURRENTLY-ADOPTED BUILDING CODES IN CONFLICT THEREWITH

WHEREAS, Chapter II, § 2.4, of the Home Rule Charter for the City of Trinidad, Colorado, provides that "[t]he City shall have all powers of local self government and Home Rule possible for a city to have under the Constitution and laws of [the state of Colorado] as fully and completely as though they were specifically enumerated in this Charter."; and

WHEREAS, § 31-15-601 *et seq.*, C.R.S., confers upon the City general powers to establish building and fire safety regulations; and

WHEREAS, the City Council of the City of Trinidad, Colorado, herein desires to adopt by reference uniform codes for the regulation of buildings—to wit, the 2009 editions of the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Energy Conservation Code*, *International Existing Building Code*, *International Property Maintenance Code*, and *International Private Sewage Disposal Code*—to establish minimum requirements to safeguard the public health, safety, and general welfare from fire and other hazards attributed to the built environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, THAT:

Section 1. Repeal and Re-enactment of Chapter 5 ("BUILDINGS") of the Code of the City of Trinidad, Colorado. Chapter 5 ("BUILDINGS") of the Code of the City of Trinidad, Colorado, is hereby repealed and re-enacted in its entirety as follows:

CHAPTER 5. BUILDINGS.

ARTICLE 1. INTERNATIONAL CODES.

Section 5-1. International Building Code.

- (1) The *International Building Code*, 2009 Edition, including Appendix Chapter J ("Grading"), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Building Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Building Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Building Code*, 2009 Edition (“IBC”), are hereby revised:

(a) Amend **IBC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IBC § 109.2, Schedule of permit fees**, as follows: insert the following Schedule of Permit Fees:

Schedule of Permit Fees	
Total Valuation:	Fee:
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00; plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00; plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00; plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00; plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00; plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00; plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 and up	\$18,327 for the first \$5,000,000.00; plus \$1.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees:	
1. Plan review fee.....	Fifty percent (50%) of the permit fee
2. Inspections outside of normal business hours.....	\$50.00 per hour* (Minimum charge – two hours)
3. Reinspection fees assessed under provisions of IBC § 108.4.....	\$50.00 per hour*
4. Inspections for which no fee is specifically indicated.....	\$50.00 per hour*
5. Additional plan review required by changes, additions, or revisions to plans.....	\$50.00 per hour*
6. For use of outside consultants for plan checking and inspections, or both.....	Actual Cost**
7. For issuance of each temporary Certificate of Occupancy.....	\$750.00***
<p>* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.</p> <p>** Actual costs include administrative and overhead costs.</p> <p>*** \$500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.</p>	

- (c) Amend **IBC § 114.4, Violation penalties**, to read: Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters, or repairs a building or 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 subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (d) Amend **IBC § 115.3, Unlawful continuance**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (e) Amend **IBC § 1612.3, Establishment of flood hazard areas**, as follows: insert name of jurisdiction as “the City of Trinidad, Colorado,” and insert “April 3, 1984,” as the date of issuance.
- (f) Amend **IBC § 3412.2, Applicability**, as follows: insert date of “January 1, 1950.”

Section 5-2. International Residential Code.

- (1) The *International Residential Code*, 2009 Edition, including Appendix Chapters E, L, F, and M, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Residential Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Residential Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Residential Code*, 2009 Edition (“IRC”), are hereby revised:
 - (a) Amend **IRC § R101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
 - (b) Amend **IRC § R108.2, Schedule of permit fees**, as follows: insert the following Schedule of Permit Fees:

Schedule of Permit Fees	
Total Valuation:	Fee:
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00; plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00; plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00; plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00; plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00; plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and

	including \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00; plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 and up	\$18,327 for the first \$5,000,000.00; plus \$1.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees:	
1. Plan review fee.....	Fifty percent (50%) of the permit fee
2. Inspections outside of normal business hours.....	\$50.00 per hour* (Minimum charge – two hours)
3. Reinspection fees assessed under provisions of IRC § R108.4.....	\$50.00 per hour*
4. Inspections for which no fee is specifically indicated.....	\$50.00 per hour*
5. Additional plan review required by changes, additions, or revisions to plans.....	\$50.00 per hour*
6. For use of outside consultants for plan checking and inspections, or both.....	Actual Cost**
7. For issuance of each temporary Certificate of Occupancy.....	\$750.00***
* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.	
** Actual costs includes administrative and overhead costs.	
*** \$500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.	

- (c) Amend IRC § R113.4, **Violation penalties**, to read: Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters, or repairs a building or 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 subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (d) Amend IRC § R114.2, **Unlawful continuance**, to read: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (e) Amend IRC Table R301.2(1), **Climatic and geographic design criteria**, as follows: Insert the following table:

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

Roof Snow Load	Wind Speed (mph)	Seismic Design Category	SUBJECT TO DAMAGE FROM				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay					
30 psf	90 mph Exposure "B"	"B"	Severe	32"	Slight to Moderate	None to Slight	1° F	No	Varies	597	51.7° F

- (f) Delete IRC Table R302.1 and replace with:

**TABLE R302.1
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	5 feet ¹
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	5 feet ²
Openings	Not allowed	Not applicable	< 3 feet
	25% maximum of wall area	0 hours	>= 3 feet and < 5 feet
Penetrations	All	Comply with IRC § R302.4	< 3 feet
		None required	>= 3 feet

1. Fire separation distance of three (3) feet can be used if the exterior wall cladding and trim are of noncombustible material. (Refer to IRC § R202 for a definition of “noncombustible material.”)
2. Fire separation distance of three (3) feet can be used if the soffit cladding and fascia board are of noncombustible material. (Refer to IRC § R202 for a definition of “noncombustible material.”)

- (g) Amend the exception to **IRC § R302.2, Townhouses**, as follows:

Exception: a common 2-hour . . . [The remainder is unchanged.]

- (h) Amend **IRC § R302.2.4, Structural independence**, by deleting exception No. 5 and replacing it as follows:

5. *Townhouses* separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2.

- (i) Amend **IRC § R313.1, Townhouse automatic fire sprinkler systems**, to read: Effective January 1, 2014, an automatic residential fire sprinkler system shall be installed in *townhouses*.

- (j) Amend **IRC § R313.2, One- and two-family dwellings automatic fire systems**, to read: Effective January 1, 2014, an automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

- (k) Amend **IRC § R315.1, Carbon monoxide alarms**, to read: For new construction, an approved carbon monoxide alarm shall be installed within fifteen feet (15’) of the entrance to each bedroom in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

- (l) Add an exception to **IRC § 315.2, Where required in existing buildings**, as follows:

Exception: Work involving the exterior surfaces of dwelling units, such as the replacement of roofing or siding, the addition or replacement of windows or doors, or the addition of a porch or deck, is exempt from the requirements of this Section.

- (m) Delete **IRC Chapter 11, entitled “ENERGY EFFICIENCY,”** in its entirety. Please refer to the International Energy Conservation Code, adopted in Section 5-6 of this Article, for energy conservation requirements.

- (n) Amend IRC § P2603.6.1, Sewer depth, as follows: insert “thirty-two (32)” in two locations.

Section 5-3. International Plumbing Code.

- (1) The *International Plumbing Code*, 2009 Edition, including Appendix Chapters C, D, and E, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Plumbing Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Plumbing Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Plumbing Code*, 2009 Edition (“IPC”), are hereby revised:
 - (a) Amend IPC § 101.1, Title, as follows: insert “the City of Trinidad, Colorado” where indicated.
 - (b) Amend IPC § 106.1, Permits – when required, to read: Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work; provided, however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing plumbing inspections.
 - (c) Amend IPC § 106.6.2, Fee schedule, to read: The fees for all plumbing work requiring a permit from the City of Trinidad shall be as indicated in the following schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$10.00 per each \$1,000.00 valuation or fraction thereof.

- (d) Amend IPC § 106.6.3, Fee refunds, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.
- (e) Amend IPC § 108.4, Violation penalties, to read: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (f) Amend IPC § 108.5, Stop work orders, to read: Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as

that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

- (g) Amend **IPC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.
- (h) Delete **IPC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.
- (i) Amend **IPC § 305.6.1, Sewer depth**, as follows: insert “thirty-two (32)” in two locations.
- (j) Amend **IPC § 904.1, Roof extension**, as follows: insert “six (6)” where indicated.

Section 5-4. International Mechanical Code.

- (1) The *International Mechanical Code*, 2009 Edition, including Appendix Chapter A (“Combustion Air Openings and Chimney Connector Pass-Throughs”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Mechanical Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Mechanical Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Mechanical Code*, 2009 Edition (“IMC”), are hereby revised:

- (a) Amend **IMC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
- (b) Amend **IMC § 106.5.2, Fee schedule**, as follows: insert the following fee schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$10.00 per each \$1,000.00 valuation or fraction thereof.

- (c) Amend **IMC § 106.5.3, Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.
- (d) Amend **IMC § 108.4, Violation penalties**, to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (e) Amend **IMC § 108.5, Stop work orders**, to read: Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous

or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

- (f) Amend **IMC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.
- (g) Delete **IMC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.

Section 5-5. International Fuel Gas Code.

- (1) The *International Fuel Gas Code*, 2009 Edition, including Appendix Chapters A, B, C, and D, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Fuel Gas Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Fuel Gas Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Fuel Gas Code*, 2009 Edition ("IFGC"), are hereby revised:
 - (a) Amend **IFGC § 101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.
 - (b) Amend **IFGC § 106.1, Where required**, to read: An owner, authorized agent, or contractor who desires to erect, install, enlarge, alter, repair, remove, convert, or replace an installation regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work; provided, however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing fuel gas inspections.

Exception: Where *appliance and equipment* replacements and repairs are required to be performed in an emergency situation, the permit application shall be submitted within the City's next working business day.

- (c) Amend **IFGC § 106.6.2 Fee schedule**, to read: The fees for all fuel gas work requiring a permit from the City of Trinidad shall be as indicated in the following schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$10.00 per each \$1,000.00 valuation or

- (d) Amend **IFGC § 106.6.3, Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.
- (e) Amend **IFGC § 108.4, Violation penalties**, to read: Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof, or erect, install, alter, or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (f) Amend **IFGC § 108.5, Stop work orders**, to read: Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner’s agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (g) Amend **IFGC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.
- (h) Delete **IFGC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.

Section 5-6. International Energy Conservation Code.

- (1) The *International Energy Conservation Code*, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Energy Conservation Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Energy Conservation Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Energy Conservation Code*, 2009 Edition (“IECC”), are hereby revised:
 - (a) Amend **IECC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
 - (b) Amend **IECC § 108.4, Failure to comply**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

Section 5-7. International Existing Building Code.

- (1) The *International Existing Building Code*, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Existing Building Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Existing Building Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Existing Building Code*, 2009 Edition (“IEBC”), are hereby revised:
 - (a) Amend **IEBC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
 - (b) Amend **IEBC § 1301.2, Applicability**, as follows: insert “January 1, 2010” as the specified date.
 - (c) Amend **IEBC § 113.4, Violation penalties**, to read: Any person who violates a provision of this code or who fails to comply with any of the requirements thereof, or who *repairs*, alters, or changes the occupancy of building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
 - (d) Amend **IEBC § 114.3, Unlawful continuance**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

Section 5-8. International Property Maintenance Code.

- (1) The *International Property Maintenance Code*, 2009 Edition, including Appendix Chapter A (“Boarding Standard”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Property Maintenance Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Property Maintenance Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Property Maintenance Code*, 2009 Edition (“IPMC”), are hereby revised:
 - (a) Amend **IPMC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
 - (b) Amend **IPMC § 103.5, Fees**, as follows: insert the following fee schedule:

Fee Schedule	
Total Valuation:	Fee:
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00; plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00

\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00; plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00; plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00; plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00; plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00; plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 and up	\$18,327 for the first \$5,000,000.00; plus \$1.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees:	
1. Plan review fee.....Fifty percent (50%) of the permit fee	
2. Inspections outside of normal business hours.....\$50.00 per hour* (Minimum charge – two hours)	
3. Inspections for which no fee is specifically indicated.....\$50.00 per hour*	
4. Additional plan review required by changes, additions, or revisions to plans.....\$50.00 per hour*	
5. For use of outside consultants for plan checking and inspections, or both.....Actual Cost**	
* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.	
** Actual costs include administrative and overhead costs.	

- (c) Amend **IPMC § 106.4, Violation penalties**, to read: Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (d) Amend **IPMC § 111.1, Application for appeal**, to read: Any person directly affected by an order, decision, or determination of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed no later than fifteen (15) days following the issuance of the order, decision, or determination. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (e) Delete **IPMC §§ 111.2 through 111.6**, regarding membership and procedures of the board of appeals.
- (f) Amend **IPMC § 112.4, Failure to comply**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of

not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

- (g) Amend **IPMC § 302.4, Weeds**, as follows: insert “six inches (6”).”
- (h) Amend **IPMC § 304.14, Insect screens**, as follows: insert “January 1 to December 31.”
- (i) Amend **IPMC § 602.3, Heat supply**, as follows: insert “January 1 to December 31.”
- (j) Amend **IPMC § 602.4, Occupiable work spaces**, as follows: insert “January 1 to December 31.”

Section 5-9. International Private Sewage Disposal Code.

- (1) The *International Private Sewage Disposal Code*, 2009 Edition, including Appendix Chapter A (“System Layout Illustrations”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Private Sewage Disposal Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Private Sewage Disposal Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Private Sewage Disposal Code*, 2009 Edition (“IPSDC”), are hereby revised:

- (a) Amend **IPSDC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
- (b) Amend **IPSDC § 106.4.2, Fee schedule**, as follows: insert the following fee schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$10.00 per each \$1,000.00 valuation or fraction thereof.

- (c) Amend **IPSDC § 106.4.3, Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.
- (d) Amend **IPSDC § 108.4, Violation penalties**, to read: Any person who shall violate a provision of this code or fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair private sewage disposal work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (e) Amend **IPSDC § 108.5, Stop work orders**, to read: Upon notice from the code official, work on any *private sewage disposal system* that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition,

shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

- (f) Amend **IPSDC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.
- (g) Delete **IPSDC § 405, entitled "SOIL VERIFICATION."**

ARTICLE 2. BOARD OF APPEALS.

Section 5-10. Board of Appeals.

- (1) Creation, existence, and continuation. In accordance with § 8.5 of the Home Rule Charter for the City of Trinidad, Colorado; Ordinance No. 1711 of the City of Trinidad, Colorado; § 113 of the *International Building Code*; § R112 of the *International Residential Code*; § 108 of the *International Fire Code*; § 109 of the *International Plumbing Code*; § 109 of the *International Mechanical Code*; § 109 of the *International Fuel Gas Code*; § 109 of the *International Energy Conservation Code*; § 112 of the *International Existing Building Code*; § 111 of the *International Property Maintenance Code*; and § 109 of the *International Private Sewage Disposal Code*, the creation, existence, and continuation of a Board of Appeals is hereby recognized. The Board of Appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official and/or code official relative to the application and interpretation of the International Codes adopted by reference in Article 1 of this Chapter.
- (2) Membership. The Board of Appeals shall consist of three (3) members who shall be appointed by the City Council. Two (2) members were initially appointed to two (2) year terms, and the remaining member was initially appointed to a one (1) year term. Thereafter, all terms shall be two (2) years.
- (3) Removal; vacancies. The Board of Appeals members shall be subject to removal for just cause by a majority vote of the City Council. Just cause shall include, without limitation, inefficiency, neglect of duty, acts detrimental to the City's interests, malfeasance in office, or excessive absences. Absences by members of the Board of Appeals of three (3) consecutive meetings shall be cause for evaluation by the City Council for consideration of the member's removal. The City Clerk shall advertise vacancies in a newspaper of general circulation requesting that interested individuals submit a letter so indicating their interest and qualifications for the position advertised.
- (4) Residency requirement. If any member ceases to reside in the City, his or her membership on the Board shall immediately terminate.
- (5) Chairperson. The Board of Appeals shall elect a chairperson from among the appointed members who shall preside over all hearings held by the Board. The term of the chairperson shall be one (1) year, with eligibility for re-election.

Section 5-11. Appeals process.

Any person aggrieved by an order, decision, or determination made by the building/code official relative to the application and interpretation of the International Codes adopted by reference in Article 1 of this Chapter may appeal such order, decision, or determination to the Board of Appeals. Such appeal shall be in writing and filed with the building/code official no later than fifteen (15) days following the issuance of the order, decision, or determination. The appeal shall contain, at a minimum, a brief statement setting forth the basis of the appeal. A

hearing shall be scheduled before the Board of Appeals no less than ten (10) days nor more than forty-five (45) days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given at least seven (7) days prior to the date of the hearing to the Appellant by the building/code official, by causing a copy of such notice to be delivered to the Appellant personally or by mailing a copy thereof, addressed to the Appellant at his/her address as shown on the appeal.

Section 5-12. Conduct of hearing.

The following rules shall be observed in the conduct of hearings before the Board of Appeals:

- (1) Each party shall have these rights among others:
 - (a) To call and examine witnesses on any matters relevant to the issues of the hearing;
 - (b) To introduce documentary and physical evidence;
 - (c) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - (d) To impeach any witness regardless of which party first called him/her to testify;
 - (e) To rebut the evidence against him/her; and
 - (f) To represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.
- (2) No Board member who was not present at the hearing shall take part in the decision.
- (3) At the conclusion of any hearing, or within not more than thirty (30) days thereafter, the Board of Appeals shall render its decision either orally or in writing. Such decision shall set forth findings of fact and conclusions based thereon. The Appellant shall be issued a copy of the written decision of the Board of Appeals or a written notice of the oral decision of the Board of Appeals as soon as practicable after the decision has been rendered.

ARTICLE 3. GENERAL PROVISIONS.

Section 5-13. Furnishing grade of street by City Engineer.

It shall be unlawful for any person to commence the construction of any building upon the line of any street or public highway within the City where the grade has not been established, unless he/she shall apply to the City Engineer for the grade of such street, and it is the duty of the City Engineer to furnish to such person the grade of such street or public highway.

Section 5-14. Minimum elevation of awnings and shades.

All awnings and shades erected before any house, shop or store in any street or alley shall be elevated at least seven feet (7') at the lowest point thereof above the sidewalk, and all awnings shall be of canvas supported from the adjacent building with iron fastenings.

Section 2. Repeal and Re-enactment of Chapter 8 ("FIRE PREVENTION"), Article 1, of the Code of the City of Trinidad, Colorado. Article 1 of Chapter 8 ("FIRE PREVENTION") of the Code of the City of Trinidad, Colorado, is hereby repealed and re-enacted in its entirety as follows:

CHAPTER 8. FIRE PREVENTION.

ARTICLE 1. INTERNATIONAL FIRE CODE.

Section 8-1. International Fire Code.

- (1) The *International Fire Code*, 2009 Edition, including Appendix Chapters C and D, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Fire Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Fire Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Fire Code*, 2009 Edition (“IFC”), are hereby revised:
 - (a) Amend IFC § 101.1, **Title**, as follows: insert: “the City of Trinidad, Colorado” where indicated.
 - (b) Amend IFC § 109.3, **Violation penalties**, to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair, or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
 - (c) Amend IFC § 111.4, **Failure to comply**, to read: Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
 - (d) Amend IFC § 3404.2.9.6.1, **Locations where above-ground tanks are prohibited**, to read: The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.
 - (e) Amend IFC § 3406.2.4.4, **Locations where above-grounds tanks are prohibited**, to read: The storage of Class I and II liquids in above-ground tanks is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.
 - (f) Amend IFC § 3506.2, **Limitations**, to read: The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.
 - (g) Amend IFC § 3804.2, **Maximum capacity within established limits**, to read: Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). Such storage is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Trinidad; that it is promulgated for the health, safety and welfare of the public; and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or of any of the primary or secondary codes adopted by reference herein, be judicially determined unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance or codes adopted by reference. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 5. Repeal. Any and all ordinances, codes, or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, code, or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded, and 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 effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER SHEW, READ AND ORDERED PUBLISHED this 17th day of May, 2011.

FINALLY PASSED AND APPROVED this 7th day of June, 2011.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the 17th day of June, 2011.

CITY OF TRINIDAD, COLORADO



JENNIE GARDUNO, Mayor

ATTEST:

By: 

AUDRA GARRETT, City Clerk