



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 20, 2025

AGENDA TITLE

Second reading and consideration of a motion to amend and pass Ordinance 8684 amending Title 10, "Structures," B.R.C. 1981 and adopting by reference the 2024 international codes regarding property maintenance, building, electrical, fire, mechanical, fuel, gas, and plumbing; and setting forth related details.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Mark Woulf, Assistant City Manager
Brad Mueller, Director of Planning & Development Services
Mike Calderazzo, Fire Chief
Robert Adriaens, Chief Building Official
Jenn Ross, Code Compliance Manager
David Lowry, Fire Marshall
Christy Fitch, Assistant City Attorney III

EXECUTIVE SUMMARY

The purpose of this item is for City Council to consider a motion to amend and pass the attached proposed Ordinance 8684 ([Attachment A](#)) to update the City of Boulder's building, fire and property maintenance codes on Second Reading. The first reading on the ordinance occurred on February 6, 2025.

Following the first reading, staff noted a small substantive error in the International Property Maintenance Code and now wishes to amend the Ordinance at second reading. Additionally, this means that proposed Ordinance 8684 will need to go to a third reading before it is considered for adoption. The amendment is reflected in the revised ordinance and is explained within this memorandum.

The International Codes are updated every three years by the International Code Council (ICC) through a collaborative and consensus-based process involving experts, stakeholders and public comment. ICC's approach to code development ensures that its building codes are robust, adaptable, and reflective of current safety and construction standards.

Boulder's construction codes were last updated from the 2012 edition to the 2018 edition in 2019. The proposed code updates address a wide range of public health and safety issues as well as significant sustainability improvements from previous codes. Adoption of the most recent codes will improve Boulder's Building Code Effectiveness Grading Schedule (BCEGS®) rating, which is used by insurers to help determine risk, and potentially will result in lower insurance premium increases for residents and businesses and reduce the number of insurers pulling out of our market due to the high wildfire risk.

Jurisdictions, including the City of Boulder, adopt local amendments to reflect conditions specific to their geography and local requirements. The recommended local amendments are compiled in the proposed ordinance and included in [Attachment A](#) to the memo. Significant recommended changes from the 2018 amendments include:

- Older obsolete amendments now addressed by base code have been deleted to clean up the ordinance.
- Cleanup of the mobile home park chapter to reflect compliance with state law.
- Increasing the size limitation for storage sheds exempt from permitting from 80 square feet to 120 square feet.
- Exempting from permit requirements freestanding decks under 200 square feet and less than 30" above grade.
- Exempting from permit requirements playground equipment installed on residential private property or homeowners' associations in accordance with consumer safety commission guidelines.
- Deleting the local amendment to the National Electric Code requiring arc fault breakers for replacement panels.
- Requiring building permits for re-siding projects to ensure compliance with wildland urban interface and historic preservation requirements.
- Requiring permits for window replacements to ensure compliance with wildland urban interface, historic preservation, egress and energy code requirements.

This code update is a significant code simplification and cleanup from previous code adoptions. Many of the amendments initially pioneered by Boulder have now been incorporated into the building code by the International Code Council, reducing the need for local amendments and significantly simplifying the required ordinance.

This code simplification and cleanup will help reduce construction costs by improving uniformity with international standards reducing the need for Boulder specific design modifications and the number of plan review resubmittals due to local amendments not found in the international codes. The changes to the 2024 code allowing for reduced ceiling heights in existing buildings and larger allowable areas for heavy timber construction also bring cost savings to construction.

KEY ISSUES

Staff has identified the following key issues to help guide City Council’s discussion:

1. Does the City Council recommend any modifications to the draft ordinance?

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to amend and pass Ordinance 8684 amending Title 10, "Structures," B.R.C. 1981 and adopting by reference the 2024 international codes regarding property maintenance, building, electrical, fire, mechanical, fuel, gas, and plumbing; and setting forth related details.

RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE

None.

BOARD AND COMMISSION FEEDBACK

Planning Board – Planning Board reviewed Ordinance 8684 on January 28, 2025

- Planning Board had some general feedback about permitting replacement windows and siding. Of particular concern was the difference between “replacement” vs “repair. Staff clarified that repairing glazing without replacement of the window frame would not trigger permitting.
- For siding replacement, Planning Board asked if it would be possible to only require permitting in the wildland urban interface, staff explained that homeowners and contractors are generally unaware if they are located in the WUI

and permitting is required so staff can ensure that all siding in the wildland urban interface is complaint. There are also weather resistant barrier and waterproofing code requirements that need to be complied with city wide.

- Planning Board asked why the definition for ADUs was updated with language requiring that ADU's must share utilities with the principal dwelling. Staff explained that this was done to align with the definition in 9-16-1.
- Planning Board also asked about DCS standards and clothes drying in the Mobile home chapter, staff clarified these are existing standards and not part of the building code update but agreed to review them as part of a future code cleanup.
- Planning Board asked why cooperative housing was still in the definitions in chapter 10. Staff clarified that it wasn't deleted as it may still be relevant for historical code information in the future.

Planning Board voted unanimously to pass the following motion: Planning Board recommends that City Council adopt Ordinance 8684 amending Title 10, "Structures," B.R.C. 1981 and adopting by reference the 2024 international codes regarding property maintenance, building, electrical, fire, mechanical, fuel, gas, and plumbing; and setting forth related details.

COMMUNITY ENGAGEMENT.

Community engagement has included targeted outreach to key stakeholders that are most impacted by building code updates. Two remote meetings were held via Zoom, one with a group of local architects and builders on December 19 and an additional open house for members of the public on January 16, which was attended by design professionals, builders, homeowners and landlords. Additionally, an in-person lunch and learn was held with a group of local architects on January 8th. The drafted local amendments and significant code changes were provided before each session, and additional feedback and materials was received afterwards by email.

Feedback from stakeholder groups consisted of:

- Concern about the proposed timeline and its impact on projects already in a land use process.
- Positive statements about the reduction of local amendments and the simplification of the ordinance.
- Positive statements about the new lower basement and attic ceiling heights for existing buildings.
- Concern about the impacts of the new imaginary lot line provisions in the IRC on ADU's.

Based on this feedback, staff made a change to allow projects already in a land use process to submit under either code. Staff clarified that the imaginary lot line provisions will not affect accessory dwelling units as it does not apply to accessory buildings, only two principal dwellings on a single lot.

BACKGROUND

The International Codes are updated every three years by the International Code Council (ICC) through a collaborative and consensus-based process involving design professionals, engineers, home builders, government stakeholders and extensive public engagement. ICC's approach to code development ensures that its building codes are robust, adaptable, cost effective and environmentally sustainable.

Boulder adopts the latest version of the international codes on a 6-year cycle, the construction codes were last updated in 2019. The proposed code updates address a wide range of public health and safety issues as well as significant sustainability improvements from previous codes.

ANALYSIS

Staff recommends that proposed Ordinance 8684 be amended and passed on February 20, 2026, with a third reading on March 6, 2025, to adopt the 2024 International Building Codes with an effective date of August 1, 2025.

Following first reading, an error was noted on Ordinance 8684. A previously deleted portion of the International Property Maintenance Code was intended to be re-introduced in the 2024 adoption of the International Property Maintenance Code. The section pertains to ventilation in bathrooms and toilet rooms and provides standards for that ventilation. The change is reflected in the attached Proposed Ordinance 8684 (Attachment A), and is shown below:

403.2 **Bathrooms and Toilet Rooms.** ~~Deleted.~~ No Changes.

Summary of significant changes to the International Building Codes.

The 2024 International Residential Code (IRC®) is a comprehensive code comprising all building, plumbing, mechanical, and fuel gas standards for one- and two-family dwellings and townhouses up to three stories. Important 2024 IRC changes include:

- Habitable attics and basements in existing buildings may now have a ceiling height of 6'8", previously required 7'.
- Imaginary lot lines are added for calculating fire separation distance when considering multiple dwellings on a single lot.

- Shared accessory rooms are now an option in two-family dwellings.
- Many requirements for energy storage systems are added to improve fire safety.
- New protection requirements for storage batteries in garages.
- Sleeping loft requirements for habitable attic style lofts and tiny home style lofts now have maximum size limits to meet an exception.
- Reinforcement of the floor below guards at a mezzanine is now required.
- The final test of the drain waste vent (DWV) system may be visual. (plumbing)
- Air exhaust openings now allowed near operable windows and doors. (mechanical)
- A2L refrigerants are added as an option for cooling equipment. (low global warming potential)
- Solvent cement joints for CPVC pipe are allowed above and below ground.
- Snow, wind, and seismic maps updated.
- Accessibility in care facilities clarified.

The 2024 International Building Code (IBC®) applies to all buildings except detached one- and two-family dwellings and townhouses up to three stories. Important 2024 IBC changes include:

- Duties and powers of the building official: Section 104 regulating duties of the building official and the approach for reviewing for code compliance has been significantly updated to reflect the current manner that alternate materials, designs and methods are evaluated.
- The updated design rain loads are now based on the summation of the static head, the hydraulic head, and the ponding head.
- Updates to Risk Categories including Photovoltaic (PV) panel systems and facilities providing power generation.

- Updated and expanded provisions for Temporary Structures.
- New provisions regarding the wind resistance of aggregate-surfaced roofs.
- Roof Coverings: Updated provisions for underlayment.
- New special inspection provisions for metal building systems.
- New provisions for structural concrete reinforced with glass-fiber reinforcement.
- Increased the allowable height of a Group R-2 occupancy building with a National Fire Protection Association (NFPA) 13R sprinkler system.
- Occupiable space requirements now apply if a roof is usable for anything more than maintenance or repair, and occupants must have access to multiple egress options from a story based on the occupant load and the story requirements.
- Adult changing tables regulations are added where they are required in large assembly and mercantile, college lecture hall/classroom buildings and highway rest stops, or provided.
- Fire-resistance-rated Wall Continuity: Updates on how supporting construction for exterior walls is to be fire-resistance-rated, especially in the case of a parapet.
- Openings in Shaft Enclosures: Additional exceptions are provided for shaft enclosures, including new allowances for openings and penetrations.
- Carbon Monoxide Detection: Carbon monoxide (CO) detection is now required in all occupancies where a CO-producing device is present. Detection and notification can be addressed in several ways.
- Vapor retarders: Several updates have been made to the vapor retarder provisions for consistency with the IRC. The changes also provide additional options and better guidance for allowable types and locations of permitted vapor retarders.
- Vertical and lateral flame propagation compliance methods: Clarification has been provided as to when testing in accordance with NFPA 285, related to vertical and lateral flame propagation, is required. Previously this information was scattered in a variety of locations within Chapters 14 and 26.
- New Appendix P sets forth the scoping limitations and technical criteria for sleeping lofts that are provided within Group R dwelling units and sleeping units.

The 2024 International Plumbing Code (IPC®) provides minimum regulations for plumbing facilities and allows for the acceptance of new and innovative products, materials, and systems. Plumbing and plumbing fixture related accessibility provisions and requirements from the ICC A117.1 Accessibility Standard have also been included. Important 2024 IPC changes include:

- Provisions added for support of buried piping beneath buildings where expansive soil conditions exist.
- Requirement added for tracer wire for buried plastic sewer piping.
- Option added for vacuum testing of drain waste and vent (DWV) piping.
- Plumbing fixture requirements significantly updated for various Group I occupancies.
- Exception added for allowing special locking mechanism for doors to multiple-user toilet facilities.
- Plastic pans for gas-fired water heaters required to be tested in accordance with ASTM E84 or UL 723.
- Showerhead flowrate limited to 2.0 GPM complying with high efficiency requirements.
- Installation standards added for solvent-cemented plastic piping joints.
- Standards added for chemical waste piping materials.

The 2024 International Mechanical Code (IMC®) establishes minimum regulations for mechanical systems using prescriptive and performance-related provisions that allow the use of new and innovative materials, methods and designs. Important 2024 IMC changes include:

- Provisions prohibiting the use of domestic ductless range hoods in Groups I-1 and I-2 were removed.
- A new identification requirement for Group A2L and B2L refrigerants.

- The requirements for machinery rooms containing Group A2L refrigerants were changed and Group B2L refrigerants were added to the provisions.
- Limits for the use of Group A1 and A2L refrigerants changed in high probability systems used for human comfort, unless permitted as excepted.
- UL 2158A Standard was added to the requirements for commercial dryer exhaust.
- Ventilation requirements for outpatient healthcare facilities updated match the requirements in ASHRAE 62.1-2019.
- Addition of a new minimum landing requirement at the roof hatch for personnel to safely use the hatch when accessing the roof for repair and maintenance.
- Addition of a new testing option for grease ductwork.
- Requirements for steam baths were added.
- A new standard requirement for refrigeration systems containing carbon dioxide.

The 2024 International Existing Building Code (IEBC®) encourages the use and reuse of existing buildings. This code covers repair, alteration, addition and change of occupancy for existing buildings and historic buildings to achieve appropriate levels of safety without requiring full compliance with new construction requirements. Important 2024 IEBC® changes include:

- Occupiable roofs. The concept of occupiable roofs requirements has been incorporated in a variety of locations to correlate with the IBC.
- Storm Shelters. The requirements have been coordinated with revisions in the IBC and ICC 500, clarifying where constructed, storm shelters shall comply with IBC Section 423.
- Risk category increase. Clarifies how risk categories should be assigned for structural design where the addition and the existing building have different uses.
- Smoke compartment requirements. Existing Group I-1, condition 2 occupancies and ambulatory care facilities may be required to divide stories into no fewer than two smoke compartments for more substantial additions and alterations.
- Adult Changing stations. Where additional toilet facilities are being added and IBC Section 1110.4.1 would require adult changing stations, Section 306.7.15

would require that at least one accessible family or assisted use toilet room must contain one.

- Exterior wall covering and wall envelopes sprinkler requirement. Section 309.2.1 has been added to require that if combustible exterior wall envelopes or coverings are installed on a high-rise building, the building must be equipped throughout with a sprinkler system. There are some exceptions for smaller installations and when only a combustible water resistive barrier is installed.
- Owner's responsibility at construction sites. Section 1502 was added to address the need for the owner to properly develop, implement and maintain a site safety plan during construction. A site safety director must be designated who is responsible for conducting daily fire safety inspections.
- Non-required automatic sprinkler system. A section has been added to Chapter 10 (under the change of occupancy classification requirements) to allow removal of a nonrequired existing automatic sprinkler system if several criteria are met.
- APPENDIX E: TEMPORARY EMERGENCY USES. This new appendix was created to provide guidance for designers, engineers, architects, and fire and building officials to allow temporary emergency uses of existing buildings with respect to the minimum code requirements. This appendix is intended to serve as a template or checklist for use during an emergency that references the relevant code requirements.

The 2024 International Fuel Gas Code (IFGC®) addresses the design and installation of fuel gas systems and gas-fired appliances through prescriptive and performance requirements. Important 2024 IFGC® changes include:

- 304.1 General. The entire section is new for the 2024 Codes. Existing code language has been deleted.
- 304.12 Protection from fumes and gases. Existing code language has been deleted. The entire section is new for the 2024 Codes.
- 403.6 Workmanship and defects. Existing code language has been re-written and additional code language has been added for the 2024 Codes.

The 2024 International Fire Code (IFC®) This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding hazards from fire and explosions, conditions that are hazardous to life, property or the public welfare regarding structures or the premise as well as fire hazards in a structure or on a premise from the occupancy or operation, fire protection systems, and the safety of all first responders. Important 2024 IFC® changes include:

- Addressing valet trash with a new appendix O that establishes requirements for Group R-2 occupancies to if valet trash is allowed. Boulder Fire will adopt appendix O to allow valet trash where applicable.
- Two new sections in Chapter 3 that specifically address the storage of lithium ion and lithium metal batteries as well as powered micromobility devices.
- The requirements for fire sprinklers were expanded in the 2024 IFC to specifically address the storage, research, and manufacturing of lithium ion and lithium metal batteries. Please note that the City of Boulder already requires sprinklers in these areas with the adoption of past codes. There is no change to our current requirements.
- The fire protection requirements for the storage of distilled spirits and wines was expanded for new storage facilities.

The 2024 International Property Maintenance Code (IPMC®) This code establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions. The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community. The IPMC is adopted with local amendments to comply with the needs of our community. Important 2024 IPMC changes include:

- New sections under Section 105 that clarify the types of experts required for owners and operators to employ for required testing and reports for compliance.
- Section 105.3.1 “Warrant” section added to clarify the use of a warrant for legal entry of a property by the Code Official(s).
- Adjustment of the Administrative Procedures and Remedies civil penalties and the addition of an investigative fee to align with Title 10 Chapter 3 violations.
- Section 109: Unsafe Structures and equipment; 109.1.1, change the basis for an Unsafe structure from “dangerous” to “hazardous”. This allows for a broader placarding use for hazardous structures to be posted as Unsafe.

CODES NOT PART OF THIS UPDATE.

- The 2024 City of Boulder Energy Conservation Code (COBECC) this code was just updated last year.

- The 2024 Wildland Urban Interface Code, Staff will be bringing this code for adoption in May, due to the significant and disproportionate potential cost implications for homeowners located in the WUI, more extensive public outreach is required.

PROPOSED AMENDMENTS TO THE ORDINANCE THAT ARE NOT IN BASE CODE.

Staff are proposing the following amendments that are not part of the 2024 base code or the previous local amendments.

- Requiring building permits for replacement windows and siding; This change is to ensure that any replacement windows or siding being installed in the wildland urban interface meet the fire resistance requirements of the Wildland Urban Interface code.
- Increasing the size limitation for storage sheds exempt from permitting from 80 square feet to 120 square feet; through use of the racial equity instrument, staff found that there is a disproportionate need for low cost storage sheds in our mobile home parks, 120 square feet is still less than the 200 square feet allowed by base code but does allow people a bit more space for storage without being big enough to have any life safety concerns.
- Exempting from permit requirements freestanding decks under 200 square feet and less than 30” above grade; using the racial equity instrument, it was identified that requiring permits for these small freestanding decks has a disproportionate impact on the residents of mobile home parks. Almost every mobile home in Boulder has one or more such unpermitted decks.
- Deleting the local amendment to the National Electric Code requiring arc fault breakers for replacement panels; staff identified this local amendment as being a major cost barrier to low-income homeowners being able to upgrade electrical services to accommodate electrification and safety upgrades. Deleting the amendment will bring our code into alignment with national code.
- Deleting the blocking and tie down requirement in the mobile home park chapter. Blocking and tie down of mobile homes is regulated by the Division of Local Affairs and has been since 2006, this is just updating the ordinance to comply with state law.
- Deleted the non-residential use of mobile homes, mobile homes do not meet building code or accessibility requirements for non-residential use.

ATTACHMENTS

Attachment A: Proposed Ordinance 8684

ORDINANCE 8684

AN ORDINANCE AMENDING TITLE 10, "STRUCTURES," B.R.C. 1981 AND ADOPTING BY REFERENCE THE 2024 INTERNATIONAL CODES REGARDING PROPERTY MAINTENANCE, BUILDING, ELECTRICAL FIRE MECHANICAL, FUEL, GAS, AND PLUMBING; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 10-1-1, "Definitions," B.R.C. 1981, is amended to read as follows:

10-1-1. Definitions.¹

(a) The following terms used in this title have the following meanings unless the context clearly indicates otherwise:

...

Accessory dwelling unit means an accessory dwelling unit permitted under Section 9-6-3(n), "Accessory Dwelling Unit," B.R.C. 1981. Accessory dwelling units shall not have separate utilities from the principal dwelling.

...

Approved sewer system means a sewer system authorized by the city manager to be connected to the municipal ~~waste water~~ wastewater system or by the Boulder County Health Department to be connected to a properly constructed individual sewage disposal system.

...

Dwelling means any building, structure, or other housing accommodation that is wholly or partly used or intended to be used for living or sleeping by human ~~occupants~~, but occupants but excludes temporary housing.

...

¹Amended by Ordinance No. 7725, effective commencing January 1, 2011.

1 *Floor area* means the total square footage of all levels included within the outside walls of a
2 building or portion thereof, but excluding courts, garages useable exclusively for the storage of
3 motor vehicles and uninhabitable areas that are located above the highest inhabitable level or
4 below the ~~first floor~~first-floor level.

5 *Industrial processes* means any ~~business-related~~business-related process supported by
6 mechanical or electrical systems other than base building systems.

7 ...
8 *Readily accessible* means capable of being reached safely and quickly for operation, repair,
9 or inspection without the necessity of climbing over or removing ~~obstacles,~~obstacles or using
10 portable access equipment.

11 *Retrocommissioning* means the process of making low-cost adjustments to an existing
12 building’s operation to improve its energy performance, in a manner specified by the City
13 Manager

14 ...
15 *Water heater insulation* means a thermal insulation blanket with a membrane facing which
16 has a flame spread classification of no more than two hundred for an electric water heater and
17 twenty-five for an oil- and gas-fired water heater when tested in accordance with ASTM E 84-
18 80, ~~or 84-80~~ or originally installed insulation integral to the water heater which provides
19 equivalent resistance to heat loss.

20 Section 2. Section 10-2-1, “Legislative Intent,” B.R.C. 1981, is amended to read as
21 follows:

22 **10-2-1. Legislative Intent.**

23 (a) The city council finds:

24 (1) Energy efficiency requirements for housing are necessary because:

25 (A) Reducing greenhouse gas emissions in existing buildings is imperative to
meet the City of Boulder's sustainability goals;

1 (B) Rental housing represents the largest number of existing housing units in
2 the city; and

3 (C) Efforts to establish incentives for voluntary energy efficiency retrofits in
4 rental housing have proven to be ineffective.

5 (b) Reducing greenhouse gas emissions has been established as an important public policy
6 objective and mandated by the city due to:

7 (1) The well-documented link between reduction of such emissions and current and
8 projected climate change; and

9 (2) The profound public health and safety impacts of such emissions, including but
10 not limited to:

11 (A) Increased risk of extreme weather events,

12 (B) Increased flood severity,

13 (C) Increased risk and intensity of catastrophic wildfire,

14 (D) Increased insect invasions causing forest die-offs, and

15 (E) Increased risk of drought.

16 (c) The purposes of this chapter are as follows:

17 (1) To protect the public health, safety, and general welfare of the residents of the city
18 by regulating existing residential rental and privately occupied residential
19 structures and to promote conservation and the efficient use of energy;

20 (2) To establish minimum energy efficiency requirements for existing rental and
21 privately occupied housing in the city with the goal of reducing greenhouse gas
22 emissions; and

23 (3) To address the unique needs and challenges associated with energy retrofits in
24 existing rental and privately occupied housing.

25 (d) The city council hereby adopts the 2024~~18~~ edition of the *International Property
Maintenance Code* as the Property Maintenance Code of the City of Boulder. This
chapter establishes minimum code standards related to: administration; definitions;
general requirements; light, ventilation and occupancy limitations; plumbing facilities
and fixture requirements; mechanical and electrical systems; fire safety requirements; and
rental licensing; and existing residential rental structure energy conservation.

Section 3. Section 10-2-2, "Adoption of International Propety Maintenance Code With
Modifications," B.R.C. 1981, is amended to read as follows:

10-2-2. - Adoption of International Property Maintenance Code With Modifications.

- (a) The 2024~~18~~ edition of the International Property Maintenance Code (IPMC) of the International Code Council is hereby adopted by reference as the City of Boulder Property Maintenance Code and has the same force and effect as though fully set forth in this chapter, except as specifically amended for local application by this chapter.
- (b) IPMC Appendix chapters A, "Boarding Standard," B, "Rental Housing Inspections," and C, "Energy Efficiency Requirement - Existing Residential Rental Structures Energy Conservation," are adopted.
- (c) For ease of reference, the following identifies all chapters, sections and appendices of the published and adopted IPMC and includes specific amendments for local application. Chapter, Section, Subsection, or Appendix numbers of provisions not amended appear, followed by the words, "No changes." The amended text of specifically amended provisions appears below. Chapter, Section, Subsection, or Appendix numbers of any provisions not adopted appear, followed by the word, "Deleted."

**CHAPTER 1
SCOPE AND ADMINISTRATION**

PART 1 - SCOPE AND ADMINISTRATION

**SECTION 101
GENERAL**

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Boulder, hereinafter referred to as "this code."

101.2 Scope. This code applies to all existing structures and all existing premises and establishes minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, energy conservation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; this code also specifies the responsibility of owners, operators, and occupants related to code compliance, establishes requirements and standards for the occupancy of existing structures and premises, and provides for administration, licensing, enforcement, and penalties.

101.2.1 Application of Rental Licenses Code. Existing residential structures utilized as rental properties will also be subject to the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Except as provided below,

1 existing structures and premises that do not comply with these provisions shall be altered
2 or repaired to provide a minimum level of health and safety as required herein. Existing
3 structures and premises that comply with all applicable codes in force at the time of
4 construction will be deemed to comply with this code except where the code official
5 determines that deviations from this code pose a danger to the health, safety, or welfare
6 of the public or occupants, and issues an order for the owner to correct those specific
7 conditions or alterations.

8 **101.4 Severability.** No changes.

9 **SECTION 102**
10 **APPLICABILITY**

11 **102.1 General.** No changes.

12 **102.2 Maintenance.** Equipment, systems, devices, and safeguards required by this code
13 shall be maintained in accordance with the code in effect when the structure or premises
14 were legally constructed, altered, or repaired and shall be maintained in good working
15 order.

16 **102.3 Application of Other Codes.** Repairs, additions, or alterations to a structure,
17 inspections, or changes of occupancy shall be done in accordance with the procedures
18 and provisions of the City of Boulder Building Code, City of Boulder Residential Code,
19 City of Boulder Existing Building Code, City of Boulder Fuel Gas Code, City of Boulder
20 Mechanical Code, City of Boulder Plumbing Code, City of Boulder Fire Code, City of
21 Boulder Energy Conservation Code, and City of Boulder Electrical Code.

22 **102.4—102.110** No changes.

23 **PART 2 - ADMINISTRATION AND ENFORCEMENT**

24 **SECTION 103**
25 **DIVISION OF BUILDING SAFETY CODE COMPLIANCE DIVISION**

103.1 General. "~~Division of Building Safety Code Compliance Division~~" means the
administrative unit established by the city manager or the manager's delegates, and the
personnel assigned to the unit by the manager. The ~~Division of Building Safety Code~~
Compliance Division administers the Property Maintenance Code. The executive official
in charge of the ~~Division of Building Safety Code Compliance Division~~ is the code
official.

103.2 Appointment. Deleted.

103.2 Deputies. Deleted.

103.4 Liability Fees. Neither the City nor any employee of the City who enforces,

1 attempts to enforce, or is authorized to enforce this code, or any related provisions or
2 reviews under the Boulder Revised Code, shall be liable to third parties for any damage
3 or injury to person or property as a result of enforcement or nonenforcement. The City
4 assumes no duty of care by the adoption of this code or any related provisions or reviews
5 under the Boulder Revised Code. No person is justified in relying upon the results of an
6 inspection, and such inspections are not a guarantee that the premises so approved,
7 inspected and licensed in fact complies with all the requirements of this code or any
8 related provisions or reviews under the Boulder Revised Code. It is the duty of the
9 persons owning and controlling any building or structure to ensure that the building is
10 maintained in accordance with the requirements of this code, and it is such persons, and
11 not the City, who are responsible for damages caused by breach of such duty. The fees
12 and costs for activities and services performed by the department in carrying out its
13 responsibilities under this code shall be as detailed in Section 4-20-47, "Zoning
14 Adjustment and Building Appeals Filing Fees," B.R.C. 1981.

15 **103.5 Fees.** The fees and costs for activities and services performed by the department in
16 carrying out its responsibilities under this code shall be as detailed in Section 4-20-47,
17 "Zoning Adjustment and Building Appeals Filing Fees," B.R.C. 1981.

18 **SECTION 104 FEES, DELETED**

19 **SECTION 104**
20 **DUTIES AND POWERS OF THE CODE OFFICIAL**

21 **104.1 General.** The code official is hereby authorized and directed to enforce the
22 provisions of this code and Chapter 10-3, "Rental Licenses," B.R.C. 1981. The code
23 official shall have the authority to render interpretations of this code and to adopt
24 policies and procedures in order to clarify the application of its provisions. Such
25 interpretations, policies and procedures shall be in compliance with the intent and
purpose of this code. Such policies and procedures shall not have the effect of waiving
requirements specifically provided for in this code.

104.2 Inspections. No changes.

104.3 Right of Entry. Where it is necessary to make an inspection to enforce the
provisions of this code, or whenever the code official has reasonable cause to believe
that there exists in a structure or upon a premises a condition in violation of this code,
the code official is authorized to enter the structure or premises at reasonable times to
inspect or perform the duties imposed by this code and as necessary to effect
compliance with the provisions of this code and Chapter 10-3, "Rental Licenses,"
B.R.C. 1981, provided that, if such structure or premises is occupied, the code official
shall present credentials to the occupant and request entry. If such structure or premises
is unoccupied, the code official shall first make a reasonable effort to locate the owner
or other person having charge or control of the structure or premises and request entry.
If entry is refused, the code official shall have recourse to the remedies provided by

1 law to secure entry.

2 ~~104.4—104.6~~ No changes.

3 ~~104.7 Clerk and Recorder Notices.~~ When the code official finds that there is a
4 violation of this code, a notice to that effect may be filed with the Boulder County
5 Clerk and Recorder against the title of the land upon which the dwelling or structure is
6 built. The code official shall inform the property owner of this action in advance, in
7 writing according to Section 107, allowing adequate time to correct the violation.
8 When the condition upon which the notice described in the record was based has been
9 corrected, the code official shall provide a written release.

10 ~~104.8 Authority to Issue Rules.~~ The code official may adopt reasonable rules to
11 implement the provisions of this code pursuant to Chapter 1-4, "Rulemaking," B.R.C.
12 1981.

13 **SECTION 105**
14 **APPROVAL DUTIES AND POWERS OF THE CODE OFFICIAL**

15 ~~105.1—105.6~~ No changes.

16 105.1 General. The code official is hereby authorized and directed to enforce the
17 provisions of this code and Chapter 10-3, "Rental Licenses," B.R.C. 1981. The code
18 official shall have the authority to render interpretations of this code and to adopt policies
19 and procedures in order to clarify the application of its provisions. Such interpretations,
20 policies and procedures shall be in compliance with the intent and purpose of this code.
21 Such policies and procedures shall not have the effect of waiving requirements
22 specifically provided for in this code.

23 105.2 Determination of Compliance No changes.

24 105.3 Right of Entry. Where it is necessary to make an inspection to enforce the
25 provisions of this code, or whenever the code official has reasonable cause to believe that
there exists in a structure or upon a premises a condition in violation of this code, the
code official is authorized to enter the structure or premises at reasonable times to inspect
or perform the duties imposed by this code and as necessary to effect compliance with
the provisions of this code and Chapter 10-3, "Rental Licenses," B.R.C. 1981, provided
that, if such structure or premises is occupied, the code official shall present credentials
to the occupant and request entry. If such structure or premises is unoccupied, the code
official shall first make a reasonable effort to locate the owner or other person having
charge or control of the structure or premises and request entry. If entry is refused, the
code official shall have recourse to the remedies provided by law to secure entry.

105.3.1 Warrant. No changes.

1 105.4—105.6 No changes.

2 105.7 Liability. Neither the City nor any employee of the City who enforces, attempts to
3 enforce, or is authorized to enforce this code, or any related provisions or reviews under
4 the Boulder Revised Code, shall be liable to third parties for any damage or injury to
5 person or property as a result of enforcement or nonenforcement. The City assumes no
6 duty of care by the adoption of this code or any related provisions or reviews under the
7 Boulder Revised Code. No person is justified in relying upon the results of an inspection,
8 and such inspections are not a guarantee that the premises so approved, inspected and
9 licensed in fact complies with all the requirements of this code or any related provisions
10 or reviews under the Boulder Revised Code. It is the duty of the persons owning and
11 controlling any building or structure to ensure that the building is maintained in
12 accordance with the requirements of this code, and it is such persons, and not the City,
13 who are responsible for damages caused by breach of such duty.

9 105.8. Approved Materials and Equipment. No changes

10 105.9 Clerk and Recorder Notices. When the code official finds that there is a violation
11 of this code, a notice to that effect may be filed with the Boulder County Clerk and
12 Recorder against the title of the land upon which the dwelling or structure is built. The
13 code official shall inform the property owner of this action in advance, in writing
14 according to Section 109.4, allowing adequate time to correct the violation. When the
15 condition upon which the notice described in the record was based has been corrected,
16 the code official shall provide a written release.

14 105.10 Authority to Issue Rules. The code official may adopt reasonable rules to
15 implement the provisions of this code pursuant to Chapter 1-4, "Rulemaking," B.R.C.
16 1981.

17 **SECTION 106**
18 **VIOLATIONS MEANS OF APPEALS**

18 **106.1 Violations.**

19 (a) ~~General Provisions:~~

20 (1) ~~No person shall erect, construct, enlarge, alter, extend, repair, move, remove,~~
21 ~~improve, convert, demolish, equip, use, occupy, or maintain any building or~~
22 ~~structure in the city, or cause or permit the same to be done, except in conformity~~
23 ~~with all of the provisions of this code and in conformity with the terms and~~
24 ~~conditions of approval issued under this code, or of any directive of the code~~
25 ~~official. No person shall violate a provision of this code, or fail to comply~~
~~therewith or with any of the requirements thereof. No person shall fail to comply~~
~~with any order issued by the code official under this code.~~

(2) ~~In accordance with the provisions of Section 5-2-11, "Prosecution of Multiple~~
~~Counts for Same Act," B.R.C. 1981, each day during which illegal construction,~~

alteration, maintenance, occupancy, or use continues, constitutes a separate offense remediable through the enforcement provisions of this code.

~~(3) — The owner, tenant, and occupant of a structure or land and the agents of each of them are jointly and severally liable for any violation of this code with respect to such structure or land.~~

~~(4) — The remedies for any violation of any provision of this code or of any permit, certificate, or other approval issued under this code or other City of Boulder code, or of any directive of the code official, may be pursued singly or in combination.~~

~~(5) — If any person fails or refuses to pay when due any charge imposed under this section, the code official may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.~~

~~(6) — If an order under Section 107 is not complied with, the code official may institute any appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or the order or direction made pursuant thereto. The code official may charge the cost of any action taken to correct a violation, plus up to fifteen percent of such cost for administration, to the property owner. If any property owner fails or refuses to pay when due any charge imposed under this section, the code official may, in addition to taking other collection remedies, certify due any unpaid charges, including interest, to the Boulder County Treasurer, to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected, under the procedures described by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.~~

~~(b) — Administrative Procedures and Remedies:~~

~~(1) — If the code official finds that a violation of any provision of this code or of any approval granted under this code exists, the manager, after notice and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:~~

~~(A) — Impose a civil penalty according to the following schedule:~~

~~(i) — For the first violation of the provision or approval, \$100;~~

~~(ii) — For the second violation of the same provision or approval, \$300;
and~~

~~(iii) — For the third violation of the same provision or approval, \$1,000;~~

~~(B) — For a violation concerning the use of a residential building under a rental license, revoke such license;~~

- (C) — ~~Require the filing of a declaration of use as provided in subsection (e); or~~
- (D) — ~~Issue an order reasonably calculated to ensure compliance with the provisions of this code or any approval granted under this code.~~

(2) — ~~Prior to the hearing, the code official may issue an order that no person shall perform any work on any structure or land, except to correct any violation found by the code official to exist with respect to such structure or land.~~

(3) — ~~If notice is given to the code official at least forty-eight hours before the time and date set forth in the notice of hearing on any violation that the violation has been corrected, the code official will reinspect the structure or land. If the code official finds that the violation has been corrected, the manager may cancel the hearing.~~

(4) — ~~No person shall fail to comply with any action taken by the code official under this section.~~

(e) — ~~Criminal Penalties. Violations of this code are punishable as provided in Section 5-2-4, "General Penalties," B.R.C. 1981.~~

(d) — ~~Other Remedies. The city attorney may maintain an action for damages, declaratory relief, specific performance, injunction, or any other appropriate relief in the District Court in and for the County of Boulder for any violation of any provision of this code or any approval granted under this code.~~

(e) — ~~Declaration of Use. If the code official determines that a person is using a structure in a way that might mislead a reasonable person to believe that such use is a use by right or otherwise authorized by this title, the code official may require such person to sign under oath a declaration of use that defines the limited nature of the use and to record such declaration in the office of the Boulder County Clerk and Recorder against the title to the land. In addition to all other remedies and actions that the code official is authorized to use under the Boulder Revised Code or other applicable federal, state, or local laws to enforce the provisions of this code, the code official is authorized to withhold any approval affecting such structure or land, including, without limitation, a building permit, use review, site review, subdivision, floodplain development permit, or wetland permit, until such time as the person submits a declaration of use that is in a form acceptable to the code official.~~

106.1 Application of Appeal.

(a) Any appeal under this section shall be heard by the Board of Building Appeals established under Section 2-3-4, "Board of Building Appeals," B.R.C. 1981, unless the city manager determines, due to the nature of the issues in a particular appeal, to appoint a hearing officer under Section 1-3-5, "Hearings and Determinations," B.R.C. 1981.

(b) Any person directly affected by a decision of the code official or by an order issued under this code may appeal the decision or order on the ground that:

(1) The decision or order was based on an error of fact or an erroneous interpretation of this code or the rules legally adopted thereunder;

1 (2) The code official has erroneously failed to approve an alternative material or
2 method pursuant to Section 105.2.2 prior to its installation or use. In determining
3 such an appeal, the board shall apply the standards of Section 105.2.2, but the
4 board shall have no jurisdiction to consider if a material or method expressly
5 prohibited by this code is an acceptable alternative; or

6 (3) The code official has erroneously failed to grant a modification pursuant to
7 Section 105.2.3 prior to its installation. In determining such an appeal, the board
8 or hearing officer shall apply the standards of Section 105.2.3.

9 The code official has the burden of proof under paragraph 1. The appellant has the
10 burden of proof on appeals brought pursuant to paragraphs 2 and 3. The board or hearing
11 officer shall determine the appeal and decide whether the code official's interpretation or
12 application of such code was correct or in error at a hearing under the procedures
13 described in Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.

14 (c) An application for appeal must be filed in writing with the city manager within fourteen
15 days after the date the decision or order was served.

16 (d) An applicant for an appeal shall pay the fee prescribed by Section 4-20-47, "Zoning
17 Adjustment and Building Appeals Filing Fees," B.R.C. 1981. The fee for an appeal heard
18 by a hearing officer shall be the same as the fee for an appeal heard by the Board of
19 Building Appeals.

20 (e) The city manager may apply to the Board of Building Appeals, without fee, for an
21 advisory opinion concerning alternative methods, applicability of specific requirements,
22 approval of equipment and materials, and granting of special permission as contemplated
23 in Section 105.1 or 105.2 of the Property Maintenance Code.

24 (f) The board or hearing officer has neither authority to interpret Chapter 1 (the
25 administrative requirements) of this code, except as expressly provided in this section,
26 nor, because this code sets minimum standards, to waive any requirement of this code.

~~106.2—106.3 Deleted.~~

~~106.4 Violation Penalties.~~

~~106.2—106.43 Deleted.~~

~~106.5 Abatement of Violation. No changes.~~

SECTION 107
NOTICES AND ORDERS VIOLATIONS

~~107.1 Notice to Person Responsible. No changes.~~

107.1 Violations.**(a) General Provisions:**

- (1) It shall be unlawful for a person, firm, or corporation to be in conflict with or in violation of any of the provisions of this code. No person shall erect, construct, enlarge, alter, extend, repair, move, remove, improve, convert, demolish, equip, use, occupy, or maintain any building or structure in the city, or cause or permit the same to be done, except in conformity with all of the provisions of this code and in conformity with the terms and conditions of approval issued under this code, or of any directive of the code official. No person shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof. No person shall fail to comply with any order issued by the code official under this code.
- (2) In accordance with the provisions of Section 5-2-11, "Prosecution of Multiple Counts for Same Act," B.R.C. 1981, each day during which illegal construction, alteration, maintenance, occupancy, or use continues, constitutes a separate offense remediable through the enforcement provisions of this code.
- (3) The owner, tenant, and occupant of a structure or land and the agents of each of them are jointly and severally liable for any violation of this code with respect to such structure or land.
- (4) The remedies for any violation of any provision of this code or of any permit, certificate, or other approval issued under this code or other City of Boulder code, or of any directive of the code official, may be pursued singly or in combination.
- (5) If any person fails or refuses to pay when due any charge imposed under this section, the code official may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.
- (6) If a notice or an order under Section 108 or 109.4 is not complied with, the code official may institute any appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or the order or direction made pursuant thereto. The code official may charge the cost of any action taken to correct a violation, plus up to fifteen percent of such cost for administration, to the property owner. If any property owner fails or refuses to pay when due any charge imposed under this section, the code official may, in addition to taking other collection remedies, certify due any unpaid charges, including interest, to the Boulder County Treasurer, to be levied against

1 the person's property for collection by the county in the same manner as
2 delinquent general taxes upon such property are collected, under the procedures
3 described by Section 2-2-12, "City Manager May Certify Taxes, Charges, and
4 Assessments to County Treasurer for Collection," B.R.C. 1981.

5 (b) Administrative Procedures and Remedies:

6 (1) If the code official finds that a violation of any provision of this code or of any
7 approval granted under this code exists, the manager, after notice and an
8 opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-
9 Judicial Hearings," B.R.C. 1981, may take any one or more of the following
10 actions to remedy the violation:

11 (A) Impose a civil penalty according to the following schedule:

12 (i) For the first violation of the provision or approval, \$150;

13 (ii) For the second violation of the same provision or approval, \$300;

14 and

15 (iii) For the third violation of the same provision or approval, \$1,000;

16 (B) For a violation concerning the use of a residential building under a rental
17 license, revoke such license;

18 (C) Require the filing of a declaration of use as provided in subsection (e); or

19 (D) Issue an order reasonably calculated to ensure compliance with the
20 provisions of this code or any approval granted under this code.

21 (E) To cover the costs of investigative inspections, the city manager will
22 assess a \$250 fee per inspection, where the city manager performs an
23 investigative inspection to ascertain compliance with or violations of this
24 chapter.

25 (2) Prior to the hearing, the code official may issue an order that no person shall
perform any work on any structure or land, except to correct any violation found
by the code official to exist with respect to such structure or land.

(3) If notice is given to the code official at least forty-eight hours before the time and
date set forth in the notice of hearing on any violation that the violation has been
corrected, the code official will reinspect the structure or land. If the code official
finds that the violation has been corrected, the manager may cancel the hearing.

(4) No person shall fail to comply with any action taken by the code official under
this section.

(c) Criminal Penalties. Violations of this code are punishable as provided in Section 5-2-4,
"General Penalties," B.R.C. 1981.

1 (d) Other Remedies. The city attorney may maintain an action for damages, declaratory
2 relief, specific performance, injunction, or any other appropriate relief in the District
3 Court in and for the County of Boulder for any violation of any provision of this code or
4 any approval granted under this code.

5 (e) Declaration of Use. If the code official determines that a person is using a structure in a
6 way that might mislead a reasonable person to believe that such use is a use by right or
7 otherwise authorized by this title, the code official may require such person to sign under
8 oath a declaration of use that defines the limited nature of the use and to record such
9 declaration in the office of the Boulder County Clerk and Recorder against the title to the
10 land. In addition to all other remedies and actions that the code official is authorized to
11 use under the Boulder Revised Code or other applicable federal, state, or local laws to
12 enforce the provisions of this code, the code official is authorized to withhold any
13 approval affecting such structure or land, including, without limitation, a building permit,
14 use review, site review, subdivision, floodplain development permit, or wetland permit,
15 until such time as the person submits a declaration of use that is in a form acceptable to
16 the code official.

17 ~~107.2 Form. Except in those instances where Section 308, Rubbish and Garbage, or Section 309,~~
18 ~~Pest Elimination, applies, or if a violation of Chapter 10-3, "Rental Licenses," B.R.C. 1981, is~~
19 ~~alleged, whenever the code official determines that there is or has been a violation of any~~
20 ~~provision of this code, notice shall be given of such determination to the person responsible to~~
21 ~~correct the violation. The notice shall:~~

- 22 ~~1. Be in writing.~~
- 23 ~~2. Include a description of the real estate sufficient for identification.~~
- 24 ~~3. Include a statement of the violation or violations and why the notice is being~~
25 ~~issued.~~
- 26 ~~4. Include a correction order allowing a reasonable time to make the repairs and~~
27 ~~improvements required to bring the dwelling unit or structure into compliance~~
28 ~~with the provisions of this code.~~
- 29 ~~5. Inform the property owner or other person responsible to correct the violation of~~
30 ~~the right to appeal.~~
- 31 ~~6. Include a statement of the rights under Section 106.1(a)(6).~~

32 ~~107.3 Method of Service. Such notice shall be deemed to be properly served if a~~
33 ~~copy thereof is:~~

- 34 ~~1. Delivered personally upon the responsible person, or by leaving a copy thereof at~~
35 ~~the person's usual place of abode, with any person eighteen years of age or older~~
36 ~~and who is a member of the person's family; or at the person's usual workplace,~~
37 ~~with the person's supervisor, secretary, administrative assistant, bookkeeper,~~
38 ~~human resources representative, or managing agent; or by delivering a copy to a~~
39 ~~person authorized by appointment or by law to receive service of process;~~
- 40 ~~2. Sent by certified mail addressed to the owner at the last known address with~~
41 ~~return receipt requested; or~~

3. ~~Delivered in any other manner as prescribed by law. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.~~

~~107.4 Unauthorized Tampering. No changes.~~

~~107.2-107.4 Deleted~~

~~107.5 Abatement of Violation Penalties. No changes~~

~~107.6 Transfer of Ownership. Deleted.~~

SECTION 108

UNSAFE STRUCTURES AND EQUIPMENT STOP WORK ORDER

~~108.1—108.73 No changes.~~

108.4 Failure to comply. 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 subject to the penalties as detailed in Section 107, "Violations" or \$1000 per day per violation, 90 days in jail or both.

SECTION 109

EMERGENCY MEASURES UNSAFE STRUCTURES AND EQUIPMENT

~~109.1 Imminent danger. When in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice bearing the words "Unsafe, Do Not Enter." It shall be unlawful for any person to enter such structure, except with the prior approval of the building official, for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.~~

~~109.2—109.6 No changes.~~

~~109.2—109.61-109.3 No changes.~~

109.4 Notice. No Changes

1 **109.4.1 Form.** Except in those instances where Section 308, Rubbish and
2 Garbage, or Section 309, Pest Elimination, applies, or if a violation of Chapter 10-
3 3, "Rental Licenses," B.R.C. 1981, is alleged, whenever the code official
4 determines that there is or has been a violation of any provision of this code,
5 notice shall be given of such determination to the person responsible to correct the
6 violation. The notice shall:

- 7 1. Be in writing.
- 8 2. Include a description of the real estate sufficient for identification.
- 9 3. Include a statement of the violation or violations and why the notice is
10 being issued.
- 11 4. Include a correction order allowing a reasonable time to make the repairs
12 and improvements required to bring the dwelling unit or structure into
13 compliance with the provisions of this code.
- 14 5. Inform the property owner or other person responsible to correct the
15 violation of the right to appeal.
- 16 6. Include a statement of the rights under Section 1076.1(a)(6).

17 **109.4.2 Method of Service.** Such notice shall be deemed to be properly served if
18 a copy thereof is:

- 19 1. Delivered personally upon the responsible person, or by leaving a copy
20 thereof at the person's usual place of abode, with any person eighteen
21 years of age or older and who is a member of the person's family; or at the
22 person's usual workplace, with the person's supervisor, secretary,
23 administrative assistant, bookkeeper, human resources representative, or
24 managing agent; or by delivering a copy to a person authorized by
25 appointment or by law to receive service of process;
2. Sent by certified mail addressed to the owner at the last known address
with return receipt requested; or
3. Delivered in any other manner as prescribed by law. If the notice is
returned showing that the letter was not delivered, a copy thereof shall be
posted in a conspicuous place in or about the structure affected by such
notice. Service of such notice in the foregoing manner upon the owner's
agent or upon the person responsible for the structure shall constitute
service of notice upon the owner.

109.4.3 Penalties. Penalties for non-compliance with notices issued under this
section shall be as set forth in Section 107.1.

109.5 Unauthorized Tampering. No changes.

109.6 Transfer of Ownership. Deleted.

109.7 – 109.9 No Changes

SECTION 110
DEMOLITION EMERGENCY MEASURES

~~110.1 – 110.4~~ No changes.

110.1 Imminent danger. When in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice bearing the words "Unsafe, Do Not Enter." It shall be unlawful for any person to enter such structure, except with the prior approval of the building official, for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

~~110.2 – 110.6~~ No changes.

SECTION 111
MEANS OF APPEAL DEMOLITION

111.1 Application of Appeal.

- ~~(a) — Any appeal under this section shall be heard by the Board of Building Appeals established under Section 2-3-4, "Board of Building Appeals," B.R.C. 1981, unless the city manager determines, due to the nature of the issues in a particular appeal, to appoint a hearing officer under Section 1-3-5, "Hearings and Determinations," B.R.C. 1981.~~
- ~~(b) — Any person directly affected by a decision of the code official or by an order issued under this code may appeal the decision or order on the ground that:~~
 - ~~(1) — The decision or order was based on an error of fact or an erroneous interpretation of this code or the rules legally adopted thereunder;~~
 - ~~(2) — The code official has erroneously failed to approve an alternative material or method pursuant to Section 105.2 prior to its installation or use. In determining such an appeal, the board shall apply the standards of Section 105.2, but the board shall have no jurisdiction to consider if a material or method expressly prohibited by this code is an acceptable alternative; or~~
 - ~~(3) — The code official has erroneously failed to grant a modification pursuant to Section 105.1 prior to its installation. In determining such an appeal, the board or hearing officer shall apply the standards of Section 105.1.~~

~~The code official has the burden of proof under paragraph 1. The appellant has the burden of proof on appeals brought pursuant to paragraphs 2 and 3. The board or hearing officer shall determine the appeal and decide whether the code official's interpretation or~~

1 application of such code was correct or in error at a hearing under the procedures
2 described in Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.

3 (e) ~~— An application for appeal must be filed in writing with the city manager within fourteen
4 days after the date the decision or order was served.~~

5 (d) ~~— An applicant for an appeal shall pay the fee prescribed by Section 4-20-47, "Zoning
6 Adjustment and Building Appeals Filing Fees," B.R.C. 1981. The fee for an appeal heard
7 by a hearing officer shall be the same as the fee for an appeal heard by the Board of
8 Building Appeals.~~

9 (e) ~~— The city manager may apply to the Board of Building Appeals, without fee, for an
10 advisory opinion concerning alternative methods, applicability of specific requirements,
11 approval of equipment and materials, and granting of special permission as contemplated
12 in Section 105.1 or 105.2 of the Property Maintenance Code.~~

13 (f) ~~— The board or hearing officer has neither authority to interpret Chapter 1 (the
14 administrative requirements) of this code, except as expressly provided in this section,
15 nor, because this code sets minimum standards, to waive any requirement of this code.~~

16 ~~**111.2 Membership of Board.** Deleted.~~

17 ~~**111.2.1 Alternate Members.** Deleted.~~

18 ~~**112.2.2 Chairman.** Deleted.~~

19 ~~**112.2.3 Disqualification of Member.** Deleted.~~

20 ~~**112.2.4 Secretary.** Deleted.~~

21 ~~**112.2.5 Compensation of Members.** Deleted.~~

22 ~~**111.3 Notice of Meeting.** Deleted.~~

23 ~~**111.4 Open Hearing.** Deleted.~~

24 ~~**111.4.1 Procedure.** Deleted.~~

25 ~~**111.5 Postponed Hearing.** Deleted.~~

~~**111.6 Board Decision.** Deleted.~~

~~**111.6.1 Records and Copies.** Deleted.~~

~~**111.6.2 Administration.** Deleted.~~

~~**111.7 Court Review.** Deleted.~~

~~**111.8 Stays of Enforcement.** Deleted.~~

~~**111.9 Fees.** Deleted.~~

111.1 - 111.4 No changes.

**SECTION 112
STOP WORK ORDER**

~~112.1 — 112. No changes.~~

~~112.4 Failure to Comply. 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 subject to the penalties as detailed in
Section 106.1, "Violations."~~

**CHAPTER 2
DEFINITIONS**

**SECTION 201
GENERAL**

201.1—201.5 No changes.

**SECTION 202
GENERAL DEFINITIONS**

(No changes except as follows)

CODE OFFICIAL. The city manager and any city manager's delegate charged with the administration and enforcement of this code.

KITCHEN SINK. A kitchen sink shall be no smaller than twenty inches by sixteen inches, with a minimum uniform depth of six inches and a maximum uniform depth of twenty inches. Laundry tubs, lavatory basins, or bathtubs are not acceptable substitutes for required kitchen sinks.

MANUFACTURED HOME. Means a structure, transportable in sections, built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" includes "modular home" but does not include "recreational vehicle."

TECHNICALLY IMPRACTICAL. Alterations that are unlikely to be accomplished because existing structural conditions or site constraints prohibit practical modifications or addition of elements or features that would attain the energy efficiency requirements of Appendix C of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

**CHAPTER 3
GENERAL REQUIREMENTS**

**SECTION 301
GENERAL**

301.1—301.3 No changes.

**SECTION 302
EXTERIOR PROPERTY AREAS**

302.1—302.3 No changes.

302.4 Weeds. Weed control is regulated and enforced under Chapter 6-2, "Weed Control," B.R.C. 1981.

1 **302.5 Rodent Harborage.** Rodent control is regulated and enforced under Chapter 6-5,
2 "Rodent Control," B.R.C. 1981.

3 **302.6—302.7** No changes.

4 **302.8 Motor Vehicles.** Motor vehicle parking and storage are regulated by Title 7,
5 "Regulation of Vehicle, Pedestrian and Parking," B.R.C. 1981.

6 **302.9 Defacement of Property.** Graffiti control is regulated and enforced under Section
7 5-4-14, "Graffiti Prohibited," B.R.C. 1981.

8
9 **SECTION 303**
10 **SWIMMING POOLS, SPAS AND HOT TUBS**

11 **303.1—303.2** No changes.

12 **SECTION 304**
13 **EXTERIOR STRUCTURE**

14 **304.1.-304.6** No changes.

- 15 ~~**304.2 Protective Treatments.** Deleted.~~
- 16 ~~**304.3 Premises Identification.** No changes.~~
- 17 ~~**304.4 Structural Members.** No changes.~~
- 18 ~~**304.5 Foundation Walls.** No changes.~~
- 19 ~~**304.6 Exterior Walls.** No changes.~~

20 **304.7 Roofs and Drainage.** The roof and flashing shall be sound, tight and not have
21 defects that admit water. Roof drainage shall be adequate to prevent dampness or
22 deterioration in the walls or interior portion of the structure. Roof drains, gutters and
23 downspouts shall be maintained in good repair and free from obstructions. Roof water
24 shall not be discharged in a manner that creates a public nuisance.

25 ~~**304.8-304.13 Decorative Features.** No changes.~~

~~**304.9 Overhang Extensions.** All overhang extensions, including but not limited to
canopies, marquees, signs, metal awnings, fire escapes, sandpipes and exhaust ducts,
shall be maintained in good repair and be properly anchored so as to be kept in a sound
condition.~~

~~**304.10 Stairways, Decks, Porches and Balconies.** No changes.~~

~~**304.11 Chimneys and Towers.** Deleted.~~

~~**304.12 Handrails and Guards.** No changes.~~

~~**304.13 Window, skylight and Door Frames.** No changes.~~

~~**304.13.1 Glazing.** Deleted.~~

~~**304.13.2 Openable Windows.** Deleted.~~

1 **304.14 Insect Screens.** Deleted.

2 **304.15-304.16 Doors.** No changes.

3 **304.16 Basement Hatchways.** No changes.

4 **304.17 Guards for Basement Windows.** Deleted.

5 **304.18-304.19 Building Security.** Doors, windows, or hatchways for dwelling units,
6 room units, or housekeeping units shall be provided with devices designed to provide
7 security for the occupants and property within.

8 **304.19 Gates.** No changes.

9 **SECTION 305**
10 **INTERIOR STRUCTURE**

11 **305.1 General.** No changes.

12 **305.1.1 Potentially Unsafe Conditions.** The following conditions shall be determined as
13 unsafe and shall be repaired or replaced to comply with the City of Boulder Residential

Code or the City of Boulder Existing Building Code as required for existing buildings:

- 14 1. ~~The nominal strength of any structural member is exceeded by nominal loads, the load effects, or the required strength;~~
- 15 2. ~~The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;~~
- 16 3. ~~Structures or components thereof that have reached their limit state;~~
- 17 4. ~~Structural members are incapable of supporting nominal loads and load effects;~~
- 18 5. ~~Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;~~
- 19 6. ~~Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.~~

20 **1-5:** No changes.

21 **Exceptions: 1-2:** No changes.

- 22 1. ~~When substantiated otherwise by an approved method.~~

2. ~~Demolition of unsafe conditions shall be permitted when approved by the code official.~~

~~305.2 Structural Members. No changes.~~

~~305.3 Interior Surfaces. Deleted.~~

~~305.4 – 305.6 No changes.~~

305.2-305.6 No changes

**SECTION 306
COMPONENT SERVICEABILITY**

306.1 No changes.

306.1.1 Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the City of Boulder Residential Code or the City of Boulder Existing Building Code as required for existing buildings:

- 1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system.
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
 - 1.4. Inadequate soil as determined by a geotechnical investigation.
 - 1.5. Where the allowable bearing capacity of the soil is in doubt.
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
- 2. Concrete that has been subjected to any of the following conditions:
 - 2.1. Deterioration.
 - 2.2. Ultimate deformation.
 - 2.3. Fractures.
 - 2.4. Fissures.
 - 2.5. Spalling.
 - 2.6. Exposed reinforcement.
 - 2.7. Detached, dislodged or failing connections.
- 3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. Deterioration.

- 3.2. Corrosion.
- 3.3. Elastic deformation.
- 3.4. Ultimate deformation.
- 3.5. Stress or strain cracks.
- 3.6. Joint fatigue.
- 3.7. Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

- 4.1. Deterioration.
- 4.2. Ultimate deformation.
- 4.3. Fractures in masonry or mortar joints.
- 4.4. Fissures in masonry or mortar joints.
- 4.5. Spalling.
- 4.6. Exposed reinforcement.
- 4.7. Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

- 5.1. Deterioration.
- 5.2. Elastic deformation.
- 5.3. Ultimate deformation.
- 5.4. Metal fatigue.
- 5.5. Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

- 6.1. Ultimate deformation.
- 6.2. Deterioration.
- 6.3. Damage from insects, rodents and other vermin.
- 6.4. Fire damage beyond charring.
- 6.5. Significant splits and checks.
- 6.6. Horizontal shear cracks.
- 6.7. Vertical shear cracks.
- 6.8. Inadequate support.
- 6.9. Detached, dislodged or failing connections.
- 6.10. Excessive cutting and notching.

Exceptions:

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the code official.

**SECTION 307
HANDRAILS AND GUARDRAILS**

1 ~~**307.1 General.** Every exterior and interior flight of stairs having four or more risers shall~~
2 ~~have a handrail on one side of the stair and every open portion of a stair, landing,~~
3 ~~balcony, porch, deck, ramp, or other walking surface which is more than 30 inches (762~~
4 ~~mm) high above the floor or grade below shall have guards. Handrails shall not be less~~
5 ~~than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured~~
6 ~~vertically above the nosing of the tread or above the finished floor of the landing or~~
7 ~~walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor~~
8 ~~of the landing, balcony, porch, deck or ramp, or other walking surface.~~

9 ~~**Exception:** Guards shall not be required where exempted by the adopted building~~
10 ~~code.~~

11 **307.1-307.2 No Changes**

12 ~~**307.2.1 Height.** Guards shall be not less than 30 inches (762 mm) high above the floor of~~
13 ~~the landing, balcony, porch, deck, or ramp, or other walking surface.~~

14 **SECTION 308**
15 **RUBBISH AND GARBAGE**

16 ~~**308.1 Accumulation of Rubbish or Garbage.** All exterior property and premises, and~~
17 ~~the interior of every structure, shall be free from any accumulation of rubbish and~~
18 ~~garbage as required by Chapter 6-3, "Trash, Recyclables and Compostables," B.R.C.~~
19 ~~1981.~~

20 ~~**308.2 Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in~~
21 ~~a clean and sanitary manner by placing such rubbish in approved containers as required~~
22 ~~by Chapter 6-3, "Trash, Recyclables and Compostables," B.R.C. 1981.~~

23 ~~**308.2.1 Rubbish Storage Facilities.** Deleted.~~

24 ~~**308.2.2 Refrigerators.** Deleted.~~

25 ~~**308.3 Disposal of Garbage.** Every occupant of a structure shall dispose of garbage in a~~
clean and sanitary manner by placing such garbage in an approved garbage disposal
facility or approved garbage containers as required by Chapter 6-3, "Trash, Recyclables
and Compostables," B.R.C. 1981.

~~**308.3.1 Garbage Facilities.** Deleted.~~

~~**308.3.2 Containers.** Deleted.~~

SECTION 309
PEST ELIMINATION

~~**309.1 Infestation.** All structures shall be kept free from insect and rodent infestation. All~~
structures in which insects or rodents are found shall promptly have the infestation

1 eradicated by approved processes that will not be injurious to human health. After
2 eradication, proper precautions shall be taken to prevent reinfestation. Rodent control is
regulated and enforced under Chapter 6-5, "Rodent Control," B.R.C. 1981.

3 **309.2 Owner.** The owner of any structure shall be responsible for eradication within the
4 structure prior to renting or leasing the structure.

5 **309.3 Single Occupant.** The occupant of a one-family dwelling or single-tenant structure
shall be responsible for eradication on the premises.

6 **309.4 Multiple Occupancy.** The owner of a structure containing two or more dwelling
7 units, a multiple occupancy or a rooming house shall be responsible for eradication in the
8 public or shared areas of the structure and exterior property. If infestation is caused by
9 failure of an occupant to prevent such infestation in the area occupied, the occupant shall
be responsible for eradication.

10 **309.5 Occupant.** The occupant of any structure shall be responsible for the continued
rodent and pest-free condition of the structure.

11 **Exception:** Where the infestations are caused by defects in the structure, the
12 owner shall be responsible for the eradication.

13 **309.6 Preapplication Pesticide Notification.** No operator or occupant shall fail to
14 comply with the preapplication pesticide notification provisions of Section 6-10-7,
"Notification to Tenants and Employees of Indoor Application," B.R.C. 1981.

15 **SECTION 310**
16 **ACCESSIBILITY FLOODPLAIN SAFETY SIGNAGE**

17 ~~**310.1 General.** The owner and operator of every property located in the floodplain as
18 detailed in paragraph 9-3-3(a)(10), B.R.C. 1981, shall post and maintain on the exterior
of the premises at the entrance a sign approved by the code official stating that the
property is subject to flood hazard in accordance with the following:~~

- 19 ~~1. The sign shall state: "This property is located in an area subject to sudden and
20 severe flooding. In case of flood emergency, be prepared to seek high ground
immediately. For information go to www.boulderfloodinfo.net" or similar
21 language.~~
22 ~~2. The sign shall be a metal plaque with minimum 1/4 inch letters in a contrasting
color attached with nonremovable fasteners on the exterior of the structure at the
entrance.~~

23 No Changes.
24
25

**SECTION 311
STORM SHELTERS**

No Changes.

**SECTION 312
FLOODPLAIN SAFETY SIGNAGE**

312.1 General. The owner and operator of every property located in the floodplain as detailed in paragraph 9-3-3(a)(10), B.R.C. 1981, shall post and maintain on the exterior of the premises at the entrance a sign approved by the code official stating that the property is subject to flood hazard in accordance with the following:

1. The sign shall state: "This property is located in an area subject to sudden and severe flooding. In case of flood emergency, be prepared to seek high ground immediately.
2. For information go to www.boulderfloodinfo.net" or similar language. The sign shall be a metal plaque with minimum ¼ inch letters in a contrasting color attached with nonremovable fasteners on the exterior of the structure at the entrance.

**CHAPTER 4
LIGHT, VENTILATIONS AND OCCUPANCY LIMITATIONS**

**SECTION 401
GENERAL**

401.1—401.3 No changes.

**SECTION 402
LIGHT**

402.1—402.3 No changes.

**SECTION 403
VENTILATION**

403.1 Habitable Spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exceptions:

1. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining

room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

- 2. In R-3 occupancies, the glazed area need not be openable, where the opening is not required to be an emergency escape and rescue opening, and an approved mechanical ventilation system capable of producing 0.35 air changes per hour in the room is provided.

403.2 Bathrooms and Toilet Rooms. Deleted No changes.

403.3 Cooking Facilities. Deleted.

403.4 Process Ventilation. Deleted.

403.5 Clothes Dryer Exhaust. No changes.

**SECTION 404
OCCUPANCY LIMITATIONS**

404.1—404.7 No changes.

**CHAPTER 5
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

No changes.

**CHAPTER 6
MECHANICAL AND ELECTRICAL REQUIREMENTS
SECTION 601**

No changes.

**SECTION 602
HEATING FACILITIES**

602.1 Facilities Required. No changes.

602.2 Residential Occupancies. Deleted.

602.3 Heat Supply. Interior space intended for human occupancy shall have active or passive space-heating systems capable of maintaining a minimum indoor temperature of 68°F (20°C). No portable space heaters shall be used to achieve compliance with this section.

1 **602.4 Occupiable Work Spaces.** Deleted.

2 **602.5 Room Temperature Measurement.** No changes.

3
4 **SECTION 603**
MECHANICAL EQUIPMENT

5 **603.1—603.6** No changes.

6 **SECTION 604**
7 **ELECTRICAL FACILITIES**

8 **604.1—604.3.2.1** No changes.

9 **SECTION 605**
10 **ELECTRICAL EQUIPMENT**

11 **605.1—605.2** No changes.

12 **605.2.1 Non-grounding type electrical receptacles (two-prong receptacles).** Where
13 attachment to an equipment grounding conductor (two-wire circuits) does not exist in the
14 receptacle enclosure, the installation shall comply with subsections 1, 2 or 3 below:

- 15 1. A two-prong receptacle shall be permitted to be replaced with another two-prong
16 receptacle.
- 17 2. A two-prong receptacle may be replaced with a ground-fault circuit interrupter-
18 type (GFCI) three-prong receptacle. These receptacles shall be marked "No
19 Equipment Ground." An equipment grounding conductor shall not be connected
20 from the GFCI-type receptacle to any outlet supplied from the GFCI-type
21 receptacle.
- 22 3. A two-prong receptacle may be replaced with a three-prong, grounding-type
23 receptacle where supplied through a GFCI device. Three-prong, grounding-type
24 receptacles, supplied through the GFCI shall be marked "GFCI Protected" and
25 "No Equipment Ground." An equipment grounding conductor shall not be
connected between the grounding-type receptacles.

22 **605.3 Luminaires.** No changes.

23 **605.4 Wiring.** No changes.

24 **605.5 Branch Circuits in Buildings With More Than One Occupancy.** Each occupant
25 shall have ready access to all circuit breakers protecting the conductors supplying that
occupancy.

1 **605.6 Flexible Cord Uses Not Permitted.** Flexible cords and cables shall not be used:

- 2 1. As a substitute for the fixed wiring of the structure.
- 3 2. Where run through holes in walls, structural ceilings, suspended ceilings, dropped
- 4 ceilings, or floors.
- 5 3. Where run through doorways, windows, or similar openings.

6 **SECTION 606**
ELEVATORS, ESCALATORS AND DUMBWAITERS

7 **606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance
 8 with ASME A17.1. The most current certificate of inspection shall be on display at all
 9 times within the elevator or attached to the escalator or dumbwaiter, be available for
 10 public inspection in the office of the building operator or be posted in a publicly
 11 conspicuous location approved by the State of Colorado. The inspection and tests shall be
 12 performed at not less than the periodic intervals as required by the State of Colorado.

11 **606.2 Elevators.** No changes.

12 **606.3 Private residence elevators.** No changes

13 **SECTION 607**
DUCT SYSTEMS

14 ~~**607.1 General.**~~ No changes.

15 **CHAPTER 7**
FIRE SAFETY REQUIREMENTS

16 **SECTIONS 701—703**

17 No changes.

18 **SECTION 704**
FIRE PROTECTION SYSTEMS

19 **704.1—704.7** No Changes.

20 **704.8 Smoke Alarm Inspections.** Smoke alarm inspections shall be conducted by the
 21 property owner or agent as detailed below:

- 22 1. Smoke alarms that receive their primary power from the building wiring
- 23 shall be
- 24 checked for good operating condition once each year and if supplied with
- 25

battery backup, the battery shall be replaced as necessary for proper function of the smoke alarm.

2. Battery-powered smoke alarms shall be tested for proper function on an annual basis. Batteries shall be replaced as necessary for proper function of the smoke alarm.

704.9 Residential Rental Smoke Alarms. In R-occupancies governed by Chapter 10-3, "Rental Licenses," B.R.C. 1981, smoke alarms shall be installed and inspected as required in this section.

704.10 Fire Alarms. Fire alarms in existing residential structures shall be installed in accordance with Chapter 10-8, Section 907-3, "Fire Code," B.R.C. 1981.

**SECTION 705
CARBON MONOXIDE ALARMS**

705.1—705.2 No changes.

705.3 General. Carbon monoxide alarms shall be installed in existing residential structures in accordance with Colorado state law, including Title 38, Article 45, Carbon Monoxide Alarms, C.R.S.

705.4 Carbon Monoxide Alarms. Carbon monoxide alarms shall be installed in existing dwellings and rented single- and multi-family dwellings that have fuel fired heaters, appliances, or fireplaces, or attached garages based on the following:

1. Alarms must be installed within 15' of the entrance to each sleeping area and must be wired to AC power, connected to an electrical panel, plugged into an electrical outlet without a switch or, if battery operated, attached to the wall or ceiling per the manufacturer's installation instructions and in accordance with Chapter 10-8, Section 915, "Fire Code," B.R.C. 1981, ~~with National Fire Protection Association 70.~~
2. Alarms must be installed in existing rental dwellings upon change of tenant occupancy after July 1, 2009.
3. Alarms must be installed in all newly constructed or renovated single-family and multi-family rental units.
4. Alarms may be installed within 25' of any fuel-fired heater or appliance, fireplace, or garage entrance in a multi-family dwelling used for rental purposes ONLY if the multi-family dwelling is equipped with a centralized alarm system or other mechanism that allows a responsible person to hear the alarm at all times (commercially monitored system).
5. Rental owners are responsible for replacing nonfunctioning carbon monoxide alarms upon written request of the tenant or when the unit is being vacated and re-rented.

- 6. Carbon monoxide detectors shall not be disarmed, removed or have the batteries removed to make them inoperable.

705.5 Carbon Monoxide Alarm Inspections. Carbon monoxide alarm inspections shall be conducted by the property owner or agent as detailed below:

- 1. Carbon monoxide alarms that receive their primary power from the building wiring shall be checked for good operating condition once each year and supplied with battery backup. The battery shall be replaced as necessary for proper function of the carbon monoxide alarm.
- 2. Battery-powered carbon monoxide alarms shall be tested for proper function on an annual basis. Batteries shall be replaced as necessary for proper function of the carbon monoxide alarm.

**SECTION 706
PORTABLE FIRE EXTINGUISHERS**

706.1 Where Required. Portable fire extinguishers shall be installed as required by the City of Boulder Fire Code Section 906.

706.1.1 In new and existing R-1, R-2 and R-4 occupancies, portable fire extinguishers need only be installed when interior corridors and common areas exist in accordance with Section 906.1 and table 906.3(2) for light (low) hazard occupancies and Sections 906.3 through 906.9.

**APPENDIX A
BOARDING STANDARD**

A101—A104 No changes.

**APPENDIX B
RENTAL HOUSING INSPECTION AND LICENSING**

B101 Scope. Appendix B sets standards for administering the rental housing maintenance, inspection and licensing process.

B102 Rental Licenses. Residential rental licenses are applied for and renewed in accordance with Chapter 10-3, "Rental Licenses," B.R.C. 1981.

B103 Inspections. Rental inspections shall be performed and certified by licensed contractors as detailed in Chapter 4-4, "Building Contractor License," B.R.C. 1981.

**APPENDIX C
ENERGY EFFICIENCY REQUIREMENT
EXISTING RESIDENTIAL RENTAL STRUCTURES
ENERGY CONSERVATION**

1 **C101 SCOPE**

2 **C101.1 Scope.** Appendix C sets standards for residential rental dwelling unit energy
 3 efficiency. Effective January 2, 2019, the energy efficiency requirements of this section
 4 shall apply to all residential rental dwelling units licensed according to Chapter 10-3,
 "Rental Licenses," B.R.C. 1981, except:

- 5 1. Buildings that can be verified as meeting or exceeding the energy
 efficiency requirements of the Energy Conservation Code, Chapter 10-7,
 B.R.C. 1981; and
- 6 2. Any manufactured home; and
- 7 3. Attached accessory dwelling units as detailed in Section 9-6-3, "Specific
 Use Standards Residential Uses," B.R.C. 1981.

8 **C101.2 Compliance.** The energy efficiency of existing residential rental dwelling units
 9 must comply with Section C101.2.1 for performance-based energy efficiency
 10 requirements or Section C101.2.2 for prescriptive-based energy efficiency requirements.
 The code official may grant exceptions as follows:

- 11 1. Innovative Materials: Buildings achieving equivalent energy efficiency
 performance through the use of innovative materials, methods and/or
 equipment in accordance with Section 105 of this code as an alternative to
 the performance and prescriptive methods. The code official shall
 determine the relative values and effectiveness of innovative materials,
 methods and/or equipment in satisfying the intent and purpose of this
 code.
- 12 2. Historic Buildings: Reasonable modifications in the award of prescriptive
 and performance points of this appendix upon a finding by the code
 official that the application of this section requires an exterior alteration to
 an individual landmark or a contributing building within a historic district
 established under Chapter 9-11, "Historic Preservation," B.R.C. 1981, that
 would not be eligible for a landmark certificate.
- 13 3. Affordable Housing: Rental dwelling units meeting the requirements for a
 permanently affordable unit as follows:
 - 14 a. Units weatherized according to state or federal subsidy program
 standards after September 1994.
 - 15 b. Units eligible for weatherization according to state or federal
 subsidy program standards that have applied for weatherization
 service: an exception for one rental license cycle, to reach
 compliance. The code official may approve additional time to
 achieve compliance if one rental license cycle is not adequate.
 - 16 c. Units not qualifying for weatherization according to state or
 federal subsidy programs: an exception for one rental license cycle
 to achieve compliance. The code official may approve additional
 time to achieve compliance if one rental license cycle is not
 adequate.

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4. Technically Impractical: For buildings where energy efficiency upgrades are technically impractical in accordance with IPMC Section 105.1, owners shall demonstrate equivalent code compliance as follows:
- a. Except as provided below, owners shall make the energy efficiency improvements that are practical and shall pay, for each rental license cycle an energy impact offset fee established in Section 4-20-18, "Rental License Fee," B.R.C 1981, to the city's energy impact offset fund.
- b. If the building is the subject of an application for concept review, site review, or a demolition permit, and the application shows that the building will be demolished or substantially remodeled within the next licensing period, the owner need not make energy efficiency improvements, but must pay, for each rental license cycle, the energy impact offset fee established in Section 4-20-18, "Rental License Fee," B.R.C. 1981.
- c. The energy impact offset fee required under this section will be approximately equivalent to the energy offsets that would have been achieved through the energy efficiency requirements that have been waived as a modification pursuant this Paragraph 4 of Section C101.2. and IPMC Section 105.1. The fee will be imposed per SmartRegs point waived that is otherwise required under IPMC Section C101.2.2. The city manager shall create and maintain an energy impact offset fund for the receipt and management of the energy impact offset fee. Monies received in that fund must be used solely to promote or facilitate reduction in greenhouse gas emissions or otherwise directly offset the effects of greenhouse gas emission and for the costs of administering programs consistent with these purposes. Possible uses of the fund may include but are not limited to energy efficiency and renewable energy programs and projects, such as programs installing or facilitating the installation of rooftop solar and other measures that have demonstrable carbon reduction benefits. For accounting purposes, the monies received in the fund shall be held in a separate account established for the purposes of this fund.

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C101.2.1 Performance energy efficiency option. Existing residential rental structures shall demonstrate energy efficiency compliance by obtaining a minimum Home Energy Rating System (HERS) index of 120 per rental dwelling unit. A HERS index shall be determined by a rater accredited by the Residential Energy Services Network (RESNET). For multi-dwelling rental structures, a HERS index sampling protocol authorized and approved by the code official may be utilized.

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C101.2.2 Prescriptive energy efficiency option. The energy efficiency of residential structures shall be determined by an energy efficiency inspection score of 100 points as documented on table C101.2. The applicant shall provide an energy efficiency

1 compliance certificate signed by a licensed and approved contractor per Subsection 4-4-
 2 4(g), "Building Contractor License," and Section 4-4-5, "License Application and
 3 Qualifications," B.R.C. 1981.

4 **Table 101.2**
 5 **SmartRegs Prescriptive Pathway**

6 Need 100 Total Points + Mandatory Water Conservation Measures

7 **WALLS**

<i>R-VALUE BASE</i>	<i>FINAL</i>			
	<i>25%</i>	<i>50%</i>	<i>75%</i>	<i>100%</i>
No Insulation	0	0	0	0
R-3 Continuous (must be at least R-3)	3	6	9	12
R-5 Continuous	4	8	12	15
R-13 or Uninsulated Basement Wall	5	10	15	20
R-19 or Better	5	11	16	21
Shared Wall or Insulated Basement Wall	6	13	19	26

17 **WINDOWS/FENESTRATIONS**

<i>TYPE BASE</i>	<i>FINAL</i>			
	<i>25%</i>	<i>50%</i>	<i>75%</i>	<i>100%</i>
Single Metal (1.2 U-Value)	0	0	0	0
Single Non-Metal ¹ (.95 U-Value)	0	1	1	2
Double Metal (.8 U-Value)	1	2	3	4
Double Non-Metal ¹ (.55 U-Value)	2	3	5	6

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0.35 U-Value ¹	3	7	10	13
0.30 U-Value	3	7	10	14
0.25 U-Value or Better	4	7	11	14

¹ Historically designated properties and properties older than 50 years with wooden window frames that rehabilitate and install storm panels will receive credit at the 0.35 U-Value level.

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<i>TYPE BASE</i>	<i>FINAL</i>			
	<i>25%</i>	<i>50%</i>	<i>75%</i>	<i>100%</i>
No Insulation	0	0	0	0
R-19	6	12	18	24
R-30	6	13	19	26
R-38 or Better	7	13	20	26
Shared Ceilings	7	14	20	27

INFILTRATION

<i>nACH BASE</i>	<i>FINAL POINTS</i>
1.20 nACH or Less	2
0.75 nACH	4
0.50 nACH	6
0.35 nACH or Less (ventilate per ASHRAE 62.2)	7

SLAB ON GRADE

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<i>TYPE</i>	<i>25%</i>	<i>50%</i>	<i>75%</i>	<i>100%</i>
Slab Edge: R-0	2	3	5	6
Slab Edge: R-5	2	4	5	7
Slab Edge: R-10 or Better	2	4	6	8
Slab Edge R-10 plus Under Slab: R-10 or Better	3	6	8	11
<i>BELOW GRADE SLAB (Basement Slab)</i>				
Basement Slab	2	4	6	8
<i>FOUNDATION WALLS (Crawlspace)</i>				
R-0	0	0	0	0
R-2	2	3	5	6
R-11	2	4	6	8
R-19 or Better	2	5	7	9
<i>FLOOR (Only Available if No Ducts or HVAC Equipment are Located in Uninsulated Crawlspace Below Floor)</i>				
Floor Over Crawl: R-0	0	0	0	0
Floor Over Crawl: R-13	3	5	8	11
Floor Over Crawl: R-25	3	6	9	12
Floor Over Crawl: R-38 or Better	4	7	11	14
Shared Floor	4	8	11	15

SLAB/FOUNDATION Base: Final:
DUCT LEAKAGE

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<i>CFM per 100 SF BASE</i>	<i>FINAL POINTS</i>
80 cfm @ 25 Pa	0
60 cfm @ 25 Pa	4
40 cfm @ 25 Pa	9
20 cfm @ 25 Pa	14
10 cfm @ 25 Pa or Less or no ducts (radiant)	17

DUCTS/RADIANT

<i>LOCATION/INSULATION BASE</i>	<i>FINAL</i>				
	<i>25%</i>	<i>50%</i>	<i>75%</i>	<i>100%</i>	
Uninsulated Ducts (In Unconditioned Space)	0	0	0	0	
Ducts Insulated to at Least R-4 (In Unconditioned Space)	1	3	4	6	
Radiant Heat or Ducts Entirely Within Conditioned Space	2	3	5	7	

HEATING

<i>SPECIFICATION BASE</i>	<i>FINAL POINTS</i>
Electric, Oil or ASHP	0
Gas 65 AFUE or worse	0
Gas 80 AFUE	13
Gas 90 AFUE	17
Gas 96 AFUE	19
GSHP (COP 3.3)	29
GSHP (COP 4.1)	38

1	GSHP (COP 4.8)	43
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2
3
4 **COOLING**

5	<i>SPECIFICATION BASE</i>	<i>FINAL POINTS</i>
6	10 SEER or worse	0
7	13 SEER	4
8	15 SEER/Evaporative Cooler/no A/C	6
9	17 SEER	7
10	19 SEER/Indirect Evaporative Cooler	8
11	GSHP (>EER 13.5)	4

12
13 **FANS**

14	<i>SPECIFICATION BASE</i>	<i>FINAL POINTS</i>
15	Whole House Fan (In Addition to Cooling Points)	2

16
17 **LIGHTING**

18	<i>HIGH-EFFICIENCY LIGHTING POINTS (solar tubes/light tunnels counted as light fixtures)</i>	<i>FINAL POINTS</i>
19	0%	0
20	25%	2
21	50%	4
22	75%	6
23	100%	7

24
25 **HOT WATER**

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<i>SPECIFICATION BASE</i>	<i>FINAL POINTS</i>
Electric, Oil, or Heat Pump	0
Gas 56 EF	0
Gas 60 EF	1
Gas 64 EF	2
Gas Tankless 82 EF or Better	6
Gas Boiler Side Arm (65 AFUE Boiler)	0
Gas Boiler Side Arm (80 AFUE Boiler)	3
Gas Boiler Side Arm (95 AFUE Boiler)	5

REFRIGERATION

<i>SPECIFICATION BASE</i>	<i>FINAL POINTS</i>
750 kWh	0
650 kWh	2
450 kWh	3
350 kWh or Better	4

SOLAR THERMAL

<i>SPECIFICATION BASE</i>	<i>FINAL POINTS</i>
Points per 20 sq. ft. of collector surface area	8

PV (includes power purchase agreements and solar leases) or verified subscription in a Community Solar Garden.²

<i>kW BASE</i>	<i>FINAL POINTS</i>
Points per kW	44

²Must earn 70 prescriptive pathway points in other categories to be eligible to earn PV Points.

OCCUPANT

<i>MEASURE BASE</i>	<i>FINAL POINTS</i>
Sub-Metering: Real Time Energy Monitoring Device	1
Programmable Thermostat	1
Provide Operation/Training Manual	1
Tenant Attends Energy Conservation Class	1

OTHER

<i>MEASURE BASE</i>	<i>FINAL POINTS</i>
Heat Pump Desuperheater	1
Electrically Commutated Motor ("ECM")	3
Passive Solar Design	Discretionary - approved by City of Boulder
Innovative Practice	Discretionary - approved by City of Boulder

MANDATORY WATER CONSERVATION

Must Earn Two Points Regardless of Whether Performance or Prescriptive SmartRegs Pathway is Chosen.

<i>WATER CONSERVATION MEASURE³</i>	<i>POINTS PER FIXTURE</i>
Low flow showerhead ⁵	1
Low flow lavatory faucets ⁴	1
Self-closing faucet valves	1
High-efficiency or dual-flush toilet ⁶	2

ENERGY STAR washing machine	2
ENERGY STAR dishwasher	2

³ Points earned in this category do not count towards prescriptive ~~100-point~~100-point requirement.

⁴ The average flow rate for all bathroom faucets must be less than or equal to 1.5 gallons per minute (gpm).

⁵ The average flow rate for all shower heads must be less than or equal to 2.0 gpm.

⁶ The average flow rate for all toilets, including dual-flush toilets, must be less than or equal to 1.28 gpf (gallons per flush). A common dual-flush toilet has a 1.6 gpf and a 0.8 gpf. This makes an average of 1.2, which would qualify.

Definitions of acronyms:

R-value: A measure of thermal resistance used to describe insulation. The bigger the number, the better the insulation's effectiveness.

U-value: The overall heat transfer coefficient, describes how well a building element conducts heat. U-value is the inverse of R-value. The lower the U-value, the better.

nACH: Natural air changes per hour.

HVAC: Heating, Ventilating and Air Conditioning.

cfm: Cubic feet per minute.

Pa: Pascal; a measure of force per unit area.

ASHp: Air source heat pump.

AFUE: Annual fuel utilization efficiency; the most widely used measure of a furnace's heating efficiency.

GSHP: Ground source heat pump.

COP: Coefficient of performance of a heat pump is the ratio of the change in heat at the "output" (the heat reservoir of interest) to the supplied work.

SEER: Seasonal energy efficiency ratio; used to measure the efficiency of air conditioners.

EF: Energy factor is the ratio of useful energy output from the water heater to the total amount of energy delivered to the water heater. The higher the EF is, the more efficient the water heater.

kWh: Kilowatt hour; a unit of energy equal to ~~1,000-watt~~1,000-watt hours.

kW: Kilowatt.

C101.3 Administration and enforcement. Administration and enforcement of these measures shall be as detailed in Part 2 of this code.

Section 4. Section 10-5-1, "Legislative Intent," B.R.C. 1981, is amended to read as

follows:

1 **10-5-1. Legislative Intent.**

2 The purpose of this chapter is to protect the public health and safety by regulating the
3 construction, alteration, repair, wrecking, and moving of structures in the city. The city council
4 hereby adopts the 2024~~18~~ edition of the *International Building Code* with certain amendments
5 and deletions thereto found to be in the best interests of the residents of the city.

6 Section 5. Section 10-5-2, "Adoption of International Building Code With
7 Modifications," B.R.C. 1981, is amended to read as follows:

8 **10-5-2. Adoption of International Building Code With Modifications.**

9 (a) The 2018~~2024~~ edition of the *International Building Code* of the International Code
10 Council is hereby adopted by reference as the City of Boulder Building Code and has the
11 same force and effect as though fully set forth in this chapter, except as specifically
12 amended by the provisions of this chapter.

13 (b) The appendix chapters E "SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS",
14 I, "PATIO COVERS," J, "GRADING," and K, "ADMINISTRATIVE PROVISIONS,"
15 and sections contained therein are adopted.

16 (c) Section 101.1, "Title," is repealed and reenacted to read:

17 **101.1 Title.** These regulations shall be known as the Building Code of the City of
18 Boulder or building code, hereinafter referred to as "this code." Where other codes are
19 referenced in this code, those code provisions shall not apply unless otherwise adopted by
20 the City of Boulder. Where reference is made anywhere in this code to the "Department"
21 or "Department of Building Safety," it shall have the same meaning as the "Division of
22 Building Safety." Where reference is made anywhere in this code to the "International
23 Energy Conservation Code," it shall have the same meaning as the "City of Boulder
24 Energy Conservation Code."

25 (d) Section 101.4, "Referenced codes," is repealed and reenacted to read:

Chapter 1, "Administration," in this code shall also apply and serve as Chapter 1,
"Administration," in the following codes: Chapter 10-2, "International Property
Maintenance Code"; Chapter 10-5.5, "International Residential Code"; Chapter 10-5.6,
"International Existing Building Code"; Chapter 10-7, "City of Boulder Energy
Conservation Code"; Chapter 10-8.5, "International Wildland-Urban Interface Code";
Chapter 10-9, "International Mechanical Code"; Chapter 10-9.5, "International Fuel Gas
Code"; Chapter 10-10, "International Plumbing Code," B.R.C. 1981. Where
administrative provisions are expressly adopted, or adopted in an altered form, for use in
those chapters, they shall supersede any conflicting provisions of the administrative
provisions of this chapter.

1 The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in
2 this code shall be considered as part of the requirements of this code as applicable.

3 (e) Section 102.6, "Existing structures," is amended by addition of the following:

4 Existing structures and their systems, equipment, devices, installations, and safeguards
5 shall be maintained in proper operating conditions in accordance with the original design
6 and in a safe and sanitary condition. Structures, their systems, equipment, devices,
7 installations, and safeguards required by this code shall be maintained in compliance with
8 the code in effect when they were installed. The owner or the owner's designated agent
shall be responsible for the maintenance of the structures, their systems, equipment,
9 devices, installations, and safeguards. To determine compliance with this provision, the
10 city manager shall have authority to require a structure, equipment, system, device,
11 installations, or safeguards to be reinspected.

12 (f) Section 103, "~~Department of Building Safety~~Code Compliance Agency," is repealed and
13 reenacted to read:

14 **103 Division of Building Safety Code Compliance Agency.**

15 ~~Division of Building Safety Code Compliance Agency~~ means the administrative unit
16 established by the city manager or the manager's delegates, and the personnel assigned to
17 the unit by the manager.

18 (g) Section 104.8, "Liability," is repealed and reenacted to read:

19 **104.8 Liability.**

20 No employee of the cCity who enforces, attempts to enforce, or is authorized to enforce
21 this code renders him or herself or the City liable to third parties for any damage or injury
22 to the person or property of such third parties as a result of the enforcement or
23 nonenforcement of this code. The cCity assumes no duty of care by virtue of the adoption
24 of this code. No person is justified in relying upon the approval of a plan, the results of an
25 inspection, or the issuance of a certificate of inspection or occupancy, and such
approvals, inspections, and certificates are not a guarantee that the plan or work so
approved, inspected, or certificated in fact complies with all the requirements of this
code. It is the duty of the person owning, controlling, or constructing any building or
structure to ensure that the work is done in accordance with the requirements of this code,
and it is such persons and not the cCity who are responsible for damages caused by
negligent breach of such duty.

26 (h) ~~Subsection 104.10.1, "Flood hazard areas," is repealed.~~

27 (h) A new Section 104.12 is added to read:

28 **104.12 - Compliance with Federal and State Legislation.**

The building official may modify for individual cases the provisions of this code to allow a design, installation, or construction not in compliance with the provisions of this code, if otherwise the provisions of this code would result in a violation of federal or state legislation, including but not limited to the Federal Fair Housing Act or the Americans with Disabilities Act, and the modification would be the minimum modification that provides relief.

...
(j) Section 105.2, "Work exempt from permit," is repealed and reenacted to read:

105.2 Work exempt from permit. Exemptions from the building permit requirements of this code do not grant authorization for any work to be done in violation of the requirements of this code or any other laws or ordinances of the cCity. Building permits shall not be required for the following:

General:

1. One-story detached nonconditioned buildings accessory to a residential structure and not more than ~~12080~~ square feet in area or ten feet in height and not being served by any electrical, mechanical, or plumbing fixtures or systems.
2. Fences not over 7 feet (2,134 mm) high.
3. Retaining walls which are not over 3 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A flammable liquids.
4. Sidewalks and driveways not more than thirty inches above grade and not over any basement or story below and which are not part of an accessible route.
5. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
6. Temporary motion picture, television, and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy which are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
9. Swings and other playground equipment on private property or in a Common Interest Community as that is defined in C.R.S. Section 38-33.3-101, et seq. The equipment shall be in compliance with the consumer product safety commission guidance. ~~Swings and other playground equipment accessory to detached one- and two-family dwellings.~~
10. Window awnings in Group R and Group U occupancies supported entirely by an exterior wall and which do not project more than 54 inches from the exterior wall.

11. Moveable cases, counters and partitions not over 5 feet 9 inches in height.
12. Decks accessory to single-family homes or townhomes, not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4 of the IRC.
- ~~12. Replacement of windows in low-rise residential buildings that are three stories or less in height. Decks are~~
- ~~13. Replacement of exterior siding on low-rise residential buildings that are three stories or less in height.~~
- ~~14. Building energy efficiency components that (a) are required as part of a city energy efficiency program; (b) do not include any electrical, heating, ventilation, and air conditioning equipment, solar photovoltaic and solar hot water heating systems; and (c) are inspected by a HERS rater (a Home Energy Rating System rater certified through Residential Energy Services Network) or a city licensed energy inspector as defined in Chapter 4-4, "Building Contractor License," B.R.C. 1981.~~

Electrical:

Minor repair and maintenance work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles, radio and television transmitting stations, temporary testing systems for the testing or servicing of electrical systems or apparatus and those items in Article 90.2 (B) of the electrical code.

Gas:

1. Portable heating appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance, portable cooling unit, portable evaporative cooler, or portable ventilation equipment.
2. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
3. Replacement of any part which does not alter an approval or listing or make any appliance or equipment unsafe.
4. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste, or vent

pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

- 2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the replacement of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves or pipes.

(k) A paragraph is added to Section 105.3.1, "Action on application," to read:

No building permit shall be issued until approved by every department of the city or Boulder County that has applicable regulations, including, without limitation, the following departments: building, flood control, utilities, wastewater, health, fire, engineering, zoning, planning, parks, and city clerk.

(l) Section 105.3.2, "Time limitation of application," is repealed and reenacted to read:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good ~~faith~~faith, or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing before the expiration date and justifiable cause demonstrated.

(m) Section 105.5, "Expiration," is repealed and reenacted to read:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty days after the time the work is commenced. The building official is authorized to grant in writing one or more extensions of time for periods not more than one hundred eighty days each. The extension shall be requested in writing and justifiable cause demonstrated. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed and approved for occupancy within three years from the date the permit was issued. The permit fee for renewals may be prorated based on the amount of work completed and approved under the previous permit.

(n) Section 107.1, "General," is repealed and reenacted to read:

107.1 General. An applicant for a building permit shall submit, in digital format, submit a minimum of two sets of plans and specifications with each application when required by the building official for enforcement of any provisions of this code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional for any work.

1 (1) A professional engineer or architect registered in the State of Colorado shall
2 prepare the plans and specifications for and observe the construction of all
3 buildings except for the following:

- 4 (a) Detached dwellings intended solely for private use, occupancy, or resale,
including accessory buildings commonly associated with the same;
- 5 (b) Farm buildings and buildings for the marketing, storage, or processing of
6 farm products;
- 7 (c) Minor additions, alterations, or repairs to the foregoing buildings that do
not cause the completed buildings to exceed the applicable limitations
8 herein set forth; or
- (d) Nonstructural alterations of any nature to any building if such alterations
do not affect the safety of the building.

9 (2) Drawings and specifications for footings and foundations shall bear the seal and
10 signature of a professional engineer registered in Colorado or an architect licensed
11 in Colorado and be designed as specified in Chapter 18 of the building code for
all occupancies.

12 Exceptions:

- 13 (a) Detached structures not intended for human occupancy;
- 14 (b) Additions to existing detached dwellings not exceeding 200450
square feet where the existing foundation is found to be performing
15 adequately without evidence of excessive settling or heaving.

16 (o) Section 107.3.2, "Previous approvals," is amended to read:

17 **107.3.2 Previous approvals.** This code shall not require changes in the construction
18 documents, construction or designated occupancy of a structure for which a lawful permit
19 has heretofore been issued or otherwise lawfully authorized, and the constraints of which
20 have been pursued in good faith within one hundred eighty days after the effective date of
this code and has not been abandoned. No person shall fail to comply with all of the
conditions of such a building permit and the provisions of the building code under which
such building permit has been issued.

21 (p) Section 109.3, "Building permit valuations," is repealed and reenacted to read:

22 **109.3 Building permit valuation.** The valuation for buildings shall be as set forth in
Subsections 4-20-4(d) and (e), B.R.C. 1981.

23 (q) Section 113, "Means Board of Appeals," is repealed and reenacted to read:

24 **113 Appeals and advisory opinions.**
25

- 1 (a) Any appeal under this section shall be heard by the Board of Building Appeals
2 established under Section 2-3-4, "Board of Building Appeals," B.R.C. 1981,
3 unless the city manager determines, due to the nature of the issues in a particular
4 appeal, to appoint a hearing officer under Section 1-3-5, "Hearings and
5 Determinations," B.R.C. 1981.
- 6 (b) A person refused a building permit or refused approval of work done under a
7 permit on the grounds that the proposed or completed construction fails to comply
8 with this code or any other city building code other than the fire code may appeal
9 the decision on the ground that:
- 10 (1) The denial was based on an error in fact or an erroneous interpretation of
11 such code by the Building Official ~~city manager~~;
- 12 (2) The Building Official ~~manager~~ has erroneously failed to approve an
13 alternate material or method pursuant to Section 104.2.344 prior to its
14 installation or use. In determining such an appeal, the board or hearing
15 officer shall apply the standards of Section 104.2.344, but the board or
16 hearing officer shall have no jurisdiction to consider if a material or
17 method expressly prohibited by this code is an acceptable alternative;
- 18 (3) The Building Official ~~manager~~ has erroneously failed to grant a
19 modification pursuant to Section 104.2.440 prior to its installation. In
20 determining such an appeal, the board or hearing officer shall apply the
21 standards of Section 104.2.440; or
- 22 (4) The Building Official ~~manager~~ has erroneously failed to approve an
23 alternative design pursuant to Section K105 prior to its installation or use.
24 In determining such an appeal, the board or hearing officer shall apply the
25 standards of Section K105, but the board or hearing officer shall have no
jurisdiction to consider if a design expressly prohibited by this code is an
acceptable alternative.
- (5) The Building Official ~~manager~~ has the burden of proof under paragraph
(1). The appellant has the burden of proof on appeals brought pursuant to
paragraphs (2), (3), and (4). The board or hearing officer shall determine
the appeal and decide whether the Building Official's ~~manager's~~
interpretation or application of such code was correct or in error at a
hearing under the procedures described by Chapter 1-3, "Quasi-Judicial
Hearings," B.R.C. 1981.
- (c) Any person whose building permit or certificate of occupancy or certificate of
completion has been suspended or revoked may appeal such action by the
Building Official ~~city manager~~ on the ~~ground~~ grounds that the suspension or
revocation was based on an error in fact or an erroneous application of this code
to the facts. The manager has the burden of proving the facts upon which the
Building Official ~~manager~~ relies at such a hearing.

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- (d) An application for appeal must be filed in writing with the Building Official ~~city manager~~ within fourteen days after the date of refusal of the building permit or approval of work performed under the permit or revocation or suspension of the building permit or certificate of occupancy or certificate of completion stating the basis for appeal.
- (e) An applicant for an appeal shall pay the fee prescribed by Section 4-20-47, "Zoning Adjustment and Building Appeals Filing Fees," B.R.C. 1981. The fee for an appeal heard by a hearing officer shall be the same as the fee for an appeal heard by the Board of Building Appeals.
- (f) The Building Official ~~city manager~~ may apply to the Board of Building Appeals, without fee, for an advisory opinion concerning alternative methods, applicability of specific requirements, approval of equipment and materials, and granting of special permission as contemplated in Section 104.2.3 or 104.2.4 ~~10 or 104.11~~ of the Building Code.
- (g) The board or hearing officer has no authority to interpret Chapter 1 (the administrative requirements) of this code except as expressly provided in this section, nor, because this code sets minimum standards, to waive any requirement of this code.

(r) Section 114, "Violations," is repealed and reenacted to read:

114 Violations.

(a) General Provisions.

- (1) No person shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof. No person shall fail to comply with any order issued by the code official under this code. No person shall erect, construct, enlarge, alter, extend, repair, move, remove, improve, convert, demolish, equip, use, occupy, or maintain any building or structure in the city or cause or permit the same to be done except in conformity with all of the provisions of this code and in conformity with the terms and conditions of any permit, certificate, or other approval issued under this code, or of any directive of the building official.
- (2) In accordance with the provisions of Section 5-2-11, "Prosecution of Multiple Counts for Same Act," B.R.C. 1981, each day during which illegal construction, alteration, maintenance, occupancy, or use continues constitutes a separate offense remediable through the enforcement provisions of this code.

- 1 (3) The owner, tenant, and occupant of a structure or land, and the agents of
2 each of them, are jointly and severally liable for any violation of this code
with respect to such structure or land.
- 3 (4) The remedies for any violation of any provision of this code or of any
4 permit, certificate, or other approval issued under this code or other City
5 of Boulder code, or of any directive of the code official, may be pursued
6 singly or in combination.
- 7 (5) If any person fails or refuses to pay when due any charge imposed under
8 this section, the city manager may, in addition to taking other collection
9 remedies, certify due and unpaid charges to the Boulder County Treasurer
for collection as provided by Section 2-2-12, "City Manager May Certify
10 Taxes, Charges, and Assessments to County Treasurer for Collection,"
11 B.R.C. 1981.

12 (b) Administrative Procedures and Remedies.

- 13 (1) If the city manager finds that a violation of any provision of this code or
14 any approval granted under this code exists, the manager, after notice and
15 an opportunity for hearing under the procedures prescribed by Chapter 1-
16 3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of
17 the following actions to remedy the violation:
 - 18 (A) Impose a civil penalty according to the following schedule:
 - 19 (i) For the first violation of the provision or approval, \$100;
 - 20 (ii) For the second violation of the same provision or approval,
21 \$300; and;
 - 22 (iii) For the third violation of the same provision or approval,
23 \$1,000;
 - 24 (B) For a violation concerning the use of a residential building under a
rental license, revoke such license;
 - 25 (C) Require the filing of a declaration of use as provided in subsection
(e) of this section; or
 - (D) Issue an order reasonably calculated to ensure compliance with the
provisions of this code or any approval granted under this code.
- (2) Prior to the hearing, the manager may issue an order that no person shall
perform any work on any structure or land, except to correct any violation
found by the manager to exist with respect to such structure or land.
- (3) If notice is given to the manager at least forty-eight hours before the time
and date set forth in the notice of hearing on any violation that the

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violation has been corrected, the manager will reinspect the structure or land. If the manager finds that the violation has been corrected, the manager may cancel the hearing.

(4) No person shall fail to comply with any action taken by the manager under this section.

(c) Criminal Penalties. Violations of this code are punishable as provided in Section 5-2-4, "General Penalties," B.R.C. 1981.

(d) Other Remedies. The city attorney may maintain an action for damages, declaratory relief, specific performance, injunction, or any other appropriate relief in the District Court in and for the County of Boulder for any violation of any provision of this code or any approval granted under this code.

(e) Declaration of Use. If the city manager determines that a person is using a structure in a way that might mislead a reasonable person to believe that such use is a use by right or otherwise authorized by this title, the manager may require such person to sign under oath a declaration of use that defines the limited nature of the use and to record such declaration in the officer of the Boulder County Clerk and Recorder against the title to the land. In addition to all other remedies and actions that the manager is authorized to use under the Boulder Revised Code or other applicable federal, state, or local laws to enforce the provisions of this code, the manager is authorized to withhold any approval affecting such structure or land, including, without limitation, a building permit, use review, site review, subdivision, floodplain development permit, or wetland permit until such time as the person submits a declaration of use that is in a form acceptable to the manager.

...

(s) Section 116.1, "Unsafe Conditions," is repealed and reenacted to read:

116.1 Unsafe Conditions. Premises, structures, or existing equipment that are or hereafter become unsafe, insanitary, or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe premises shall be made safe and unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

(t) Section 116.3, "Notice," is repealed and reenacted to read:

116.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent, or person in control of the structure or premises, a written notice that

describes the condition deemed unsafe and specifies the required repairs, improvements, or modifications to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

(u) The last two sentences of Section 116.4, "Method of service," are amended to read as follows:

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on the premises or in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the premises or structure shall constitute service of notice upon the owner.

(v) Section 116.5, "Restoration or abatement," is amended by adding the following sentence:

The abatement of an unsafe condition of premises shall comply with the requirements of this code.

~~(w) The definition of "Building official" in Section 202 is repealed and reenacted to read: BUILDING OFFICIAL is the city manager.~~

~~(wx)~~ Section 202, "Definitions," is amended by the addition of the following new definitions:

~~MULTIPLE FIXTURE~~ ALL GENDER TOILET FACILITY. A toilet facility consisting of multiple water closet compartments and associated lavatories which serve all genders.

PERMIT ISSUANCE is the date that the approved building permit is paid for and received back from the Building Official ~~city manager~~ by the applicant or a representative of the applicant.

~~(xy)~~ A new Subsection 96 is added to Section 708.1, "General," to read:

96. Walls separating marijuana growing, processing, and dispensing occupancies from adjacent occupancies.

~~(yz)~~ A paragraph is added to Section (F) 903.2, "Where required," to read:

The maximum fire area without an automatic sprinkler system shall be determined by Section 903.2 of the fire code.

~~(aa) Section 907.2.10, "Single and multiple station smoke alarms," is amended by the addition of the following subsections:~~

~~**907.2.10.8 Alterations, repairs, and enlargements.** (1) When buildings or structures, or portions of buildings or structures, classified as Group R₃ are altered, repaired, or~~

enlarged and the work requires a building permit, or (2) when one or more sleeping rooms are added or created, smoke alarms shall be installed for each dwelling or sleeping unit affected by such work in accordance with Section 907.2.10, except as provided otherwise in this section or its subsections.

Exceptions:

- 1. ~~Work involving solely the exterior surfaces of the building or structure, such as replacement of roofing or siding or the addition of a porch or deck.~~
- 2. ~~Installation, alterations, and repairs of plumbing or mechanical systems.~~

~~**907.2.10.8.1 Exception to interconnection.** Section 907.2.10.5 applies except that interconnection of smoke alarms in existing areas shall not be required where alterations and repairs do not include removal of interior wall and ceiling finishes exposing the structure unless an attic, crawlspace, or basement is available to provide access for interconnection without removal of interior finishes.~~

~~**907.2.10.8.2 Exception to power source.** Section 907.2.10.6 applies except that (1) smoke alarms may be battery operated when installed in a building without commercial power and (2) hard-wired smoke alarms shall not be required in existing areas where alterations or repairs do not result in the removal of interior wall and ceiling finishes exposing the structure unless an attic, crawlspace, or basement is available to provide access for hard wiring without removal of interior finishes.~~

~~(bb) Section 1109.2.2, "Water closet compartment," is repealed and reenacted to read:~~

~~**1109.2.2 Water closet compartment.** Where water closet compartments are provided in a toilet room or bathing room, at least one wheelchair-accessible compartment shall be provided. Where the combined total water closet compartments and urinals provided in a toilet room or bathing room is eleven or more, at least one ambulatory-accessible water closet compartment shall be provided in addition to the wheelchair-accessible compartment.~~

~~(cc) Section 1404.3, "Vapor retarders," is amended by adding two exceptions:~~

- 4. ~~Commercial and multiple residence buildings complying with the 20240 City of Boulder Energy Conservation Code Section C402.5, Air leakage (mandatory).~~
- 5. ~~Residential buildings complying with the 20240 City of Boulder Energy Conservation Code Section R402.4, Air leakage (mandatory).~~

~~(zdd) Section 1505.1, "General," is repealed and reenacted to read:~~

~~**1505.1 General.** All roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM Standard E 108 or UL Standard 790. Class A roofs and the exceptions noted in Section 1505.3 for class B roofs as described in this Chapter 15 are the only roof assemblies and roof coverings allowed to be installed on~~

any new or existing building within the City of Boulder. Wood shakes, wood shingles, and wood roof covering materials are prohibited except as provided in Section 10-5-5, "Wood Roof Covering Materials Prohibited," B.R.C. 1981, for certain minimal repairs.

(~~aaee~~) Section 1608.2, "Ground snow loads," is repealed and reenacted to read:

Ground snow loads shall be 40 pounds per square foot, $P_g = 40 \text{ lb/ft}^2$

(~~bbff~~) Section 1609.3, "Basic design wind speed," is amended by adding the following sentence:

The basic design wind speed, V, in mph, for the determination of wind loads shall be determined by Table 1609.3. based on the wind zone and building risk category.

TABLE 1609.3.^a
BASIC DESIGN WIND SPEED

Basic Design Wind Speed (V) in MPH according to Wind Zone and Building Risk Category			
Wind Zone	Risk Category I	Risk Category II	Risk Category III and IV
East of Broadway	140	150	160
West of Broadway	155	165	175

^a These standards were developed by Jon A. Peterka in the Colorado Front Range Gust Map—ASCE 7-16 Compatible dated November 18, 2013.

(~~ccgg~~) Sections 1612.2, 1612.3 and 1612.4 are repealed.

(~~ddhh~~) Section 1705, "Required Special Inspections and Tests," is amended by adding the following subsection:

1705.19 Special inspection for medical gas systems. Medical gas systems shall be tested as detailed in Chapter 12, "Special Piping and Storage Systems," of the City of Boulder Plumbing Code.

(~~eeii~~) A new exception 75 is added to Section 2902.2, **Separate Facilities**:

75. Separate facilities are not required when multiple fixture all gender facilities are provided. Multiple fixture all gender facilities are not required; they are an alternative to be determined by the property owner or the owners' agent.

(~~jj~~) ~~2902.4 "Signage" is repealed and reenacted to read:~~

~~2902.4 Signage. Required public facilities shall be provided with signs that designate which genders the facility accommodates as required by section 2902.2. Signs shall be readily visible and located near the entrance to each toilet facility. Signs for accessible toilet facilities shall comply with Section 1111.~~

~~Exception: Toilet facilities with only one water closet shall not be identified for exclusive use by any gender and shall be deemed to meet the requirements of this section. Signage shall be provided in accordance with Section 2902.4.2.~~

~~2902.4.1 Directional signage. Directional signage indicating the route to the required public toilet facilities shall be posted in a lobby, corridor, aisle or similar space, such that the sign can be readily seen from the main entrance to the building or tenant space.~~

~~2902.4.2 All gender signage. Single-user toilet facilities provided in accordance with Section 2902.1.2, and family or assisted-use toilet facilities provided in accordance with Section 2902.2.1, shall be provided with signs which clearly indicate the facilities are available for use by all genders.~~

~~2902.4.2.1 Existing facilities. After December 31, 2024, all existing single-user toilet facilities and family or assisted-use toilet facilities, shall be provided with signage in accordance with Section 2902.4.2.~~

(ffkk) Section J103, "Permits required," of Appendix J, "GRADING," is amended by adding the following subsections:

J103.3 Compliance with code and permit requirements. No person shall fail to perform and no property owner shall fail to perform or fail to cause the performance of all grading in compliance with this code, the Boulder Revised Code, and the conditions of the grading permit.

J103.4 No adverse effects. No person shall perform and no property owner shall perform or fail to prevent any grading that adversely affects the property of another without first obtaining the consent of the owner of such property.

J103.5 Unsafe premises. No person shall perform and no property owner shall perform or fail to prevent grading that results in any premises that are unsafe. For purposes of this Appendix J, premises are considered unsafe if they are found to be dangerous to life, health, property, or the safety of the public.

J103.6 Abatement of unsafe premises. If the city manager determines that grading is not performed in accordance with the law and resulted in unsafe premises, the city may notify the owner of the unsafe premises, agent, or other person in control of the premises in accordance with Section 116.3 of this code. If the person so notified fails to abate the unsafe condition as required by the notice, the manager may enter the property, pursuant to an administrative warrant issued by the municipal court, and court and abate the unsafe

1 condition. The manager may collect the full cost of the abatement and any expense to the
2 city related to the abatement against the property owner, agent, or other person in control
3 of the premises, and against the financial guarantee provided under Subsection J103.7.
4 The permit holder, property owner, and guarantor shall be jointly and severally liable for
5 such costs and expenses. If the property owner fails or refuses to pay when due any
6 charge imposed under this subsection, the manager may certify due and unpaid charges,
7 including interest, to the Boulder County Treasurer for collection, as provided in Section
8 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County
9 Treasurer for Collection," B.R.C. 1981.

6 **J103.7 Financial guarantee.** Prior to the issuance of a permit under this Appendix J,
7 "GRADING," for any work on steep slope lots with a 15 percent or greater slope and on
8 any projects with a cut, fill, or excavation of ten feet or more, or cut, fill, or excavation
9 less than two feet from the property line, the permittee or property owner shall provide a
10 financial security in the form of a performance bond or other form of guarantee approved
11 by the city manager that will satisfy the objectives of this subsection, for the benefit of
12 the city to secure the abatement of an unsafe condition of any premises that may result
13 from grading work. The performance bond or other financial guarantee shall be provided
14 for a period of two years following the expiration of the ~~permit, and permit and~~ shall be
15 for \$10,000 for construction costs less than \$10,000 and for the value of the project
16 permit for construction costs greater than \$10,000. At the time of permit application, the
17 permittee shall submit documentation of the project costs, subject to review and approval
18 by the manager. A bond shall be issued by a company licensed to do business in
19 Colorado and shall be in a form acceptable to the city attorney. The manager shall review
20 the performance bond or other financial guarantee annually to assure that it meets the
21 term requirements and the full current cost of the completion of the work that is
22 guaranteed and may require the permittee to augment the performance bond or other
23 financial guarantee amount to meet such costs.

16 (ggH) A new Chapter 36 is added to read:

17 **CHAPTER 36. COMMERCIAL CONSTRUCTION WASTE RECYCLING.**

18 **3601.1 Commercial construction recycling requirement.** An applicant for a building
19 permit to construct a new building shall demonstrate all recyclable wood, metal and
20 cardboard materials were donated, reused or recycled.

21 **3601.1.1 Reporting.** Within sixty days following the completion of the project
22 and prior to final inspection, the applicant shall submit documentation to the city
23 manager which proves that all recyclable wood, metal and cardboard was
24 donated, reused, or recycled. The documentation shall consist of a final completed
25 waste diversion report in a form as prescribed by the city manager showing the
tonnage of materials salvaged for recycling and reuse, supported by original
weight receipts or other waste documentation that reasonably verifies that
materials generated from the site have been accepted for recycling, reuse, salvage
or otherwise diverted. For construction debris for which weighing is not practical

1 due to size, lack of scales at the facility, or other considerations, a volumetric
2 measurement shall be used. For conversion of volumetric measurements to
3 weight, the applicant shall use the standardized conversion rates established by
4 the city manager.

5 **3601.2 Commercial deconstruction waste recycling.** An applicant for a full demolition
6 shall adhere to the requirements of Sections 3601.2.1 through 3601.2.5.

7 **3601.2.1 Diversion requirements.** The applicant shall divert from landfills at
8 least seventy-five percent of the waste tonnage of demolition debris generated
9 from the project by using recycling, reuse, and diversion programs. The city
10 manager may modify this requirement if the applicant demonstrates it is
11 unfeasible as set forth in Section 3601.2.2. The materials diverted must also
12 include at least three of the material types set forth in the deconstruction plan
13 form established by the city manager.

14 **3601.2.2 Information required before issuance of demolition permit.** The
15 applicant shall submit a properly completed deconstruction plan in a form as
16 established by the city manager. The applicant must propose to divert at least
17 three of the material types identified by the city manager in the deconstruction
18 plan form. No building permit or demolition permit shall be issued prior to the
19 approval of the deconstruction plan by the city manager. In estimating the volume
20 or weight of materials identified in the deconstruction plan, the applicant shall use
21 the standardized conversion rates established by the city manager. The city
22 manager may modify the required diversion percentage if the applicant
23 demonstrates in the deconstruction plan that the percentage is not feasible because
24 the maximum weight of materials that can be reused or recycled is less than the
25 required diversion rate, or due to the presence of materials that are unable to be
diverted due to special waste conditions such as environmental hazards.

17 **3601.2.3 Administrative fee and deposit required.** Prior to issuance of a permit for a
18 full demolition or level 4 alteration as defined in the *2024~~0~~ City of Boulder Energy
19 Conservation Code*, the applicant shall post a cash deposit and pay the administrative fee
20 described in Section 4-20-72, B.R.C. 1981. The cash deposit shall be one dollar per
square foot of the demolition or work area of the alteration as identified in the permit
application, or \$1,500, whichever is greater.

21 **3601.2.4 Reporting.** Within sixty days following the completion of the demolition, the
22 applicant shall submit documentation to the city which proves compliance with the
23 requirements of Sections 3601.2.1 and 3601.2.2. The documentation shall consist of a
24 final completed waste diversion report in a form established by the city manager showing
25 the tonnage of materials salvaged for recycling and reuse, supported by original weight
receipts or other waste documentation that reasonably verifies that materials generated
from the site have been accepted for recycling, reuse, salvage or otherwise diverted at the
required diversion percentage. The documentation shall further demonstrate that the
diverted materials include at least three material types. For demolition debris for which

weighing is not practical due to size, lack of scales at facility, or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates established by the city manager.

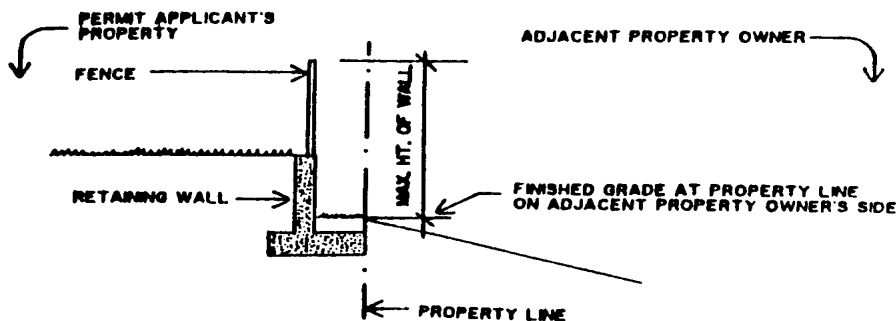
3601.2.5 Deposit refunded or forfeited. No applicant shall fail to comply with Sections 3601.2.1 through 3601.2.4. The deposit shall be refunded to the applicant in proportion to the ratio of the actual diversion rate to the required diversion rate. If the required diversion percentage is not fully complied with, the remainder of the deposit shall be forfeited to the city as a civil penalty for failure to comply with the requirements of this chapter, after notice and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981. The city manager may adjust the amount of the refund or forfeiture where the applicant demonstrates that the required diversion percentage was not feasible based on the factors identified in Section 3601.2.2 for modification of the diversion percentage. The forfeiture remedy is cumulative and is in addition to any other action the city manager is authorized to take, including suspension or revocation of a building contractor license or prosecution in the municipal court. Each 2,500 square feet of the demolition or alteration shall give rise to a separate violation, and each violation is subject to a maximum fine of \$2,500.

(hhmm)A new Chapter 99 is added to the Building Code to read:

CHAPTER 99. FENCES AND WALLS.

9901. Definitions.

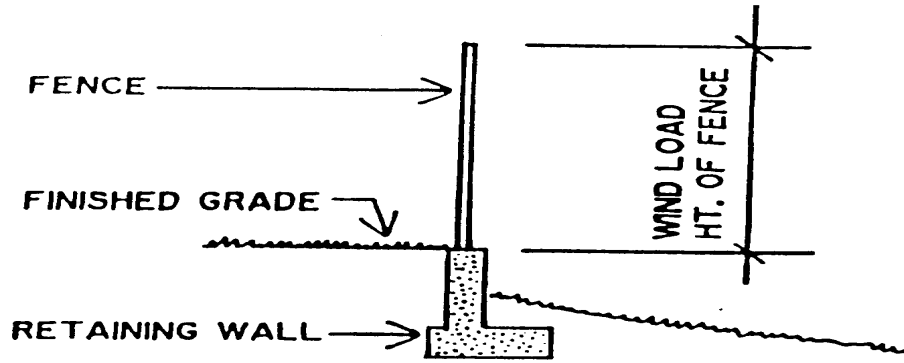
- (1) As used herein, the term "wall" means a freestanding structure such as a fence or retaining wall.
- (2) As used herein and in Section 9-9-15, "Fences and Walls," B.R.C. 1981, the term "finished grade" means the top surfaces of lawns, walks, drives, or other improved surfaces after completion of construction or grading operations, ~~but operations~~ but not including vegetation growing on the surface.
- (3) For purposes of determining the maximum height allowable for any fence or wall other than wind load height as specified in subsection (4) of this section, refer to Section 9-9-15, "Fences and Walls," B.R.C. 1981, and the diagram below.



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B.R.C. 9-9-15(c), Figure #19.

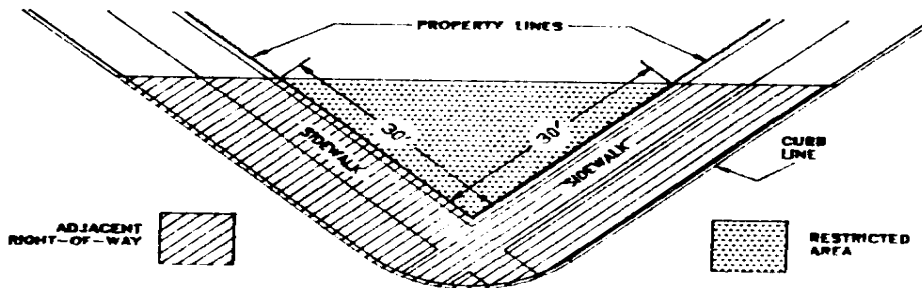
(4) For purposes of determining the maximum height allowable for any fence or wall other than wind load height as specified in subsection (4) of this section, refer to Section 9-9-15, "Fences and Walls," B.R.C. 1981, and the diagram below:



B.R.C. 9-9-15(c), Figure #20.

(5) Nothing in this section is intended to prohibit the installation of a guardrail for safety purposes which otherwise conforms to the requirements of this code.

9902. All fences and walls hereafter installed in the City shall comply with Section 9-9-15, "Fences and Walls," B.R.C. 1981, and the following provisions:



B.R.C. 9-9-7, Figure #17.

(6) Where permitted, fences exceeding seven feet in height shall conform to the zoning requirements for accessory structures.

Section 6. Section 10-5-3, "Adoption of Uniform Code for Abatement of Dangerous Buildings With Modifications," B.R.C. 1981, is amended to read as follows:

10-5-3. Adoption of Uniform Code for Abatement of Dangerous Buildings With Modifications.

Repealed.

1 Section 7. Section 10-5.5-1, "Legislative Intent," B.R.C. 1981, is amended to read as
2 follows:

3 **10-5.5-1. Legislative Intent.**

4 The purpose of this chapter is to protect the public health, safety, and general welfare by
5 regulating the construction, alteration, movement, enlargement, replacement, repair, equipment,
6 use and occupancy, location, removal, and demolition of detached one- and two-family
7 dwellings and townhouses, not more than three stories above grade in height with a separate
8 means of egress, and their accessory structures. The city council hereby adopts the ~~2024~~2018
9 edition of the *International Residential Code* with certain amendments thereto found to be in the
10 best interests of the city.

11 Section 8. Section 10-5.5-2, "Adoption of the International Residential Code With
12 Modifications," B.R.C. 1981, is amended to read as follows:

13 **10-5.5-2. Adoption of the International Residential Code With Modifications.**

14 (a) The ~~2024~~2018 edition of the International Residential Code of the International Code
15 Council is hereby adopted by reference as the City of Boulder Residential Building Code
16 and has the same force and effect as though fully set forth in this chapter, except as
17 specifically amended by the provisions of this chapter.

18 (b) The Appendix chapters CC, BA, BE, BF, BO, BG, CF, BB, BI AND BJ ~~D, E, F, H, J, K,~~
19 ~~P, Q, R and S~~ and sections contained therein are adopted.

20 (c) Section R101.1, "Title," is repealed and reenacted to read:

21 **R101.1 Title.** These provisions shall be known as the Residential Code of the City of
22 Boulder or residential code and shall be cited as such and will be referred to herein as
23 "this code".

24 (d) Sections R102 through R114 are repealed. This code shall be administered in accordance
25 with Chapter 1, "Administration," of the International Building Code as adopted, with
26 amendments, by Section 10-5-2, "Adoption of International Building Code With
27 Modifications," B.R.C. 1981.

28 (e) The following definitions are added to Section R202, "Definitions":

29 COMMUNITY SOLAR GARDEN. A solar generation facility where the beneficial use
30 of the electricity generated by the facility belongs to subscribers to the solar generation
31 facility as authorized in Section 40-2-127, C.R.S.

32 FLOOR AREA. The total square footage of all levels as measured from the inside

1 finished surface of the walls, but excluding courts, garages usable exclusively for the
2 storage of motor vehicles and uninhabitable areas that are located above the highest
inhabitable level or below the first-floor level.

3 NEW DWELLING UNIT. A dwelling unit is considered to be a new dwelling unit when
4 the entire structure is newly built and when the dwelling unit is built on top of an existing
5 foundation, such as caissons, footings, and other foundation systems, that remains from a
demolished structure.

6 SHADING. Shading is the protection from heat gains because of direct solar radiation by
7 permanently attached exterior devices or building elements, interior shading devices,
glazing material, or adherent materials.

8 SKYLIGHT AREA. Skylight area is the area of the rough opening for the skylight.

9 SOLAR ZONE. A solar zone is a section of the roof designated and reserved for the
10 future installation of a solar electric or solar thermal system.

11 STANDARD TEST CONDITIONS. A fixed set of conditions for which PV module
12 performance is rated. These conditions are 1000 W/m² incident solar radiation, 24°C cell
temperature, 0.0 wind speed, and air mass 1.5 spectrum.

13 STORAGE ROOMS OR SPACES. Storage rooms or spaces are rooms or spaces with a
14 level of finish sufficient only to make the room usable for the intended storage purposes.
Rooms or areas that exceed these minimums will be considered habitable space and will
15 have to meet the code requirements applicable to habitable space.

16 (f) A new sentence is added to the end of Section R301.1, "Application," stating:

17 Structural calculations shall be submitted to the building official, demonstrating the
proposed construction meets the applicable requirements for design loads.

18 (g) The climatic and geographic design criteria applicable to Table R301.2(1) are:

19 Ground snow load = 40 pounds per square foot, $P_g = 40 \text{ lb/ft}^2$.

20 Three-second wind gust velocity = 150 mph east of Broadway, 165 mph west of
Broadway

21 Topographic effects = Yes

22 Special wind region = Yes

23 Windborne debris zone = No

24 Seismic Design Category = B

25 Weathering = severe

Frost line depth = 32 inches

1 Termite = slight

2 Decay = none to slight

3 Winter Design Temp = 2 degrees Fahrenheit

4 Ice barrier underlayment required = NO

5 Flood Hazards = See Sections 9-3-3 through 9-3-9, B.R.C. 1981

6 Air freezing index = 459

7 Mean annual temp = 52.1

8 Elevation = 5,385 feet

9 Latitude = 40 degrees

10 Winter Heating = 0 degrees Fahrenheit

11 Summer Cooling = 91 degrees Fahrenheit

12 Altitude Correction Factor= 0.821

13 Indoor Design Temperature = 72 degrees Fahrenheit

14 Design Temperature Cooling = 75 degrees Fahrenheit

15 Heating Temperature difference = 66 degrees Fahrenheit

16 Cooling Temperature difference = 18 degrees Fahrenheit

17 Wind Velocity Heating = 15

18 Wind Velocity Cooling = 7.5

19 Coincident Wet Bulb = 59 degrees Fahrenheit

20 Daily Range = High

21 Winter Humidity = 30%

22 Summer Humidity = 50%

23 (h) Section R301.2.4, "Floodplain construction": A new sentence is added to the end of the
24 section reading "All work on structures in the scope of this code shall also meet the
25 requirements of Sections 9-3-2 through 9-3-9, B.R.C 1981."

(i) ~~The exception listed in Section R302.2, "Townhouses," is repealed and reenacted to read:~~

Exception: ~~A common 1-hour fire-resistance-rated wall assembly tested in accordance
with ASTM E 119 or UL 263 is permitted for townhouses equipped throughout with an
automatic sprinkler system installed in accordance with the requirements of Section
P2904 if such walls do not contain plumbing or mechanical equipment, ducts, or vents in
the cavity of the common wall. The wall shall be rated for fire exposure from both sides
and shall extend to and be tight against exterior walls and the underside of the roof
sheathing. Electrical installations shall be installed in accordance with chapters 34
through 41 and chapter 43. Penetrations of electrical outlet boxes shall be in accordance~~

1 with Section R302.4. For townhouses not equipped throughout with an automatic
2 sprinkler system installed in accordance with the requirements of Section P2904, a
3 common 2-hour fire-resistance-rated wall is permitted if such walls do not contain
4 plumbing or mechanical equipment, ducts or vents in the cavity of the common wall.
Electrical installations shall be installed in accordance with chapters 34 through 41 and
chapter 43. Penetrations of electrical outlet boxes shall be in accordance with Section
R302.4.

5 Section R306, "Flood-resistant construction," is repealed and reenacted to read:

6 **R306 Flood resistant construction.** Buildings and structures constructed in whole or in
7 part in the floodplain must be designed and constructed in accordance with the floodplain
regulations of Title 9, Land Use Code, B.R.C. 1981.

8 (j) The first sentence of the Exception to Item 2 in Section R302.2.4, "Parapets for
9 townhouses," is amended by deleting "a minimum class C roof covering" and replacing it
10 with "a minimum Class B roof covering."

11 (j) A new Section R333, Construction Waste Management, is added to read:

12 **SECTION R333 CONSTRUCTION WASTE MANAGEMENT**

13 **R333.1 Residential construction waste recycling.** An applicant for a building permit to
14 construct a new dwelling unit shall demonstrate all recyclable wood, metal and cardboard
materials were donated, reused or recycled.

15 **R333.1.1 Reporting.** Within sixty days following rough inspections and prior to final
16 inspection, the applicant shall submit documentation to the city manager which proves
17 that all recyclable wood, metal and cardboard was donated, reused, or recycled. The
18 documentation shall consist of a final completed waste diversion report in a form as
19 prescribed by the city manager showing the tonnage of materials salvaged for recycling
20 and reuse, supported by original weight receipts or other waste documentation that
21 reasonably verifies that materials generated from the site have been accepted for
recycling, reuse, salvage or otherwise diverted. For construction debris for which
weighing is not practical due to size, lack of scales at the facility, or other considerations,
a volumetric measurement shall be used. For conversion of volumetric measurements to
weight, the applicant shall use the standardized conversion rates established by the city
manager.

22 **R333.2 Residential deconstruction waste recycling.** An applicant for a full demolition
23 shall adhere to the requirements of Sections R333.2.1 through R333.2.5.

24 **R333.2.1 Diversion requirements.** The applicant shall divert from landfills at least
25 seventy-five percent of the waste tonnage of demolition debris generated from the project
by using recycling, reuse, and diversion programs. The building official may modify this

1 requirement if the applicant demonstrates it is unfeasible as set forth in Section R333.2.2.
2 The materials diverted must also include at least three of the material types set forth in
3 the deconstruction plan form established by the city manager.

4 **R333.2.2 Information required before issuance of demolition and/or building**
5 **permit.** The applicant shall submit a properly completed deconstruction plan in a form as
6 established by the city manager. The applicant must propose to divert at least three of the
7 material types identified by the building official in the deconstruction plan form. No
8 building permit or demolition permit shall be issued prior to the approval of the
9 deconstruction plan by the building official. In estimating the volume or weight of
10 materials identified in the deconstruction plan, the applicant shall use the standardized
11 conversion rates established by the building official. The building official may modify
12 the required diversion percentage if the applicant demonstrates in the deconstruction plan
13 that the percentage is not feasible because the maximum weight of materials that can be
14 reused or recycled is less than the required diversion rate, or due to the presence of
15 materials that are unable to be diverted due to special waste conditions such as
16 environmental hazards.

17 **R333.2.3 Administrative fee and deposit required.** Prior to issuance of a permit for a
18 full demolition or level 4 alteration as defined in the 2024 City of Boulder Energy
19 Conservation Code, the applicant shall post a cash deposit and pay the administrative fee
20 described in Section 4-20-72, B.R.C. 1981. The cash deposit shall be one dollar per
21 square foot of the demolition or work area of the alteration as identified in the permit
22 application, or \$1,500, whichever is greater.

23 **R333.2.4 Reporting.** Within sixty days following the completion of the demolition or
24 alteration, the applicant shall submit documentation to the city which proves compliance
25 with the requirements of Sections R328.2.1 and R328.2.2. The documentation shall
26 consist of a final completed waste diversion report in a form established by the building
27 official showing the tonnage of materials salvaged for recycling and reuse, supported by
28 original weight receipts or other waste documentation that reasonably verifies that
29 materials generated from the site have been accepted for recycling, reuse, salvage or
30 otherwise diverted at the required diversion percentage. The documentation shall further
31 demonstrate that the diverted materials include at least three material types. For
32 demolition debris for which weighing is not practical due to size, lack of scales at facility,
33 or other considerations, a volumetric measurement shall be used. For conversion of
34 volumetric measurements to weight, the applicant shall use the standardized conversion
35 rates established by the building official.

36 **R333.2.5 Deposit refunded or forfeited.** No applicant shall fail to comply with Sections
37 R328.2.1 through R328.2.4. The deposit shall be refunded to the applicant in proportion
38 to the ratio of the actual diversion rate to the required diversion rate. If the required
39 diversion percentage is not fully complied with, the remainder of the deposit shall be
40 forfeited to the city as a civil penalty for failure to comply with the requirements of this
41 chapter, after notice and an opportunity for hearing under the procedures prescribed by

Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981. The city manager may adjust the amount of the refund or forfeiture where the applicant demonstrates that the required diversion percentage was not feasible based on the factors identified in Section R328.2.2 for modification of the diversion percentage. The forfeiture remedy is cumulative and is in addition to any other action the city manager is authorized to take, including suspension or revocation of a building contractor license or prosecution in the municipal court. Each 2,500 square feet of the demolition or alteration shall give rise to a separate violation, and each violation is subject to a maximum fine of \$2,500.

(k) Section R302.5.1, "Opening protection," is repealed and reenacted to read:
R302.5.1 Opening protection. Openings from a garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with weather-stripped, solid wood doors not less than 1 and 3/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1 and 3/8 inches (35 mm) in thickness, or 20-minute fire-rated doors, equipped with a self-closing device.

The first paragraph of Section R401.1, "Application," is repealed and reenacted to read:

R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in a floodplain as established in Title 9, Land Use Code, B.R.C. 1981, shall meet all applicable provisions of Title 9, Land Use Code, B.R.C. 1981. Where, in any specific case, the provisions of this code and the B.R.C. are in conflict, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Wood foundations shall be designed and installed in accordance with AF&PA PWF.

(l) Section R311.2, "Egress doors," is repealed and reenacted to read:
R311.2 Egress doors. At least one egress door shall be provided for each dwelling unit. The egress door shall be side hinged, and shall provide a minimum clear width of 32 inches (813 mm) when measured between the face of the door and the stop, with the door open 90 degrees (1.57 rad). The minimum clear height of the door opening shall not be less than 78 inches (1981 mm) in height measured from the top of the threshold to the bottom of the stop.

A new Section R401.5, "Placement of backfill," is added to read:

R401.5 Placement of backfill. The provisions of Section 1804.3 of the Building Code of the City of Boulder shall apply to the placement of backfill.

(m) The following sentences are added to the end of Section R311.7.5.1, "Risers":

Where the bottom or top riser adjoins a sloping public way, walkway, or driveway having an established grade and serving as a landing, the bottom or top riser is permitted to be reduced along the slope, with the variation in height of the bottom or top riser not to exceed one unit vertical in 12 units horizontal (8 percent slope) of stairway width. The nosings or leading edges of treads at such non-uniform height risers shall have a distinctive marking stripe, different from any other nosing marking provided on the stair flight. The distinctive marking stripe shall be visible in descent of the stair and shall have a slip-resistant surface. Marking stripes shall have a width of at least 1 inch (25 mm) but not more than 2 inches (51 mm).

Section R408.7, "Flood resistance," is repealed and reenacted to read:

R408.7 Flood resistance. Buildings located in a floodplain as established in Title 9, Land Use Code, B.R.C. 1981, shall comply with the applicable provisions in Title 9, Land Use Code, B.R.C. 1981.

(n) ~~A new Section R311.9, "Access to exterior balconies, porches, decks, and other walking surfaces from the interior of the building," is added, reading as follows:~~

~~**R311.9 Access to exterior balconies, porches, decks, and other walking surfaces from the interior of the building.** Access to exterior balconies, porches, decks, and other walking surfaces from the interior of the building shall be through a side-hinged or sliding glass door and shall provide a minimum clear width of 24 inches (610 mm), when measured between the face of the door and the stop, when the door, other than the sliding glass door, is open 90 degrees (1.57 rad). The minimum clear height of the door opening shall not be less than 78 inches (1981 mm) in height, measured from the top of the threshold to the bottom of the stop. Access to exterior balconies, porches, decks, and other walking surfaces from the interior of the building for the required egress door shall meet the provisions of Section 311.2 for required height and width.~~

Section R315.1, "Carbon monoxide alarms," is repealed and reenacted to read:

R315.1 Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed outside each sleeping area in the immediate vicinity of bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units and accessory structures containing habitable space that have attached garages. All carbon monoxide alarms shall be installed so as to meet the requirements of Section R315, Carbon monoxide alarms, and of the applicable provisions of Sections 38-45-101 through 106, C.R.S. Where the provisions of this code and the C.R.S. are in conflict, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(n) Item 3 of Section R806.5, "Unvented attic and unvented enclosed rafter assemblies," is deleted.

Section R322, "Flood resistant construction," is repealed and reenacted to read:

1 ~~**R322 Flood resistant construction.** Buildings and structures constructed in whole or in
2 part in the floodplain must be designed and constructed in accordance with the floodplain
regulations of Title 9, Land Use Code, B.R.C. 1981.~~

3 Section R902.1, "Roof assemblies," is repealed and reenacted to read:

4 **R902.1 Roof covering materials.** All roof covering materials shall be listed as Class A
5 as tested in accordance with UL Standard 790 or ASTM Standard E 108. Roof assemblies
6 with covering of brick, masonry, slate, clay, or concrete roof tile, exposed concrete roof
7 deck, ferrous or copper shingles or sheets, and metal sheets and shingles, shall be
considered Class A roof coverings. Unless otherwise specified in this section, roof
8 coverings shall be installed to resist the component and cladding loads specified in table
R301.2(2), adjusted for height and exposure in accordance with table R301.2(3).

9 ~~(q) A new Section R328, Construction Waste Management, is added to read:~~

10 (o) Exception 1 in Section R703.2, "Water-resistive barrier," is repealed and reenacted to
read:

11 **Exception 1:** In detached accessory buildings which are not intended to be
12 conditioned and where the interior wall cavities will remain exposed and unfilled.

13 ~~(v) Exception 3 of Section R806.5, "Unvented attic and unvented enclosed rafter
assemblies," is deleted.~~

14 ~~(w) Section R902.1, "Roof covering materials," is repealed and reenacted to read:~~

15 ~~**R902.1 Roof covering materials.** All roof covering materials shall be listed as Class A
16 as tested in accordance with UL Standard 790 or ASTM Standard E 108. Roof assemblies
17 with covering of brick, masonry, slate, clay, or concrete roof tile, exposed concrete roof
18 deck, ferrous or copper shingles or sheets, and metal sheets and shingles, shall be
19 considered Class A roof coverings. Unless otherwise specified in this section, roof
coverings shall be installed to resist the component and cladding loads specified in table
R301.2(2), adjusted for height and exposure in accordance with table R301.2(3).~~

20 ~~(p*)~~ Section R905.7, "Wood shingles," is repealed and reenacted to read:

21 **R905.7 Wood shingles.** Wood shakes, wood shingles, and wood roof covering materials
22 are prohibited except as provided in Section 10-5-5, "Wood Roof Covering Materials
Prohibited," B.R.C. 1981, for certain minimal repairs.

23 ~~(qy)~~ Section R905.8, "Wood shakes," is repealed and reenacted to read:

24 **R905.8 Wood shakes.** Wood shakes, wood shingles, and wood roof covering materials
25 are prohibited except as provided in Section 10-5-5, "Wood Roof Covering Materials
Prohibited," B.R.C. 1981, for certain minimal repairs.

1 (~~rZ~~) Chapter 11, "Energy Efficiency." Sections N1101 through N111305 are repealed. A new
2 Section N1101 is added to read:

3 **N1101 Scope.** Regulations concerning the design and construction of buildings for the
4 effective use of energy and requirements for green building practices shall be
5 administered in accordance with the ~~20240~~ *City of Boulder Energy Conservation Code* as
6 adopted by Chapter 10-7, "Energy Conservation Code," B.R.C. 1981.

7 (~~saa~~) Section M1301.1.1, "Flood-resistant installation," is repealed and reenacted to read:

8 **M1301.1.1 Flood-resistant installation.** In floodplains, as established in Title 9, Land
9 Use Code, B.R.C. 1981, the mechanical appliances, equipment and systems shall be
10 located or installed in accordance with the applicable provisions of Title 9, Land Use
11 Code, B.R.C. 1981.

12 (~~tbb~~) A new Section M1308.3, "Rooftop equipment support and clearances," is added to read:

13 **M1308.3 Rooftop equipment support and clearances.**

14 (1) Mechanical equipment placed, replaced, or resting over roofing shall be supported
15 by curbs or legs which shall be flashed to the roofing and made watertight.
16 Mechanical equipment includes, but is not limited to, heating equipment, cooling
17 and refrigeration equipment, ventilating fans, blowers, and other similar devices
18 located on the roof.

19 (2) Flat roofs. On roofs having a pitch of less than 2 in 12, mechanical equipment
20 shall be supported on a solid curb greater in size than the equipment which it
21 serves. Curbs may be manufactured or built-in-place. If built-in-place, the curb
22 shall be covered with metal of at least 26 gauge. The metal shall be weather-tight.
23 The curb shall be a minimum of 9 inches above the finished roof.

24 (A) Ducts less than 4 feet in width shall have at least 12 inches clearance from
25 the finished roof surface to the bottom of the duct.

(B) Ducts between 4 feet and 8 feet in width shall have at least 24 inches
clearance from the finished roof surface to the bottom of the duct.

(C) Ducts over 8 feet in width shall have at least 36 inches clearance from the
finished roof surface to the bottom of the duct.

(3) Pitched roofs. On roofs having a roof pitch exceeding 2 in 12, mechanical
equipment may be set on legs which provide a minimum of 11 inches clearance
between the finished roof surface and the equipment frame.

(~~uee~~) Section M1401.5, "Flood hazard," is repealed and reenacted to read:

M1401.5 Flood hazard. In floodplains, as established in Title 9, Land Use Code, B.R.C.
1981, heating and cooling equipment and appliances shall be located or installed in

1 accordance with the provisions of Title 9, Land Use Code, B.R.C. 1981.

2 (~~ydd~~) Section M1601.4.10, "Flood hazard areas," is repealed and reenacted to read:

3 **M1601.4.10 Flood hazard areas.** In floodplains, as established in Title 9, Land Use
4 Code, B.R.C. 1981, duct systems shall be located or installed in accordance with the
5 provisions of Title 9, Land Use Code, B.R.C. 1981.

6 (~~wee~~) A new sentence is added to Section M1602.2, "Return air openings," to read:

7 11. Within individual dwelling units there shall be at least one return air opening on each
8 floor.

9 (~~xff~~) Section M2001.4, "Flood-resistant installation," is repealed and reenacted to read:

10 **M2001.4 Flood-resistant installation.** In floodplains, as established in Title 9, Land Use
11 Code, B.R.C. 1981, boilers, water heaters and their control systems shall be located or
12 installed in accordance with the provisions of Title 9, Land Use Code, B.R.C. 1981.

13 (~~ygg~~) Section M2201.6, "Flood-resistant installation," is repealed and reenacted to read:

14 **M2201.6 Flood-resistant installation.** In floodplains, as established in Title 9, Land Use
15 Code, B.R.C. 1981, tanks shall be located or installed in accordance with the provisions
16 of Title 9, Land Use Code, B.R.C. 1981.

17 (~~zhh~~) Section G2404.7, "Flood hazard," is repealed and reenacted to read:

18 **G2404.7 Flood hazard.** In floodplains, as established in Title 9, Land Use Code, B.R.C.
19 1981, the appliance, equipment, and system installations regulated by this code shall be
20 located or installed in accordance with the provisions of Title 9, Land Use Code, B.R.C.
21 1981.

22 (~~aañ~~) ~~Items 2 and 3 of Section G2427.8, "Venting system termination- clearances location," is~~
23 ~~amended by adding~~ are amended by adding a new sentence to the end of the section
24 reading:

25 ~~of each Items 2 and 3, reading:~~

Mechanical draft venting system and through-the-wall direct vent terminals shall
terminate a minimum of 18 inches (46 mm) above finished grade in the immediate
vicinity of each vent.

~~Vents shall terminate a minimum of 18 inches (46 mm) above finished grade in the~~
~~immediate vicinity of each vent.~~

(jj) ~~Section P2503.7, "Water supply system testing," is repealed and reenacted to read:~~

~~**P2503.7 Water supply system testing.** Upon completion of the water supply system or a portion of it, the system or portion completed shall be tested and proved tight under a water pressure of not less than the working pressure of the system or by an air test of not less than 100 psi (689.5 kPa). This pressure shall be held for not less than 15 minutes. The water used for tests shall be obtained from a potable water source.~~

(~~bbkk~~) The Exception to Section P2601.2, "Connections to drainage system," is deleted in its entirety.

(~~ccH~~) Section P2601.3, "Flood hazard areas," is repealed and reenacted to read:

~~**P2601.3 Flood hazard areas.** In floodplains, as established in Title 9, Land Use Code, B.R.C. 1981, plumbing fixtures, drains, and appliances shall be located or installed in accordance with the provisions of Title 9, Land Use Code, B.R.C. 1981.~~

(~~ddmm~~) The first sentence of Section P2602.2, "Flood-resistant installation," is repealed and reenacted to read:

~~In floodplains, as established in Title 9, Land Use Code, B.R.C. 1981:~~

~~Items 1 and 2 remain unchanged.~~

(~~mmnn~~) Table P2903.2, "Maximum Flow Rates and Consumption for Plumbing Fixtures and Fixture Fittings," shall be repealed and reenacted to read:

PLUMBING FIXTURE OR FIXTURE FITTING	PLUMBING FIXTURE OR FIXTURE FITTING
Lavatory Faucet	1.5 gpm at 60 psi
Shower Head	2.0 gpm at 60 psi
Sink Faucet	1.5 gpm at 60 psi
Water Closet	1.28 gallons per flushing cycle

~~For SI: 1 gallon per minute = 3.785 L/m,
1 pound per square inch = 6.895 kPa.~~

~~a. A handheld shower spray is also a shower head.~~

~~b. Consumption tolerances shall be determined from referenced standards.~~

(~~eeoo~~) Section P3001.3, "Flood-resistant installation," is repealed and reenacted to read:

P3001.3 Flood-resistant installation. In floodplains, as established in Title 9, Land Use Code, B.R.C. 1981, drainage, wastes, and vent systems shall be located and installed to prevent infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(ffpp) Section P3009, "Subsurface Landscape Irrigation Systems Greywater Soil Absorption Systems," is deleted in its entirety.

(ggqq) Section P3101.5, "Flood resistance," is repealed and reenacted to read:

P3101.5 Flood resistance. In floodplains, as established in Title 9, Land Use Code, B.R.C. 1981, vents shall be located or installed in accordance with the provisions of Title 9, Land Use Code, B.R.C. 1981.

(hhrr) Appendix BEF, "Radon Control Method," is hereby repealed and reenacted to read as follows:

**APPENDIX BEF
RADON CONTROL METHOD**

The requirements of Appendix BE F to the 202418 edition of the *International Residential Code* of the International Code Council shall hereby be complied with which appendix is hereby adopted by reference as part of the City of Boulder Residential Code and have the same force and effect as though fully set forth in this subsection.

(iiss) Appendix CFP, "Sizing of Water Piping System," is hereby repealed and reenacted to read as follows:

**APPENDIX CFP
SIZING OF WATER PIPING SYSTEM**

The requirements of Appendix CFP to the 202418 edition of the *International Residential Code* of the International Code Council shall hereby be complied with which appendix is hereby adopted by reference as part of the City of Boulder Residential Code and have the same force and effect as though fully set forth in this subsection, except as specifically amended by the provisions of this subsection.

(jjtt) Appendix BBQ, "Tiny Houses," is hereby repealed and reenacted to read as follows:

**APPENDIX BBQ
TINY HOUSES**

The requirements of Appendix BBQ to the 202418 edition of the *International Residential Code* of the International Code Council shall hereby be complied with which appendix is hereby adopted by reference as part of the City of Boulder Residential Code

1 and have the same force and effect as though fully set forth in this subsection, except as
2 specifically amended by the provisions of this subsection.

3 ~~AQ101.1 "Scope" is hereby repealed and reenacted to read as follows:~~

4 ~~This appendix shall be applicable to tiny houses used as single dwelling units. Tiny
5 houses shall comply with this code except as otherwise stated in this appendix. Tiny
6 houses shall be on permanent foundations and permanently connected to utilities, as
7 required by this code. Tiny houses constructed off-site shall be inspected and approved
8 for compliance with this code, by third party special inspectors pre-approved by the
9 building official. The building official may use the provisions of the City of Boulder
10 Building Code to administer the requirements for approving special inspectors.~~

11 BB101.1 "Scope" is hereby repealed and reenacted to read as follows:

12 This appendix shall be applicable to site built tiny houses used as single dwelling units.
13 Tiny houses shall comply with this code except as otherwise stated in this appendix. Tiny
14 houses shall be on permanent foundations and permanently connected to utilities, as
15 required by this code. Tiny houses constructed off-site shall be built and installed in
16 accordance with C.R.S. § 24-32-3311(6).

17 ~~(ttuu) A new footnote notation "b" is added to the heading and a new footnote "b" is added to
18 AP Table AP103.3(2), "Load values assigned to fixtures," reading:~~

19 ~~b. For the purpose of determining the largest instantaneous demand required in order to size
20 a water meter, this table is repealed and replaced by Chapter 11-1-35, "Meter Size
21 Requirements," B.R.C. 1981.~~

22 Section 9. Section 10-5.6.1, "Legislative Intent," B.R.C. 1981, is amended to read as
23 follows:

24 **10-5.6-1. Legislative Intent.**

25 The purpose of this chapter is to protect the public health and safety by regulating the repair,
alteration, change of occupancy, addition to and relocation of existing buildings in the city. This
chapter is intended to encourage the use and reuse of existing buildings while requiring
reasonable upgrades and improvements. The city council hereby adopts the 2024~~18~~ edition of the
International Existing Building Code with certain amendments, additions and deletions found to
be in the best interests of the city.

Section 10. Section 10-5.6.2, "Adoption of the International Existing Building Code
With Modifications," B.R.C. 1981, is amended to read as follows:

10-5.6-2. Adoption of the International Existing Building Code With Modifications.

(a) The ~~2024~~18 edition of the *International Existing Building Code* of the International Code Council is hereby adopted by reference as the City of Boulder Existing Building Code and has the same force and effect as though fully set forth in this chapter, ~~except as specifically amended by the provisions of this chapter. This code shall be administered in accordance with Chapter 1, "Administration," of the International Building Code as adopted, with amendments, by Section 10-5-2, "Adoption of International Building Code With Modifications," B.R.C. 1981.~~

(b) ~~Section 104.2.1, Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas, is amended by the addition of a new sentence to read:~~

~~"In floodplains, as established in Title 9, Land Use Code, all work on structures in the scope of this code shall also be in accordance with the provisions of Title 9, Land Use Code, B.R.C. 1981."~~

Section 101.1, "Title" is repealed and reenacted to read:

101.1 Title. These regulations shall be known as the Existing Building Code of the City of Boulder or existing building code and shall be cited as such and will be referred to herein as "this code."

(c) ~~Section 104.10.1, "Flood hazard areas," is repealed and reenacted to read:~~

~~In floodplains, as established in Title 9, Land Use Code, all work on structures in the scope of this code shall also be in accordance with the provisions of Title 9, Land Use Code, B.R.C. 1981.~~

Sections 102 through 103 are repealed. This code shall be administered in accordance with Chapter 1, "Administration," of the International Building Code as adopted, with amendments, by Section 10-5-2, "Adoption of International Building Code with Modifications," B.R.C. 1981.

(d) Section 104.2.4.1, "Flood hazard areas," is repealed and reenacted to read:

In floodplains, as established in Title 9, Land Use Code, all work on structures in the scope of this code shall also be in accordance with the provisions of Title 9, Land Use Code, B.R.C. 1981.

(e) Section 104.3.1, "Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas", is amended by the addition of a new sentence to read:

1 "In floodplains, as established in Title 9, Land Use Code, all work on structures in the
2 scope of this code shall also be in accordance with the provisions of Title 9, Land Use
3 Code, B.R.C. 1981."

3 (f) Section 109.3.3, "Lowest floor elevation," is repealed and reenacted to read:

4 In floodplains, as established in Title 9, Land Use Code, all work on structures in the
5 scope of this code shall also be in accordance with the provisions of Title 9, Land Use
6 Code, B.R.C. 1981.

6 (g) Section 301.3 Alteration, addition or change of occupancy, is amended by replacing the
7 exception with the following:

8 Exception:

9 Subject to the approval of the code official, alterations complying with the laws in
10 existence at the time the building or the affected portion of the building was built
11 shall be considered in compliance with the provisions of this code. New structural
12 members added as part of the alteration shall comply with the International
13 Building Code. This exception shall not apply to alterations that constitute
14 substantial improvement in flood hazard areas, which shall comply with Section
15 503.2, 701.3 or 1301.3.3; and in accordance with the provisions of Title 9, Land
16 Use Code, B.R.C. 1981. This exception shall not apply to the structural provisions
17 of Chapter 5 or to the structural provisions of Sections 706, 806 and 906.

14 (h) Section 401.3 "Flood hazard areas" is repealed and reenacted to read:

15 In floodplains, as established in Title 9, Land Use Code, all work on structures in the
16 scope of this code shall also be in accordance with the provisions of Title 9, Land Use
17 Code, B.R.C. 1981.

18 (i) Section 405.2.65 "Flood hazard areas" is repealed and reenacted to read:

19 In floodplains, as established in Title 9, Land Use Code, all work on structures in the
20 scope of this code shall also be in accordance with the provisions of Title 9, Land Use
21 Code, B.R.C. 1981.

21 (j) Section 502.23 "Flood hazard areas" is repealed and reenacted to read:

22 In floodplains, as established in Title 9, Land Use Code, all work on structures in the
23 scope of this code shall also be in accordance with the provisions of Title 9, Land Use
24 Code, B.R.C. 1981.

24 (k) Section 503.2 Flood hazard areas is repealed and reenacted to read:

1 In floodplains, as established in Title 9, Land Use Code, all work on structures in the
2 scope of this code shall also be in accordance with the provisions of Title 9, Land Use
Code, B.R.C. 1981.

3 (lj) Section 507.3 "Flood hazard areas" is repealed and reenacted to read:

4 In floodplains, as established in Title 9, Land Use Code, all work on structures in the
5 scope of this code shall also be in accordance with the provisions of Title 9, Land Use
Code, B.R.C. 1981.

6 (mk) Section 701.3 "Flood hazard areas" is repealed and reenacted to read:

7 In floodplains, as established in Title 9, Land Use Code, all work on structures in the
8 scope of this code shall also be in accordance with the provisions of Title 9, Land Use
Code, B.R.C. 1981.

9 (nl) Section 1103.3 "Flood hazard areas" is repealed and reenacted to read:

10 In floodplains, as established in Title 9, Land Use Code, all work on structures in the
11 scope of this code shall also be in accordance with the provisions of Title 9, Land Use
Code, B.R.C. 1981.

12 (om) Section 1201.4 "Flood hazard areas" is repealed and reenacted to read:

13 In floodplains, as established in Title 9, Land Use Code, all work on structures in the
14 scope of this code shall also be in accordance with the provisions of Title 9, Land Use
Code, B.R.C. 1981.

15 (pn) Section 1301.3.3 "Compliance with flood hazard provisions" is repealed and reenacted to
16 read:

17 **1301.3.3 Compliance with flood hazard provisions.** In floodplains, as established in
18 Title 9, Land Use Code, all work on structures in the scope of this code shall also be in
accordance with the provisions of Title 9, Land Use Code, B.R.C. 1981.

19 (qe) Section 1402.6 "Flood hazard areas" is repealed and reenacted to read:

20 If relocated or moved into a flood hazard area, as established in Title 9, Land Use Code,
21 all work on structures in the scope of this code shall also be in accordance with the
provisions of Title 9, Land Use Code, B.R.C. 1981.

22 (p) ~~Section 803.2.2 "Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2" is repealed
23 and reenacted to read:~~

24 ~~In buildings with occupancies in Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-~~
25 ~~2, work areas that have exits or corridors shared by more than one tenant or that have~~

exists or corridors serving an occupant load greater than 30 shall be provided with automatic sprinkler protection where both of the following conditions occur:

- 1. ~~The work area is required to be provided with automatic sprinkler protection in accordance with the *International Building Code* as applicable to new construction.~~
- 2. ~~The *work area* exceeds 50 percent of the floor area.~~

(q) ~~Section 904.1.4 Other required automatic sprinkler systems, is repealed and reenacted to read:~~

~~**904.1.4 Other required automatic sprinkler systems.** In buildings and areas listed in Table 903.2.11.6 of the *International Building Code*, work areas that have exits or corridors shared by more than one tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with an automatic sprinkler system under the following conditions:~~

- 1. ~~The work area is required to be provided with an automatic sprinkler system in accordance with the *International Building Code* applicable to new construction.~~

(r) APPENDIX B, "SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS FOR EXISTING BUILDINGS AND FACILITIES," and sections contained therein are adopted.

Section 11. Section 10-6-2, "Adoption of the National Electrical Code With Modifications," B.R.C. 1981, is amended to read as follows:

10-6-2. Adoption of the National Electrical Code With Modifications.

- (a) The current National Electrical Code of the National Fire Protection Association, as currently adopted by the State of Colorado or as is from time to time modified, reenacted or readopted by the State of Colorado is hereby adopted by reference as the City of Boulder Electrical Code or electrical code and has the same force and effect as though fully set forth in this chapter, except as specifically amended by the provisions of this chapter.
- (b) This code shall be administered in accordance with Chapter 1, Administration, of the 202418 edition of the International Building Code and Appendix K, Administrative Provisions, of the 202418 edition of the International Building Code, as adopted, respectively, with amendments, by Section 10-5-2, "Adoption of the International Building Code With Modifications," B.R.C. 1981.

Section 12. Section 10-6-3, "Arc-Fault Circuit-Interrupter Protection in Existing Dwelling Units," is deleted in its entirety and reserved:

1 ~~When electrical panels or sub-panels are replaced or added in existing dwelling units, arc-~~
2 ~~fault circuit interrupter protection shall be provided for each replaced or added electrical~~
3 ~~panel or subpanel meeting the standards for new construction under the City of Boulder~~
4 ~~Electrical Code. The listed arc fault circuit interrupter protective device shall be located~~
5 ~~at the origin of each circuit requiring protection.~~

6 Section 13. Section 10-8-1, “Legislative Intent,” B.R.C. 1981, is amended to read as
7 follows:

8 **10-8-1. Legislative Intent.**

9 The purpose of this chapter is to protect public health and safety by regulating the use, condition,
10 construction, alteration, and repair of property, structures, and occupancies in the city in order to
11 prevent the ignition and spread of fire and risk of harm to persons or property from fire and other
12 causes. The city council hereby adopts the 2024~~18~~ edition of the *International Fire Code* with
13 certain amendments, additions, and deletions thereto found to be in the best interests of the city.
14 The standards provided in this chapter shall be used, insofar as they are applicable, in
15 determining whether a condition is hazardous, whether any work that has been performed has
16 been done in an approved manner, or whether any equipment is of an approved type or quality,
17 and in any determination concerning fire hazards and fire safety in the city building code not
18 specifically provided for therein.

19 Section 14. Section 10-8-2, “Adoption of International Fire Code With Modifications,”
20 B.R.C. 1981, is amended to read as follows:

21 **10-8-2. Adoption of International Fire Code With Modifications.**

22 (a) The 2024~~18~~ edition of the *International Fire Code* of the International Code Council is
23 adopted by reference as the City of Boulder Fire Code, ~~and Code and~~ and has the same force
24 and effect as though fully set forth in this chapter, except as specifically amended by the
25 provisions of this chapter.

(b) The Fire Code adopted by Subsection (a) of this section is amended in the following
places:

(1) ~~Section 102.3 is repealed and reenacted to read:~~
102.3 Change of use or occupancy. ~~No change shall be made in the use or~~
~~occupancy of any structure that would place the structure in a different division of~~
~~the same group or occupancy or in a different group of occupancies, unless such~~
~~structure is made com comply with the requirements of this code and the~~
~~International Building Code.~~

(~~1~~2) Section 103.1 is repealed and reenacted to read:

1 **103.1 Community Risk Reduction.** A Community Risk Reduction is established
2 within the fire department under the direction of the manager, which shall consist
3 of such fire department personnel as may be assigned thereto by the manager. The
4 function of this division shall be to assist the manager in the administration and
5 enforcement of the provisions of this code.

6 (2) Section 104.5 is repealed and reenacted to read:

7 **104.5 Identification.** For the purposes of this section, the term "fire code official"
8 includes all firefighters appointed pursuant to Section 2-5-4, "Identification Card
9 for Firefighters," B.R.C. 1981.

10 (3) Section 104.8 ~~103.4~~ is repealed and reenacted to read:

11 **104.8** ~~103.4~~ **Liability.**

12 The fire code shall not be construed to hold the City of Boulder or any of its
13 employees or agents responsible for any damage to persons or property by reason
14 of inspection or reinspection or failure to inspect or reinspect as herein provided
15 or by reason of the approval or disapproval of any equipment as herein provided.

16 No employee of the city who enforces, attempts to enforce, or is authorized to
17 enforce the fire code renders him or herself or the city liable to third parties for
18 any damage or injury to the person or property of such third parties as a result of
19 the enforcement or nonenforcement of the fire code. The city assumes no duty of
20 care by virtue of the adoption of the fire code. No person is justified in relying
21 upon the approval of a plan, the results of an inspection, or the issuance of a
22 certificate of inspection or occupancy, and such approvals, inspections, and
23 certificates are not a guarantee that the plan or work so approved, inspected, or
24 certificated in fact complies with all requirements of the fire code. It is the duty of
25 the person owning, controlling, or constructing any building or structure to ensure
that the work is done in accordance with the requirements of the fire code, and it
is such persons and not the city who are responsible for damages caused by
negligent breach of such duty.

(4) ~~Section 104.4 is repealed and reenacted to read:~~

~~**104.4 Identification.** For the purposes of this section, the term "fire code official"
includes all firefighters appointed pursuant to Section 2-5-4, "Identification Card
for Firefighters," B.R.C. 1981.~~

Section 105.5 is repealed and reenacted to read:

105.5 Required operational permits. The fire code official may issue an
operational permit for the following operations:

- (a) 105.5.16, Explosives
- (b) 105.5.25 Hot Work Operations (outside)
- (c) 105.5.29 Lithium batteries
- (d) 105.5.36, Open Burning
- (e) 105.5.40, Outdoor assembly events
- (f) 105.5.44, Pyrotechnic special effects material
- (g) 105.5.51, Temporary membrane structures and tents
- (h) 105.5.58 Valet trash and recycling collection in Group R-2 occupancies

(5) Section 105.6 is repealed and reenacted to read:

105.6 Required operational permits. The fire code official may issue an operational permit for the following operations:

- ~~(a) 105.6.14, Explosives~~
- ~~(b) 105.6.32, Open Burning~~
- ~~(c) 105.6.36, Outdoor assembly events~~
- ~~(d) 105.6.38, Plant extraction systems~~
- ~~(e) 105.6.40, Pyrotechnic special effects material~~
- ~~(f) 105.6.47, Temporary membrane structures and tents~~

105.6 Required construction permits. All construction permits will be issued by the building official. Community Risk Reduction will be the approving authority for the following:

- (a) 105.6.1, Automatic fire-extinguishing systems
- (b) 105.6.2 Automatic sprinkler systems
- (c) 105.6.3 Compressed gases
- (d) 105.6.5 Emergency responder communication coverage system
- (e) 105.6.7, Fire alarm and detection systems and related equipment
- (f) 105.6.8, Fire pumps and related equipment
- (g) 105.6.11 Gas detection systems
- (h) 105.6.14 High-pile combustible storage
- (i) 105.6.16 LP-Gas
- (j) 105.6.24, Stand-pipe systems
- (k) 105.6.26 Access control system

(6) Section 105.7 is repealed and reenacted to read:

105.7 Required construction permits. All construction permits will be issued by the building official. Community Risk Reduction will be the approving authority for the following:

- ~~(a) 105.7.1, Automatic fire-extinguishing systems~~
- ~~(b) 105.7.7, Fire alarm and detection systems and related equipment~~
- ~~(c) 105.7.8, Fire pumps and related equipment~~
- ~~(d) 105.7.11 Gas detection systems~~
- ~~(e) 105.7.14 High-pile combustible storage~~

- (f) ~~105.7.18 Plant indoor cultivation and extraction systems~~
- (g) ~~105.7.24, Stand pipe systems~~

Section 112, "Means of Appeals," is repealed and reenacted to read:

112 Appeals.

(a) Any appeal under this section shall be heard by the Board of Building Appeals established under Section 2-3-4, "Board of Building Appeals," B.R.C. 1981, unless the city manager determines, due to the nature of the issues in a particular appeal, to appoint a hearing officer under Section 1-3-5, "Hearings and Determinations," B.R.C. 1981.

(b) Appeal of refusal to approve work or building permit. A person refused a building permit or refused approval of work done under a permit on the grounds that the proposed or completed construction fails to comply with this code or any other city building code may appeal the decision on the grounds that:

1. The denial was based on an erroneous interpretation of such code by the manager; or
2. The manager has erroneously failed to approve an alternate material or method pursuant to Section 104.2.3 of the fire code prior to its installation or use. In determining such an appeal, the board or hearing officer shall apply the standards of Section 104.2.3 of the fire code.

The manager has the burden of proof under paragraph 1. above. The appellant has the burden of proof on appeals brought pursuant to paragraph 2. The board or hearing officer shall determine the appeal and decide whether the manager's interpretation or application of such code was correct or in error at a hearing under the procedures described by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.

(c) Appeal of suspension or revocation of building permit or certificates. Any person whose building permit or certificate of occupancy or certificate of completion has been suspended or revoked may appeal such action by the city manager on the ground that the suspension or revocation was based on an error in fact or an erroneous application of this code to the facts. The manager has the burden of proving the facts upon which the manager relies at such a hearing.

(d) An application for appeal must be filed in writing with the city manager within fourteen days after the date of refusal of the building permit or approval of work performed under the permit or revocation or suspension of the building permit or certificate of occupancy or certificate of completion stating the basis for appeal.

1 (e) Appeals Concerning Existing Conditions.

2 1. Any aggrieved person who has been issued an order or other notice
3 of violation under this fire code, other than a summons and
4 complaint, under Sections 102.1 and 102.2 concerning legally
5 existing conditions in a structured based upon the city manager's
6 determination that such conditions constitute a distinct hazard to
7 life or property, and who believes the alleged violation to be
8 factually or legally contrary to the requirements of this fire code or
9 rules and regulations issued pursuant to this fire code may appeal
 the order or notice. An appellant shall file the appeal with the
 board within thirty days from the date of service of the notice of
 alleged violation. The appellant may request enlargement of time
 to file if such request is made before the end of the time period.
 The manager may extend for a reasonable period the time to file
 with the board if the applicant shows good cause therefore.

10 2. Any person aggrieved by a decision of the manager upon a
11 reinspection that any or all of the violations alleged in the notice of
12 violation have not been adequately corrected may appeal such
 determination by filing a notice of appeal within fourteen days of
 the date of the reinspection.

13 3. The appeal will be conducted under the procedures of Chapter 1-3,
14 "Quasi-Judicial Hearings," B.R.C. 1981. The burden of proof is on
 the manager to establish an alleged violation.

15 4. If the board of appeals or hearing officer affirms the determination
16 by the manager, it shall grant the person a reasonable period of
17 time to correct the violation appealed. Any subsequent
18 determination by the manager as to whether the violations alleged
 in the notice of violation have been adequately corrected is final.

19 5. If no person appeals a notice of violation under this section, the
20 provisions of the notice become final when the time for filing an
 appeal with the board has expired. An order appealed to court is
 final unless a stay is in effect.

21 6. If a person to whom the manager has issued a notice of violation
22 does not appeal under this section, such person may not raise a
23 defense to any subsequent prosecution in municipal court for a
24 violation of an order that the conditions alleged to be violations in
 the notice of violation were not in fact or law violations.

25 (f) An applicant for an appeal shall pay the fee prescribed by Section 4-20-52,
 "Fire Code Permit and Inspection Fees," B.R.C. 1981. The fee for an

appeal heard by a hearing officer shall be the same as the fee for an appeal heard by the Board of Building Appeals.

(g) The manager may apply to the Board of Building Appeals, without fee, for an advisory opinion concerning alternative methods, applicability of specific requirements, approval of equipment and materials, and granting of special permission as contemplated in Section 104.2.3 or 104.2.4 of the fire code.

(h) The Board of Building Appeals or hearing officer has no authority to interpret Chapter 1 (the administrative requirements) of this code except as expressly provided in this section, nor, because this code sets minimum standards, to waive any requirement of this code.

(i) An aggrieved person seeking judicial review of a decision of the Board of Building Appeals or hearing officer made under this section shall file a complaint for such review within thirty days after the date of the decision under Colorado Rule of Civil Procedure 106(a)(4).

(j) If the city manager determines that the subject of an order or notice issued under this fire code constitutes an immediate hazard to the public health, safety, or welfare, the manager may order immediate compliance. Persons subject to such orders shall comply forthwith but shall be entitled to a prompt post-compliance appeal hearing before the Board of Building Appeals or a hearing officer under the procedures specified in this section.

(7) Section 109, "Board of Appeals," is repealed and reenacted to read:

109 Appeals.

~~(a) Any appeal under this section shall be heard by the Board of Building Appeals established under Section 2-3-4, "Board of Building Appeals," B.R.C. 1981, unless the city manager determines, due to the nature of the issues in a particular appeal, to appoint a hearing officer under Section 1-3-5, "Hearings and Determinations," B.R.C. 1981.~~

~~(b) Appeal of refusal to approve work or building permit. A person refused a building permit or refused approval of work done under a permit on the grounds that the proposed or completed construction fails to comply with this code or any other city building code may appeal the decision on the grounds that:~~

~~1. The denial was based on an erroneous interpretation of such code by the manager; or~~

~~2. The manager has erroneously failed to approve an alternate material or method pursuant to Section 104.9 of the fire code prior to its installation or use. In determining such an appeal, the board or hearing officer shall apply the standards of Section 104.9 of the fire code.~~

~~The manager has the burden of proof under paragraph 1. above. The appellant has the burden of proof on appeals brought pursuant to paragraph 2. The board or hearing officer~~

1 shall determine the appeal and decide whether the manager's interpretation or application
2 of such code was correct or in error at a hearing under the procedures described by
Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.

3 (c) — ~~Appeal of suspension or revocation of building permit or certificates. Any person
4 whose building permit or certificate of occupancy or certificate of completion has
5 been suspended or revoked may appeal such action by the city manager on the
6 ground that the suspension or revocation was based on an error in fact or an
7 erroneous application of this code to the facts. The manager has the burden of
8 proving the facts upon which the manager relies at such a hearing.~~

9 (d) — ~~An application for appeal must be filed in writing with the city manager within
10 fourteen days after the date of refusal of the building permit or approval of work
11 performed under the permit or revocation or suspension of the building permit or
12 certificate of occupancy or certificate of completion stating the basis for appeal.~~

13 (e) — ~~Appeals Concerning Existing Conditions.~~

14 1. — ~~Any aggrieved person who has been issued an order or other notice of
15 violation under this fire code, other than a summons and complaint, under
16 Sections 102.1 and 102.2 concerning legally existing conditions in a
17 structured based upon the city manager's determination that such
18 conditions constitute a distinct hazard to life or property, and who believes
19 the alleged violation to be factually or legally contrary to the requirements
20 of this fire code or rules and regulations issued pursuant to this fire code
21 may appeal the order or notice. An appellant shall file the appeal with the
22 board within thirty days from the date of service of the notice of alleged
23 violation. The appellant may request enlargement of time to file if such
24 request is made before the end of the time period. The manager may
25 extend for a reasonable period the time to file with the board if the
applicant shows good cause therefor.~~

2. — ~~Any person aggrieved by a decision of the manager upon a reinspection
that any or all of the violations alleged in the notice of violation have not
been adequately corrected may appeal such determination by filing a
notice of appeal within fourteen days of the date of the reinspection.~~

3. — ~~The appeal will be conducted under the procedures of Chapter 1-3,
"Quasi-Judicial Hearings," B.R.C. 1981. The burden of proof is on the
manager to establish an alleged violation.~~

4. — ~~If the board of appeals or hearing officer affirms the determination by the
manager, it shall grant the person a reasonable period of time to correct the
violation appealed. Any subsequent determination by the manager as to
whether the violations alleged in the notice of violation have been
adequately corrected is final.~~

5. — ~~If no person appeals a notice of violation under this section, the provisions
of the notice become final when the time for filing an appeal with the
board has expired. An order appealed to court is final unless a stay is in
effect.~~

6. ~~If a person to whom the manager has issued a notice of violation does not appeal under this section, such person may not raise a defense to any subsequent prosecution in municipal court for a violation of an order that the conditions alleged to be violations in the notice of violation were not in fact or law violations.~~

~~(f) An applicant for an appeal shall pay the fee prescribed by Section 4-20-52, "Fire Code Permit and Inspection Fees," B.R.C. 1981. The fee for an appeal heard by a hearing officer shall be the same as the fee for an appeal heard by the Board of Building Appeals.~~

~~(g) The manager may apply to the Board of Building Appeals, without fee, for an advisory opinion concerning alternative methods, applicability of specific requirements, approval of equipment and materials, and granting of special permission as contemplated in Section 104.8 or 104.9 of the fire code.~~

~~(h) The Board of Building Appeals or hearing officer has no authority to interpret Chapter 1 (the administrative requirements) of this code except as expressly provided in this section, nor, because this code sets minimum standards, to waive any requirement of this code.~~

~~(i) An aggrieved person seeking judicial review of a decision of the Board of Building Appeals or hearing officer made under this section shall file a complaint for such review within thirty days after the date of the decision under Colorado Rule of Civil Procedure 106(a)(4).~~

~~(j) If the city manager determines that the subject of an order or notice issued under this fire code constitutes an immediate hazard to the public health, safety, or welfare, the manager may order immediate compliance. Persons subject to such orders shall comply forthwith, but shall be entitled to a prompt post-compliance appeal hearing before the Board of Building Appeals or a hearing officer under the procedures specified in this section.~~

Section 113.1, "Unlawful acts," is repealed and reenacted to read:

113.1 Violations.

(a) General Provisions:

(1) No person shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof. No person shall fail to comply with any order issued by the city manager under this code. No person shall erect, construct, enlarge, alter, extend, repair, move, remove, improve, convert, demolish, equip, use, occupy, maintain, or utilize any building, structure, occupancy, premises, or system in the city or cause or permit the same to be done except in conformity with all of the provisions of this code and in conformity with the terms and conditions of approval issued under this code, or of any directive of the code official.

(2) In accordance with the provisions of Section 5-2-11, "Prosecution of Multiple Counts for Same Act," B.R.C. 1981, each day during

which illegal construction, alteration, maintenance, occupancy, or use continues, constitutes a separate offense remediable through the enforcement provisions of this code.

(3) The owner, tenant, and occupant of a structure or land, and the agents of each of them, are jointly and severally liable for any violation of this code with respect to such structure or land.

(4) The remedies for any violation of any provision of this code or of any permit, certificate, or other approval issued under this code or other City of Boulder code or of any directive of the fire code official may be pursued singly or in combination.

(5) If any person fails or refuses to pay when due any charge imposed under this section, the fire code official may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

(6) The fire code official may charge the cost of any action taken to correct or abate a violation, as authorized by this code, plus up to fifteen percent of such cost for administration, to the property owner. If any property owner fails or refuses to pay when due any charge imposed under this section, the fire code official may, in addition to taking other collection remedies, certify due any unpaid charges, including interest, to the Boulder County Treasurer, to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected, under the procedures described by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

(b) Administrative Procedures and Remedies:

(1) If the fire code official finds that a violation of any provision of this code or any approval granted under this code exists, the city manager, after notice and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:

(A) Impose a civil penalty according to the following schedule:

(i) For the first violation of the provision or approval, \$100;

(ii) For the second violation of the same provision or approval, \$300; and

1 (iii) For the third violation of the same provisions or approval,
2 \$1,000.

3 (B) For a violation concerning the use of a residential building under a
4 rental license, revoke such license;

5 (C) Require the filing of a declaration of use as provided in subsection
6 (e); or

7 (D) Issue an order reasonably calculated to ensure compliance with the
8 provisions of this code or any approval granted under this code.

9 (2) Prior to the hearing, the fire code official may issue an order that no
10 person shall perform any work on any structure or land, except to correct
11 any violation found by the fire code official to exist with respect to such
12 structure or land.

13 (3) If notice is given to the fire code official at least forty-eight hours before
14 the time and date set forth in the notice of hearing on any violation that the
15 violation has been corrected, the fire code official will reinspect the
16 structure or land. If the fire code official finds that the violation has been
17 corrected, the manager may cancel the hearing.

18 (4) No person shall fail to comply with any action taken by the fire code
19 official under this section.

20 (c) Criminal Penalties. Violations of this code are punishable as provided in Section
21 5-2-4, "General Penalties," B.R.C. 1981.

22 (d) Other Remedies. The city attorney may maintain an action for damages,
23 declaratory relief, specific performance, injunction, or any other appropriate relief
24 in the District Court in and for the County of Boulder for any violation of any
25 provision of this code or any approval granted under this code.

(e) Declaration of Use. If the fire code official determines that a person is using a
structure in a way that might mislead a reasonable person to believe that such use
is a use by right or otherwise authorized by this title, the fire code official may
require such person to sign under oath a declaration of use that defines the limited
nature of the use and to record such declaration in the office of the Boulder
County Clerk and Recorder against the title to the land. In addition to all other
remedies and actions that the code official is authorized to use under the Boulder
Revised Code or other applicable federal, state, or local laws to enforce the
provisions of this code, the city manager is authorized to withhold any approval
affecting such structure or land, including, without limitation, a building

1 permit, use review, site review, subdivision, floodplain development permit, or
2 wetland permit, until such time as the person submits a declaration of use that is
3 in a form acceptable to the fire code official.

4 (8) ~~Section 110.1, "Unlawful acts," is repealed and reenacted to read:~~

5 **110.1 Violations.**

6 (a) ~~General Provisions:~~

7 (1) ~~No person shall violate a provision of this code, or fail to comply~~
8 ~~therewith or with any of the requirements thereof. No person shall~~
9 ~~fail to comply with any order issued by the city manager under this~~
10 ~~code. No person shall erect, construct, enlarge, alter, extend, repair,~~
11 ~~move, remove, improve, convert, demolish, equip, use, occupy,~~
12 ~~maintain, or utilize any building, structure, occupancy, premises,~~
13 ~~or system in the city or cause or permit the same to be done except~~
14 ~~in conformity with all of the provisions of this code and in~~
15 ~~conformity with the terms and conditions of approval issued under~~
16 ~~this code, or of any directive of the code official.~~

17 (2) ~~In accordance with the provisions of Section 5-2-11, "Prosecution~~
18 ~~of Multiple Counts for Same Act," B.R.C. 1981, each day during~~
19 ~~which illegal construction, alteration, maintenance, occupancy, or~~
20 ~~use continues, constitutes a separate offense remediable through~~
21 ~~the enforcement provisions of this code.~~

22 (3) ~~The owner, tenant, and occupant of a structure or land, and the~~
23 ~~agents of each of them, are jointly and severally liable for any~~
24 ~~violation of this code with respect to such structure or land.~~

25 (4) ~~The remedies for any violation of any provision of this code or of~~
any permit, certificate, or other approval issued under this code or
other City of Boulder code or of any directive of the fire code
official may be pursued singly or in combination.

(5) ~~If any person fails or refuses to pay when due any charge imposed~~
under this section, the fire code official may, in addition to taking
other collection remedies, certify due and unpaid charges to the
Boulder County Treasurer for collection as provided by Section 2-
2-12, "City Manager May Certify Taxes, Charges, and
Assessments to County Treasurer for Collection," B.R.C. 1981.

(6) ~~The fire code official may charge the cost of any action taken to~~
correct or abate a violation, as authorized by this code, plus up to
fifteen percent of such cost for administration, to the property
owner. If any property owner fails or refuses to pay when due any
charge imposed under this section, the fire code official may, in
addition to taking other collection remedies, certify due any unpaid

charges, including interest, to the Boulder County Treasurer, to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected, under the procedures described by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

(b) ~~Administrative Procedures and Remedies:~~

(1) ~~If the fire code official finds that a violation of any provision of this code or any approval granted under this code exists, the city manager, after notice and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:~~

(A) ~~Impose a civil penalty according to the following schedule:~~

- (i) ~~For the first violation of the provision or approval, \$100;~~
- (ii) ~~For the second violation of the same provision or approval, \$300; and~~
- (iii) ~~For the third violation of the same provisions or approval, \$1,000.~~

(B) ~~For a violation concerning the use of a residential building under a rental license, revoke such license;~~

(C) ~~Require the filing of a declaration of use as provided in subsection (e); or~~

(D) ~~Issue an order reasonably calculated to ensure compliance with the provisions of this code or any approval granted under this code.~~

(2) ~~Prior to the hearing, the fire code official may issue an order that no person shall perform any work on any structure or land, except to correct any violation found by the fire code official to exist with respect to such structure or land.~~

(3) ~~If notice is given to the fire code official at least forty-eight hours before the time and date set forth in the notice of hearing on any violation that the violation has been corrected, the fire code official will reinspect the structure or land. If the fire code official finds that the violation has been corrected, the manager may cancel the hearing.~~

(4) ~~No person shall fail to comply with any action taken by the fire code official under this section.~~

(e) ~~Criminal Penalties. Violations of this code are punishable as provided in Section 5-2-4, "General Penalties," B.R.C. 1981.~~

(d) ~~Other Remedies. The city attorney may maintain an action for damages, declaratory relief, specific performance, injunction, or any other appropriate relief in the District Court in and for the County of Boulder for any violation of any provision of this code or any approval granted under this code.~~

(e) ~~Declaration of Use. If the fire code official determines that a person is using a structure in a way that might mislead a reasonable person to believe that such use is a use by right or otherwise authorized by this title, the fire code official may require such person to sign under oath a declaration of use that defines the limited nature of the use and to record such declaration in the office of the Boulder County Clerk and Recorder against the title to the land. In addition to all other remedies and actions that the code official is authorized to use under the Boulder Revised Code or other applicable federal, state, or local laws to enforce the provisions of this code, the city manager is authorized to withhold any approval affecting such structure or land, including, without limitation, a building permit, use review, site review, subdivision, floodplain development permit, or wetland permit, until such time as the person submits a declaration of use that is in a form acceptable to the fire code official.~~

Section 113.3.3, "Prosecution of violations," is repealed.

~~(9) Section 110.3.3, "Prosecution of violations," is repealed.~~

Section 113.4.1, "Abatement of violationViolation penalties," is repealed and reenacted to read:

113.4.1 Abatement of violation. In addition to the imposition of the penalties described in Section 113.1, Violations, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business, or occupancy of a structure on or about any premises.

~~(10) Section 110.4, "Violation penalties," is repealed and reenacted to read:~~

~~**110.4 Abatement of violation.** In addition to the imposition of the penalties described in Section 110.1, Violations, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business, or occupancy of a structure on or about any premises.~~

~~(10)~~ Chapter 2, "Definitions," is amended by the addition of the following additional definitions. For any definition that already exists, it is repealed and reenacted with the definition listed here:

1 *Accessible Private Drive* means a twenty-foot unobstructed clear width with a twelve-
 2 foot hard, all-weather, drivable surface which can support forty tons on ten wheels and has an
 SU-30 turning radius for the fire department's fire apparatus.

3 ~~*Attached Dwelling Unit* means a structure which contains more than one dwelling unit
 4 regardless of any fire separation features.~~

5 *Ceremonial Fire* means a fire that is used as an indispensable part of a religious
 6 ceremony or ritual. The fire must be attended by a qualified individual recognized by the
 7 organization and conducted in a ceremonial fire oven or ceremonial fire pit.

8 *Ceremonial Fire Chantico* is a structure enclosed on three sides by brick, cinderblock,
 9 stone, or other non-combustible construction. The oven is covered on the top with non-
 10 combustible construction and contains a chimney at least two feet in height that has a spark
 11 arrestor conforming to nationally recognized standards.

12 *Ceremonial Fire Pit* is a three-foot-deep pit that does not exceed ten feet in diameter with
 13 a twenty-four-inch horseshoe shaped berm void of vegetation. A five-foot buffer zone surrounds
 14 the berm and is clear of vegetation and/or other combustibles.

15 ~~*Detached Dwelling Unit* means a structure which contains only one dwelling unit
 16 together with any building accessory to the dwelling unit, and is structurally independent of other
 17 structures or occupancies, and has a fire separation distance of not less than six feet from other
 18 structures.~~

19 *Emergency Vehicle Access Street* means a street meeting the requirements of this code
 20 and the City of Boulder Design and Construction Standards.

21 *Fire Access Distance* means the distance between two hydrants, or the distance from a
 22 hydrant to any external portion of any building or buildings, or the distance from the centerline
 23 of a non-dead-end emergency vehicle access street to the point on the curb on such street from
 24 which access to such building is gained, measured along public or private (but accessible to fire
 25 equipment) roadways or fire lanes, as would be traveled by motorized firefighting equipment.

Fire code official means the city manager or the manager's delegate.

Fire Department or Municipal Fire Department means the Fire Department of the City of
 Boulder, Colorado.

~~*House Behind a House* exists if the dwelling unit is on a lot which does not front on an
 emergency vehicle access street meeting the requirements of sections 503.1 and 503.2, or the
 dwelling unit is not served by a fire lane meeting the requirements of Section 502.1 from an
 emergency vehicle access street to an entrance to the dwelling unit, and access from the
 emergency vehicle access street to the unit is obstructed by any structure.~~

Open Burning is the burning of materials where visible products of combustion are
 emitted directly into the ambient air without passing through a chimney from a fireplace built in
 compliance with the City of Boulder Building Code.

Portable Appliance means any appliance that is designed to be moved or relocated on a
 daily basis without any special knowledge. This includes, but is not limited to, box or oscillating
 fans, power tools, vacuum cleaners, and floor polishers.

~~Sky Lantern means an unmanned device, whether tethered or untethered, made of paper or other thin material with a frame that contains a candle or other fuel source which creates an open flame or other heat source designed to heat the air inside the device, causing it to lift into the air in a manner similar to a hot air balloon.~~

~~Unobstructed by Any Structure Above Grade means that no structure blocks the view so that there is not at least one entire face of the building substantially visible in a direct line over the lot upon which the building sits from the nearest emergency vehicle access street, and no structure would significantly interfere with a stream of water being sprayed on the building by a nozzle mounted on a fire truck parked on the nearest emergency vehicle access street. For the purposes of this definition, a legal fence shall not be considered an obstruction if it has a gate which opens at least three feet wide, which is not locked, and through which firefighters on foot have ready access to the building within the distance limitations.~~

(112) **304.1.1 Valet trash** is repealed and reenacted to read:

Valet trash collection shall be permitted only where approved. The owner and valet trash collection service provider shall comply with Appendix O as adopted and amended.

(12) **304.1.1.1 Permits Required** is added to read:

Permits required. An operational permit shall be obtained from the fire code official in accordance with Section 105.5.58 prior to contracting and using valet trash services. Operational permit will be issued to the owner or the owner’s designated representative for the property where the services will be used.

(143) 307, "Open burning, recreational fires, and portable outdoor fireplaces," is repealed and reenacted to read:

307 Open burning and recreational fires.

(1) No person shall kindle or maintain outside of a habitable building or outside of an exterior fireplace built in accordance with the City of Boulder Building Code any bonfire or burn or permit to be burned any trash, paper, rubbish, wastepaper, wood, weeds, brush, plants, or other combustible or flammable material anywhere within the city limits or anywhere on city property outside of the city limits, except when:

- (a) The burning is in the course of an agricultural operation in the growing of crops as a gainful occupation and presents no fire hazard to other property in the vicinity;
- (b) The burning is a smokeless ~~flare~~flare, or a safety flare used to indicate some danger to the public;
- (c) The burning is a training fire conducted by the fire department, or is a training fire conducted by another fire department, or privately for industrial or commercial fire training purposes; or

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(d) The burning is solely for the purpose of fuel mitigation to alleviate wildland fire potential, ~~or potential~~ or weed abatement to assist restoration of native plants.

(e) The burning is part of a "ceremonial fire" where all the following are met:

1. A permit must be obtained from Boulder Fire Rescue Department;
2. Fire must be contained in a ceremonial fire pit or a ceremonial chantico;
3. A water source with a garden hose attached and charged must be readily available and can reach all parts of the ceremonial fire;
4. Ceremonial fire must be extinguished if winds exceed 15 mph; and
5. Ceremonial fire must adhere to all state and county requirements for air quality and burn restrictions.

(2) Mobile or portable type outdoor fireplaces are prohibited to use within the city limits or anywhere on city property outside of the city limits.

(14) ~~Section 308.1.6.3 is repealed and reenacted to read:~~

~~**308.1.6.3 Sky lanterns.** No person shall use any sky lantern within the City of Boulder, or anywhere on city-owned property outside of city limits, including Open Space and Mountain Parks land.~~

Section 308.1.7 "Sky lanterns" is repealed and reenacted to read:

308.1.7 Sky lanterns. No person shall use any sky lantern(s) within the City of Boulder, or anywhere on city-owned property outside of city limits, including Open Space and Mountain Parks land.

~~(14) Exceptions 1, 2 and 3 to Section 311.2.2, "Fire protection," are repealed.~~

(15) **322.4 Battery charging areas:** is amended by the addition of the following:

9. The indoor room or area shall be protected with an automatic fire sprinkler system designed as an ordinary group II hazard and a maximum sprinkler area coverage of 100 square feet.

(176) A new Section 401.9, "Fire alarm fees," is added to read:

401.9 Fire alarm fees.

(a) After the fire department has responded to two nuisance alarms from the

1 fire alarm system from any property or address in any calendar year, the
2 city manager may impose a charge for each additional response to an
3 alarm which originates from the property during the same calendar year, in
4 accordance with the schedule prescribed by Section 4-20-52, "Fire Code
5 Permit and Inspection Fees," B.R.C. 1981.

6 (b) The city manager may waive a charge imposed for a nuisance fire alarm
7 response if the property owner of record demonstrates that such alarm was
8 caused by a fire or the threat of a fire, or that such alarm was not under the
9 property owner's control. It shall not be a defense that the alarm system is
10 malfunctioning, unless the owner or manager is able to demonstrate that
11 said alarm system is currently being serviced to remedy the problems
12 being encountered.

13 (c) If any fee is not paid within thirty days after demand therefor has been
14 mailed to the record owner of the building, the city manager may certify
15 the amount due to the County Treasurer pursuant to Section 2-2-12, "City
16 Manager May Certify Taxes, Charges, and Assessments to County
17 Treasurer for Collection," B.R.C. 1981.

18 (187) Section 503.2.1, "Dimensions," is repealed and reenacted to read:

19 **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not
20 less than twenty feet (6,096 mm), except for approved security gates in accordance with
21 Section 503.6, and an unobstructed vertical clearance of not less than fifteen feet (4,572
22 mm).

23 (198) Section 507.5.1, "Where required," is repealed and reenacted to read:

24 **507.5.1 Where required.** Location and spacing of fire hydrants will be in accordance
25 with the City of Boulder Design and Construction Standards.

(2019) Section 510.4.1.1 is repealed and reenacted to read:

510.4.1.1 Minimum signal strength into the building. ~~A minimum signal strength of -95 dBm shall be receivable within the building.~~

The minimum downlink signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The downlink signal level shall be a minimum of -95 dBm throughout the coverage area and sufficient to provide not less than a Delivered Audio Quality (DAQ) of 3.0 throughout the coverage area using either narrow band analog, digital or wideband LTE signals or an equivalent bit error rate (BER), or signal-to-interference-plus-noise ratio (SINR) applicable to the technology for either analog or digital signals.

1 (240) Section 5140.4.1.2 is repealed and reenacted to read:

2 **510.4.1.2 Minimum signal strength out of the building.** A minimum signal strength of
3 -95 dBm shall be received by the agency's radio system ~~with transmitted from within the~~
4 ~~building.~~

5 (21) ~~Section 603.4, "Portable unvented heaters," is repealed and reenacted to read:~~

6 ~~**603.4 Portable unvented heaters.** Portable unvented fuel-fired heating equipment are
7 prohibited inside any occupied structure.~~

8 (21) Section 901.6, "Inspection, testing and maintenance," is amended by the addition
9 of the following:

10 If any building, structure, or portion of the same is protected by a fire detection, alarm,
11 and extinguishing system, or the owner has agreed with the city manager so to protect the
12 building or structure or portion thereof, then no person shall shut off or disable such
13 system except as authorized under Section 11-1-45, "Water to Be Shut Off for Failure to
14 Pay," B.R.C. 1981, and no owner, manager, or tenant of such space shall fail to prevent
15 the shutting off or disabling of such system. It is a specific defense to a charge of
16 violation of this section that the system was shut off in order to perform maintenance
17 work on the system, that it was shut off for the minimum period of time necessary to
18 perform such work, and that maintenance personnel were on the premises performing
19 such work during the entire time the system was shut off. The minimum penalty for
20 violation of this section, no portion of which may be suspended, is a fine of \$1,000.

21 (232) Section 903 is amended by the addition of the following:

22 Any new building or change of occupancy of an existing building that does not have
23 approved fire department access as required by the fire code may be required by the fire
24 code official to have an automatic fire sprinkler system installed regardless of the
25 building size.

(243) Section 903.1 is repealed and reenacted to read:

903.1 General. An automatic sprinkler system shall be installed in the occupancies and
locations as set forth in this section.

(254) The first sentence of Section 903.2 is repealed and reenacted to read:

Approved automatic sprinkler system in new buildings and structures shall be provided in
the locations described in Sections 903.2.1 through 903.2.156.

(265) Section 903.2.1 is amended by the addition of the following:

1 **903.2.1 Group A.** All basements classified as, or a part of, a Group A occupancy shall be
 2 provided with an automatic sprinkler system regardless of the gross square footage.

3 (a) Section 903.2.1.1 Group A-1, #1 is repealed and reenacted to read:
 4 1. The fire area exceeds 2,000 square feet (185.8 m²)

5 (b) Section 903.2.1.2 Group A-2, #1 is repealed and reenacted to read:
 6 1. The fire area exceeds 2,000 square feet (185.8 m²)

7 (c) Section 903.2.1.3 Group A-3, #1 is repealed and reenacted to read:
 8 1. The fire area exceeds 2,000 square feet (185.8 m²)

9 (d) Section 903.2.1.4 Group A-4, #1 is repealed and reenacted to read:
 10 1. The fire area exceeds 2,000 square feet (185.8 m²)

11 (276) Section 903.2.32, Group ~~E~~, B is repealed and reenacted to read:

12 ~~An automatic sprinkler system shall be provided for Group E occupancies as follows:~~

13 (a) ~~Throughout all Group E fire areas greater than 2,000 square feet (185.8 m²~~
 14 ~~) in area.~~

15 (b) ~~The Group E fire area is located on a floor other than a level of exit~~
 16 ~~discharge serving such occupancies.~~

17 (c) ~~The Group E fire area has an occupant load of 300 or more.~~

18 (d) ~~All basements classified as, or a part of, a Group E occupancy shall be~~
 19 ~~provided with an automatic sprinkler system regardless of the gross square~~
 20 ~~footage.~~

21 An automatic sprinkler system shall be provided for all new Group B occupancies greater
 22 than 2,000 square feet (185.8m²) and as required by Sections 903.2.2.1 and 903.2.2.2.

23 (278) Section 903.2.43, Group ~~F~~ E, is repealed and reenacted to read:

24 ~~An automatic sprinkler system shall be provided throughout all new Group F occupancies~~
 25 ~~greater than 2,000 square feet (185.8 m²).~~

An automatic sprinkler system shall be provided for Group E occupancies as follows:

26 (a) Throughout all Group E fire areas greater than 2,000 square feet (185.8
 27 m²) in area.

28 (b) The Group E fire area is located on a floor other than a level of exit
 29 discharge serving such occupancies.

30 (c) The Group E fire area has an occupant load of 300 or more.

31 (d) All basements classified as, or a part of, a Group E occupancy shall be
 32 provided with an automatic sprinkler system regardless of the gross square
 33 footage.

1 (298) Section 903.2.74, Group ~~MF-1~~, #1 is repealed and reenacted to read:

2 An automatic sprinkler system shall be provided throughout all Group M occupancies
3 greater than 2,000 square feet (185.8 m²).

4 1. A group F-1 fire area exceeds 2,000 square feet (185.5 m²)(29)

5 (29) 903.2.4.1, Woodworking operations, is repealed and reenacted to read:

6 An automatic sprinkler system shall be provided throughout all Group F-1
7 occupancy fire areas that contain woodworking operations in excess of 2,000
8 square feet (185.8 m²) in area that generate finely divided combustible waste or
9 use finely divided combustible materials.

10 (30) 903.2.4.3, Group F-1 upholstered furniture or mattresses, is repealed and
11 reenacted to read:

12 An automatic sprinkler system shall be provided throughout a Group F-1 fire area
13 that exceeds 2,000 square feet (185.8 m²) used for the manufacture of upholstered
14 furniture or mattresses.

15 (3029) ~~Section 903.2.8 is amended by the addition of the following:~~

16 (a) ~~— Detached one- and two- family dwellings and multiple single- family~~
17 ~~dwellings (townhomes) not more than three stories above grade plane in~~
18 ~~height with a separate means of egress and their accessory structure shall~~
19 ~~comply with the fire sprinkler system requirements of the City of Boulder~~
20 ~~Residential Building Code.~~

21 (b) ~~— An automatic sprinkler system installed in accordance with Section 903.3~~
22 ~~shall be provided throughout all buildings with a Group R fire areas.~~

23 (30) ~~Section 903.2.9, Group S-1, is repealed and reenacted to read:~~

24 ~~An automatic sprinkler system shall be provided throughout all Group S-1 occupancies~~
25 ~~greater than 2,000 square feet (185.8 m²), including, but not limited to, repair garages.~~

(31) Section 903.2.107, Group ~~S-2M~~, is repealed and reenacted to read:

An automatic sprinkler system shall be provided throughout all Group S-2 occupancies
greater than 2,000 square feet (185.8 m²).

An automatic sprinkler system shall be provided throughout buildings containing a Group
M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 2,000 square feet (185.8 m²).

2. A Group M fire area is located more than three stories above grade plane.

3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 2,000 square feet (185.8 m²).

(32) ~~A new Section 903.2.13, "Group U occupancies," is added to read:~~

~~**903.2.13 Group U occupancies.** An automatic sprinkler system shall be provided throughout all new Group U occupancies greater than 2,000 gross square feet (185.8 m²).~~

903.2.7.2 Group M upholstered furniture or mattresses is repealed and reenacted to read:

An automatic sprinkler system shall be provided throughout a Group M fire area where the area used for the display and sale of upholstered furniture or mattresses exceeds 2,000 square feet (185.8 m²).

(33) ~~A new Section 903.2.14, Group B Occupancies, is added to read:~~

~~**Section 903.2.14 Group B Occupancies.** An automatic sprinkler system shall be provided throughout all new Group B occupancies greater than 2,000 gross square feet (185.8m²).~~

Section 903.2.8, Group R, is amended by the addition of the following:

(a) Detached one- and two-family dwellings and multiple single-family dwellings (townhomes) not more than three stories above grade plane in height with a separate means of egress and their accessory structure shall comply with the fire sprinkler system requirements of the City of Boulder Residential Building Code.

(b) An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire areas.

(34) ~~A new Section 903.2.15 is added to read:~~

~~**903.2.15.** Any occupancy, structure, or unit required to be protected by a sprinkler system by one provision of the fire code or the building code, and falling within an exception to a requirement of such protection to any other provision of the fire code or building code, shall be so protected.~~

Section 903.2.9, Group S-1, is repealed and reenacted to read:

An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 2,000 square feet (185.8 m²).
2. A Group S-1 fire area is located more than three stories above grade plane.

3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 2,000 square feet (185.8 m²).
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 2,000 square feet (185.8 m²).
5. A Group S-1 fire area used for the storage of lithium-ion or lithium metal batteries or any equipment containing lithium-ion or lithium metal batteries including vehicles, micro-mobility devise and energy storage systems.

(35) ~~A new Section 903.2.16 is added to read:~~

~~**903.2.16.** If the floor area of an addition to any existing occupancy as described in Sections 903.1 through 903.2.14 above is greater than either fifty percent of the existing gross floor area or 2,000 square feet, and the total altered structure would be required to be protected by a sprinkler system by this section if it were new construction, then the entire addition shall be protected throughout by an approved and supervised automatic sprinkler system, installed in accordance with Section 903.3.1. Said sprinkler system shall be continuous throughout the addition up to a fire barrier built in accordance with the building code for that occupancy.~~

Section 903.2.9.1, Repair garages, is repealed and reenacted to read:

An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the International Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basement, with fire area containing a repair garage exceeding 2,000 square feet (185.8 m²).
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 2,000 square feet (185.8 m²).
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire used for the repair of commercial motor vehicles where the fire area exceeds 2,000 square feet (185.8 m²)
5. A Group S-1 fire area used for the storage of lithium-ion or lithium metal powered vehicles.

(36) ~~Section 903.3.1.1.1 Exception 4 is repealed.~~

Section 903.2.9.4, Group S-1 upholstered furniture and mattresses, is repealed and reenacted to read.

An automatic sprinkler system shall be provided throughout a Group S-1 fire area where the area used for the storage of upholstered furniture or mattresses exceeds 2,000 square feet (185.8 m²).

Exception: New self-service storage facilities not greater than on story above grade plane and separated by a fire barrier per the International Building Code every 2,000 square feet (185.8 m²)

(37) Section 903.2.10, Group S-2 Parking Garages, is repealed and reenacted to read:

An automatic sprinkler system shall be provided throughout buildings classified as parking garages where any of the following conditions exist:

1. Where the fire area of the enclosed parking garage, in accordance with section 406.6 of the International Building Code, exceeds 2,000 square feet (185.8 m²) ~~3.1.2.3, #4—Subsections 4.2 and 4.5 are repealed.~~

2. Where the enclosed parking garage, in accordance with Section 406.6 of the International Building Code, is located beneath other groups

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

3. Where the fire area of the open parking garage, in accordance with Section 406.5 of the International Building Code, exceeds 2,000 square feet (185.8 m²).

(38) Section 903.2.10.1, Commercial parking garages, is repealed and reenacted to read:

An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 2,000 square feet (185.8 m²)~~Section 903.3.5.2 is repealed and reenacted to read:~~

~~**903.3.5.2 Residential combination services.** Combination of domestic and fire service lines shall be in accordance with the City of Boulder Design and Construction Standard.~~

(39) Section 903.4.1, "Monitoring," is repealed and reenacted to read:

~~**903.4.1 Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an Underwriters Laboratory listed supervising station.~~

Exceptions:

1. ~~Underground key or hub valves in roadway boxes provided by the municipality or public utility need not be supervised.~~

2. ~~Systems installed in accordance with NFPA 13D.~~

A new Section 903.2.13, "Group U occupancies," is added to read:

903.2.13 Group U occupancies. An automatic sprinkler system shall be provided throughout all new Group U occupancies greater than 2,000 gross square feet (185.8 m²).

~~(4140) Section 903.4.2, "Alarms," is repealed and reenacted to read:~~

~~**903.4.2 Alarms.** Approved audible and visual devices shall be connected to every new automatic sprinkler system. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided in the interior of the building in accordance with NFPA 72 and on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler shall actuate the building fire alarm system.~~

A new Section 903.2.14 is added to read:

903.2.14. Any occupancy, structure, or unit required to be protected by a sprinkler system by one provision of the fire code or the building code and falling within an exception to a requirement of such protection to any other provision of the fire code or building code, shall be so protected.

~~(410) A new Section 903.7, "Response time sprinkler requirement," is adopted to read:~~

~~**903.7 Response time sprinkler requirement.**~~

~~(a) It is the city's goal, as reflected in the Boulder Valley Comprehensive Plan's urban fire service criteria, that land not be annexed unless the response travel time for service is normally four minutes or less. Nonetheless, there may be occasions when annexation outside the existing four-minute travel time but within six minutes or less is allowed due to special circumstances, in the city's best interest. Before such land is annexed, consideration must be given to the need for and provision of additional fire stations and equipment to serve properly the area being annexed and to bring it within the four-minute travel time eventually. Protection by a sprinkler system as required by subsection (e) below is a temporary substitute, and is not intended to eliminate the requirement for additional fire stations and equipment.~~

~~(b) Land used or to be used for residential purposes will not normally be annexed if it is outside the four-minute travel time unless excepted from this policy by subsection (d) below. All new dwelling units on land annexed outside the four-minute travel time shall be protected by an automatic fire sprinkler system.~~

(c) — On land annexed after the effective date of this chapter and not excepted under subsection (d) below, all new nonresidential construction and any existing nonresidential structures shall be provided throughout with an approved and supervised fire sprinkler system installed in accordance with Section 903.3.1 adopted in Chapter 10-8, "Fire Code," B.R.C. 1981, if such land is outside of the four-minute travel time from city fire stations housing at least one pumper which is rated at one thousand gallons per minute pumping capacity or greater, and which requires a crew of three or more for proper operation.

(d) — The requirements of this Section may be waived by the city council by a provision doing so in an annexation agreement incorporated into an annexation ordinance if, in the opinion of the city council, it is in the city's best interest to do so because:

(1) — Of changed or special conditions;

(2) — The land to be annexed is located on Arapahoe Avenue west of the city; or

(3) — The land to be annexed is below the blue line, west of Broadway, south of Norwood Avenue, and north of Table Mesa Drive.

Exceptions (2) and (3) above reflect the fact that it is not anticipated that new fire stations will be constructed to bring these areas within the six-minute limit. In other areas, it is anticipated that new fire stations will eventually be constructed or upgraded to bring the service area within this limit.

A new Section 903.2.15 is added to read:

903.2.15. If the floor area of an addition to any existing occupancy as described in Sections 903.1 through 903.2.13 above is greater than either fifty percent of the existing gross floor area or 2,000 square feet, and the total altered structure would be required to be protected by a sprinkler system by this section if it were new construction, then the entire addition shall be protected throughout by an approved and supervised automatic sprinkler system, installed in accordance with Section 903.3.1. Said sprinkler system shall be continuous throughout the addition up to a fire barrier built in accordance with the building code for that occupancy.

(421) Section 903.3.1.1.1 Exception 3 is repealed. A new Section 903.8, Fire suppression systems, is added to read:

903.8 Fire suppression systems. All existing structures in the following categories shall be protected throughout by an approved and supervised automatic sprinkler system installed in accordance with the provisions of Section 903.3.1. Except that any structure or portion thereof required by this section to be so protected prior to the effective date of Ordinance No. 7566, shall be immediately so protected:

(a) — R-1 and R-2 occupancies greater than fifty-five feet high.

- (b) ~~Hotels and motels. Exceptions: One and two-story structures, and three-story structures with an exterior exit balcony for all rooms above grade.~~
- (c) ~~Congregate residences classified as Group R-4.~~
- (d) ~~Group I-1 and I-2 occupancies as defined in the fire code.~~
- (e) ~~Basements greater than 2,000 gross square feet.~~

~~Exception 1. Basements below R occupancies.~~

~~Exception 2. Basements used exclusively for "services to the building," such as electric meters, compressors, and so forth. But "services to the building" shall not include any storage (either combustible or noncombustible), nor routine human occupancy.~~

~~Exception 3. Basements where there is provided at least 20 square feet of opening entirely above the adjoining ground level in each fifty lineal feet or fraction thereof of exterior wall in the basement on at least one side of the building. Openings shall have a minimum dimension of not less than 30 inches, and shall be accessible to the fire department from the exterior, and shall not be obstructed in a manner that firefighting or rescue cannot be accomplished from the exterior.~~

~~When openings are provided on only one side and the opposite wall of said basement is more than seventy five feet from such openings, said basement shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of an exterior wall of the basement.~~

- (f) ~~All Group A occupancies used primarily for dining, drinking, or motion picture viewing shall be protected throughout by an approved and supervised automatic sprinkler system installed in accordance with the provisions of Section 903.3.1 when said Group A occupancy is greater than 2,000 gross square feet in size.~~

~~For Group A occupancies described in this part (f) not currently provided with complete automatic sprinkler protection, this paragraph shall take effect during a remodel or renovation which 1) requires one or more building permits with a combined valuation (labor and materials) of \$30 per square foot or more within any calendar year, and 2) necessitates business closure for a combined period of five calendar days or more, in the aforementioned calendar year.~~

(432) Section 907.6.6 is repealed and reenacted to read:

907.6.6 Monitoring. Fire alarm systems shall be supervised by an Underwriters Laboratory listed supervising station or a Proprietary Supervising Station Alarm System meeting all of the requirements in NFPA 72, *The National Fire Alarm and Signaling Code*.

Exception: Monitoring by a supervising station is not required for:

(1) ~~Single and multiple station smoke alarms required by Section 907.2.10.~~

(2) ~~Automatic sprinklers systems in one and two family dwellings.~~

Section 903.3.1.2.3, Attics, #4 - Subsections 4.2 and 4.5 are repealed.

(443) ~~Section 1103.5, Sprinkler systems, is repealed and reenacted to read:~~

~~**1103.5 Sprinkler systems.** The automatic sprinkler system requirements set forth in Sections 903.1 and 903.2 of this code shall be complied with in existing buildings where the occupancy or use, as defined in Chapter 2 of the Existing Building Code of the City of Boulder, changes in a fire area exceeding 2,000 square feet.~~

~~**Exception:** Changes of occupancy or use which are a lower relative hazard per Table 1011.4 of the City of Boulder Existing Building Code and the new occupancy or use is not required to be provided with an automatic sprinkler system by other provisions of the City of Boulder Building Code or the City of Boulder Existing Building Code.~~

Section 903.3.5.2, Residential combination services, is repealed and reenacted to read:

903.3.5.2 Residential combination services. Combination of domestic and fire service lines shall be in accordance with the City of Boulder Design and Construction Standard.

(454) ~~Section 1204.2.1.1, Pathways to ridge, is repealed and reenacted to read:~~

~~**1204.2.1.1, Pathways to ridge.** No fewer than two 30-inch-wide (914 mm) pathways on separate roof planes, from the lowest roof edge to ridge, shall be provided on all buildings. At least one pathway shall be provided on the street or driveway side of the roof. For each roof plane with a photovoltaic array, at least one 30-inch-wide (914 mm) pathway from lowest roof edge to ridge shall be provided on the same roof plane as the photovoltaic array, on an adjacent roof plane or straddling the same and adjacent roof plane.~~

~~All access pathways required under this section shall be provided in a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.~~

Section 903.4.2, "Monitoring," is repealed and reenacted to read:

903.4.2 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an Underwriters Laboratory listed supervising station.

1
2 (465) ~~Section 1204.2.1.2, Setbacks at ridge, is repealed and reenacted to read:~~
3 ~~**1204.2.1.2, Setbacks at ridge.** Not less than a 12-inch wide setback is provided~~
4 ~~on each side of the horizontal ridge.~~

5 Section 903.4.3, "Alarms," is repealed and reenacted to read:

6 **903.4.3 Alarms.** Approved audible and visual devices shall be connected to every
7 new automatic sprinkler system. Such sprinkler water-flow alarm devices shall be
8 activated by water flow equivalent to the flow of a single sprinkler of the smallest
9 orifice size installed in the system. Alarm devices shall be provided throughout
10 the interior of the building in accordance with NFPA 72 and at least one on the
11 exterior of the building in an approved location. Where a fire alarm system is
12 installed, actuation of the automatic sprinkler shall actuate the building fire alarm
13 system.

14 **Exception:** Automatic sprinkler systems protecting one-and two-family
15 dwellings.

16 (476) ~~Section 1204.2.1.3, Alternative setbacks at ridge, is repealed.~~

17 A new Section 903.7, "Response time sprinkler requirement," is adopted to read:

18 **903.7 Response time sprinkler requirement.**

19 (a) It is the city's goal, as reflected in the Boulder Valley Comprehensive
20 Plan's urban fire service criteria, that land not be annexed unless the
21 response travel time for service is normally four minutes or less.
22 Nonetheless, there may be occasions when annexation outside the existing
23 four-minute travel time but within six minutes or less is allowed due to
24 special circumstances, in the city's best interest. Before such land is
25 annexed, consideration must be given to the need for and provision of
additional fire stations and equipment to serve properly the area being
annexed and to bring it within the four-minute travel time eventually.
Protection by a sprinkler system as required by subsection (c) below is a
temporary substitute and is not intended to eliminate the requirement for
additional fire stations and equipment.

(b) Land used or to be used for residential purposes will not normally be
annexed if it is outside the four-minute travel time unless excepted from
this policy by subsection (d) below. All new dwelling units on land
annexed outside the four-minute travel time shall be protected by an
automatic fire sprinkler system.

(c) On land annexed after the effective date of this chapter and not excepted
under subsection (d) below, all new nonresidential construction and any

existing nonresidential structures shall be provided throughout with an approved and supervised fire sprinkler system installed in accordance with Section 903.3.1 adopted in Chapter 10-8, "Fire Code," B.R.C. 1981, if such land is outside of the four-minute travel time from city fire stations housing at least one pumper which is rated at one thousand gallons per minute pumping capacity or greater, and which requires a crew of three or more for proper operation.

(d) The requirements of this Section may be waived by the city council by a provision doing so in an annexation agreement incorporated into an annexation ordinance if, in the opinion of the city council, it is in the city's best interest to do so because:

- (1) Of changed or special conditions;
- (2) The land to be annexed is located on Arapahoe Avenue west of the city; or
- (3) The land to be annexed is below the blue line, west of Broadway, south of Norwood Avenue, and north of Table Mesa Drive.

Exceptions (2) and (3) above reflect the fact that it is not anticipated that new fire stations will be constructed to bring these areas within the six-minute limit. In other areas, it is anticipated that new fire stations will eventually be constructed or upgraded to bring the service area within this limit.

~~(487) Section 5601.2.4.2, "Fireworks," is amended by the addition of the following:~~

~~The city manager shall require a certificate of insurance to protect persons and property from death or injury as a result of the fireworks display, in an amount not less than \$1,000,000 general liability per occurrence and \$2,000,000 aggregate limit. The insurance shall cover any liability of the city or any employee or agent thereof arising out of or connected with the permit and the fireworks display permitted thereunder. Before any permit for a fireworks display is issued, the applicant shall comply with the provisions of this section.~~

A new Section 903.8, Fire suppression systems, is added to read:

903.8 Fire suppression systems. All existing structures in the following categories shall be protected throughout by an approved and supervised automatic sprinkler system installed in accordance with the provisions of Section 903.3.1. Except that any structure or portion thereof required by this section to be so protected prior to the effective date of Ordinance No. 7566, shall be immediately so protected:

- (a) R-1 and R-2 occupancies greater than fifty-five feet high.

- (b) Hotels and motels. Exceptions: One- and two-story structures, and three-story structures with an exterior exit balcony for all rooms above grade.
- (c) Congregate residences classified as Group R-4.
- (d) Group I-1 and I-2 occupancies as defined in the fire code.
- (e) Basements greater than 2,000 gross square feet.

Exception 1. Basements below R occupancies.

Exception 2. Basements used exclusively for "services to the building," such as electric meters, compressors, and so forth. But "services to the building" shall not include any storage (either combustible or noncombustible), nor routine human occupancy.

Exception 3. Basements where there is provided at least 20 square feet of opening entirely above the adjoining ground level in each fifty lineal feet or fraction thereof of exterior wall in the basement on at least one side of the building. Openings shall have a minimum dimension of not less than 30 inches and shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that firefighting or rescue cannot be accomplished from the exterior.

When openings are provided on only one side and the opposite wall of said basement is more than seventy-five feet from such openings, said basement shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of an exterior wall of the basement.

- (f) All Group A occupancies used primarily for dining, drinking, or motion picture viewing shall be protected throughout by an approved and supervised automatic sprinkler system installed in accordance with the provisions of Section 903.3.1 when said Group A occupancy is greater than 2,000 gross square feet in size.

For Group A occupancies described in this part (f) not currently provided with complete automatic sprinkler protection, this paragraph shall take effect during a remodel or renovation which 1) requires one or more building permits with a combined valuation (labor and materials) of \$30 per square foot or more within any calendar year, and 2) necessitates business closure for a combined period of five calendar days or more, in the aforementioned calendar year.

(498) ~~Chapter 80, Referenced Standards, is amended by the addition of the following:~~
8001 NFPA Standards. ~~In every case where this code references a standard published by the National Fire Protection Association (NFPA), the most current edition of the referenced standard is hereby adopted. The most current edition of~~

1 ~~the referenced NFPA standard shall become effective on January 1st following the~~
2 ~~publication and release of the standard.~~

3 Section 907.6.6, Monitoring, is repealed and reenacted to read:

4 **907.6.6 Monitoring.** Fire alarm systems shall be supervised by an Underwriters
5 Laboratory listed supervising station or a Proprietary Supervising Station Alarm
6 System meeting all of the requirements in NFPA 72, *The National Fire Alarm and*
7 *Signaling Code.*

8 **Exception:** Monitoring by a supervising station is not required for:

- 9 (1) Single and multiple-station smoke alarms required by
10 Section 907.2.11.
- 11 (2) Automatic sprinklers systems in one- and two-family
12 dwelling.

13 (49) Section 1103.5, Sprinkler systems, is repealed and reenacted to read:

14 **1103.5 Sprinkler systems.** The automatic sprinkler system requirements set forth
15 in Sections 903.1 and 903.2 of this code shall be complied with in existing
16 buildings where the occupancy or use, as defined in Chapter 2 of the Existing
17 Building Code of the City of Boulder, changes in a fire area exceeding 2,000
18 square feet.

19 **Exception:** Changes of occupancy or use which are a lower relative
20 hazard per Table 1011.5 of the City of Boulder Existing Building Code
21 and the new occupancy or use is not required to be provided with an
22 automatic sprinkler system by other provisions of the City of Boulder
23 Building Code or the City of Boulder Existing Building Code.

24 (50) A new section 1108, Battery Storage, is added to read:

25 **Battery storage.** Existing battery storage areas containing lithium-ion and lithium
metal batteries shall comply with Section 320.

(51) A new Section 1109, Micro Mobility Devices, is added to read:

Micro Mobility Devices. Existing lithium-ion and lithium metal battery powered
micro mobility devices shall be operated and maintained in accordance with
Section 322.

(52) Section 1205.2.1.1, Pathways to ridge, is repealed and reenacted to read:

1205.2.1.1, Pathways to ridge. No fewer than two 30-inch-wide (914 mm)
pathways on separate roof planes, from the lowest roof edge to ridge, shall be

1 provided on all buildings. At least one pathway shall be provided on the street or
2 driveway side of the roof. For each roof plane with a photovoltaic array, at least
3 one 30-inch-wide (914 mm) pathway from lowest roof edge to ridge shall be
4 provided on the same roof plane as the photovoltaic array, on an adjacent roof
5 plane or straddling the same and adjacent roof plane.

6 All access pathways required under this section shall be provided in a structurally
7 strong location on the building capable of supporting the live load of fire fighters
8 accessing the roof.

9 (53) Section 1205.2.1.2, Setbacks at ridge, is repealed and reenacted to read:

10 **1205.2.1.2, Setbacks at ridge.** Not less than a 12-inch-wide setback is provided
11 on each side of the horizontal ridge.

12 (54) Section 1205.2.1.3, Alternative setbacks at ridge, is repealed.

13 (55) Section 5307.1, General, is repealed and reenacted to read:

14 General. Compressed gases in storage or use not regulated by this material-
15 specific provisions of Chapters 6, 54, 55 and 60 through 67, including asphyxiant,
16 irritant and radioactive gasses, shall comply with this section in addition to other
17 requirements of this chapter. The provisions of this chapter shall apply to new or
18 existing systems.

19 (56) Section 5307.3, Insulated liquid carbon dioxide systems used in beverage
20 dispensing applications, is repealed and reenacted to read:

21 **5307.3 Liquid carbon dioxide systems used in beverage dispensing**
22 **applications.** Liquid carbon dioxide systems used in beverage dispensing
23 applications. Liquid carbon dioxide systems with more than 100 pounds (45.4 kg)
24 of carbon dioxide used in beverage dispensing applications shall comply with
25 Section 5307.3.1

(57) Section 5601.2.4.2, "Fireworks display," is amended by the addition of the
following:

The city manager shall require a certificate of insurance to protect persons and
property from death or injury as a result of the fireworks display, in an amount not
less than \$1,000,000 general liability per occurrence and \$2,000,000 aggregate
limit. The insurance shall cover any liability of the city, or any employee or agent
thereof arising out of or connected with the permit and the fireworks display
permitted thereunder. Before any permit for a fireworks display is issued, the
applicant shall comply with the provisions of this section.

(58) Chapter 80, Referenced Standards, is amended by the addition of the following:

1 **8001 NFPA Standards.** In every case where this code references a standard
2 published by the National Fire Protection Association (NFPA), the most current
3 edition of the referenced standard is hereby adopted. The most current edition of
4 the referenced NFPA standard shall become effective on January 1st following the
5 publication and release of the standard.

6 (59) Appendix O is adopted and amended with the addition of the following sections:

7 O102.4, Capacity limit, is amended by the addition of the following:

8 O102.4.1 Quantities more than the capacity limit. Trash and recyclables not able
9 to fit within the approved container with a closed lid, shall not be left within the
10 corridor.

11 A new section, O102.6 Container lids, is added:

12 All valet trash and recycling container lids shall be self-closing.

13 O104, Additional Requirements, is amended by the addition of the following:

14 O104.4. Automatic sprinkler systems. An automatic sprinkler system shall be
15 installed in accordance with Chapter 9.

16 O104.5. Door closing. Each dwelling unit shall have an operable self-closing door
17 from the living space to the corridor. Doors shall close from a fully open position
18 and latch automatically.

19 O104.6. Emergency planning and preparedness. Each complex shall create an
20 emergency guide describing the location, function, and use of fire protection
21 equipment and appliance available for use by residents, including fire alarm
22 systems, smoke alarms, and portable fire extinguishers. Guides shall include fire
23 evacuation plans in accordance with Section 404.2.1 and fire safety plans in
24 accordance with Section 404.2.2 for each dwelling and distributed to each
25 resident.

Section 15. Section 10-9-1, "Legislative Intent," B.R.C. 1981, is amended to read as
follows:

10-9-1. Legislative Intent.

 The purpose of this chapter is to protect the public health and safety by regulating the
installation, alteration, and repair of heating, ventilating, cooling, and refrigeration devices in
structures in the city. The city council hereby adopts the 2024~~18~~ edition of the *International*

1 *Mechanical Code* with certain amendments and deletions thereto found to be in the best interests
2 of the residents of the city.

3 Section 16. Section 10-9-2, "Adoption of the International Mechanical Code With
4 Modifications," B.R.C. 1981, is amended to read as follows:

5 **10-9-2. Adoption of the International Mechanical Code With Modifications.**

6 (a) The ~~2024~~2018 edition of the *International Mechanical Code*, including Appendix A thereto,
7 of the International Code Council, is hereby adopted by reference as the Mechanical
8 Code of the City of Boulder or mechanical code and has the same force and effect as
though fully set forth in this chapter, except as specifically amended by the provisions of
this chapter.

9 (b) Except as specified below, Chapter 1 is repealed. This code shall be administered in
10 accordance with Chapter 1, "Administration," of the International Building Code as
11 adopted, with amendments, by Section 10-5-2, "Adoption Of International Building Code
With Modifications," B.R.C. 1981.

- 12 (1) Section 101.2, "Scope," is adopted as an administrative provision.
- 13 (2) Section 101.2.1, "Appendices," is adopted as an administrative provision.
Appendix A is adopted as a part of this code.
- 14 (3) Section 101.3, "Purpose," is adopted as an administrative provision.

15 (c) Section 301.10, "Electrical," is repealed and reenacted to read:

16 **301.10 Electrical.** Electrical wiring, controls, and connections to equipment and
17 appliances regulated by this code shall be in accordance with Chapter 10-6, "Electrical
Code," B.R.C. 1981.

18 (d) A new Section 306.6, "Rooftop equipment support and clearances," is added:

19 **306.6 Rooftop equipment support and clearances.**

- 20 (1) Mechanical equipment placed, replaced, or resting over roofing shall be supported
21 by curbs or legs which shall be flashed to the roofing and made watertight.
22 Mechanical equipment shall include, but not be limited to, heating equipment,
cooling and refrigeration equipment, ventilating fans, blowers, and other similar
23 devices located on the roof.
- 24 (2) Flat roofs. On roofs having a pitch of less than 2 in 12, mechanical equipment
25 shall be supported on a solid curb greater in size than the equipment which it
serves. Curbs can be manufactured or built-in-place. If built-in-place, the curb
shall be covered with metal of at least 26 gauge. All seams and miter corners of

1 the metal shall be riveted and soldered so as to be weather-tight. The curb shall be
2 a minimum of 9 inches above the finished roof.

3 (A) Ducts less than four feet in width shall have at least twelve inches
4 clearance from the finished roof surface to the bottom of the duct.

5 (B) Ducts between four feet and eight feet in width shall have at least twenty-
6 four inches clearance from the finished roof surface to the bottom of the
7 duct.

8 (C) Ducts over eight feet in width shall have at least thirty-six inches clearance
9 from the finished roof surface to the bottom of the duct.

10 (3) Pitched Roofs. On roofs having a slope over a 2 and 12, mechanical equipment
11 may be set on legs which provide a minimum of 11 inches clearance between the
12 finished roof surface and the equipment frame.

13 ~~(e) Section 603.6.1.1, "Duct length," is repealed and reenacted to read:~~

14 ~~_____~~
15 ~~_____ 603.6.1.1 Duct length. Approved Class 0 and Class 1 flexible air duct shall not~~
16 ~~exceed fourteen feet in length.~~

17 ~~(f) Section 606.3, "Installation," is amended by the addition of a new sentence to read:~~

18 ~~_____ Smoke detectors must be capable of being tested from a remote and readily~~
19 ~~accessible location.~~

20 ...

21 Section 17. Section 10-9.5-1, "Legislative Intent," B.R.C. 1981, is amended to read as
22 follows:

23 **10-9.5-1. Legislative Intent.**

24 The purpose of this chapter is to protect the public health and safety by regulating fuel gas
25 systems and gas-fired appliances in the city. The city council hereby adopts the 2024~~18~~ edition
of the *International Fuel Gas Code* as a new Chapter 10-9.5 with certain amendments thereto
found to be in the best interest of the city.

26 Section 18. Section 10-9.5-2, "Adoption of the International Fuel Gas Code With
27 Modifications," B.R.C. 1981, is amended to read as follows:

28 **10-9.5-2. Adoption of the International Fuel Gas Code With Modifications.**

29 (a) The 2024~~18~~ edition of the *International Fuel Gas Code* of the International Code Council
is hereby adopted by reference as the City of Boulder Fuel Gas Code or fuel gas code and
has the same force and effect as though fully set forth in this chapter, except as
specifically amended by the provisions of this chapter.

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(b) Except as specified below, Chapter 1 is repealed. This code shall be administered in accordance with Chapter 1, "Administration," of the International Building Code as adopted, with amendments, by Section 10-5-2, "Adoption of International Building Code With Modifications," B.R.C. 1981.

(1) Section 101, "General," is adopted as an administrative provision with the following amendment:

(A) Section 101.1, "Title," is amended to read:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Boulder or fuel gas code.

(2) Section ~~11107~~, "Inspections and Testing," is adopted as an administrative provision.

~~(e) Exceptions 2, 3, and 4 in Section 303.3, "Prohibited locations," are repealed. Section 404.4, "Piping through foundation wall," is repealed and reenacted to read:~~

~~404.4 Piping through foundation wall. Gas piping shall enter the building above grade through the foundation wall, building, or structure.~~

~~(f) Section 602.1, "General," is amended by adding a new sentence to read:~~

~~Within a vented fireplace, the damper must be removed or welded open and glass doors installed over the fire place.~~

Section 19. Section 10-10-1-, "Legislative Intent," B.R.C. 1981, is amended to read as follows:

10-10-1. Legislative Intent.

The purpose of this chapter is to protect the public health and safety by regulating the installation, alteration, and repair of plumbing devices in structures in the city. The city council hereby adopts the 2024~~18~~ edition of the *International Plumbing Code* with certain amendments and deletions thereto found to be in the best interests of the residents of the city.

Section 20. Section 10-10-2, "Adoption of the International Plumbing Code With Modifications," B.R.C. 1981, is amended to read as follows:

10-10-2. Adoption of the International Plumbing Code With Modifications.

(a) The 2024~~18~~ edition of the *International Plumbing Code*, published by the International Code Council, including Appendix E, "Sizing of Water Piping System," is hereby adopted by reference as the City of Boulder Plumbing Code or plumbing code, and has the same force and effect as though fully set forth in this chapter, except as specifically amended by the provisions of this chapter.

(o) Section 903.1, "Vent Terminal Required Roof extension," is repealed and reenacted to read:

903.1 Vent Terminal Required Roof extension. Open vent pipes that extend through a roof shall be terminated not less than 6 inches above the roof, ~~except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet above the roof.~~

(t) Chapter 14, "SUBSURFACE GRAYWATER SOIL ABSORPTION SYSTEMS LANDSCAPE IRRIGATION SYSTEMS," is deleted in its entirety.

Section 21. Section 10-12-1, "Legislative Intent," B.R.C. 1981, is amended to read as follows:

10-12-1. Legislative Intent.

The purpose of this chapter is to protect the public health, safety, and welfare of the residents of the city by regulating the construction, alteration, extension, location, installation, use and maintenance of all mobile homes and mobile home parks in the city. Mobile homes, manufactured housing, and factory-built housing are important and effective ways to meet Boulder's affordable housing needs. Moving mobile homes is costly and it is challenging to find an alternative mobile home park with vacancies willing to accept a mobile home. In some instances, a mobile ~~home owner~~homeowner may not be able to move their mobile home because of the mobile home's age and condition. A mobile ~~home owner~~homeowner may be forced to sell their home for an unreasonably low price due to the abbreviated timeline to move it or the inability to do so. This chapter is intended to supplement the State of Colorado's Mobile Home Park Act which provides broader protections for owners of mobile homes. Nothing in this chapter shall be construed to discriminate against mobile homes as housing.

1 Section 22. Section 10-12-6, “Nonresidential Use of Mobile Home,” B.R.C. 1981, is
2 deleted in its entirety and reserved:

3 ~~**10-12-6. Nonresidential Use of Mobile Home.**~~

4 ~~(a) — A person may use a mobile home as an office or other nonresidential use on a temporary~~
5 ~~basis during construction or remodeling connected with a use permitted on the lot, if the~~
6 ~~use and location of the mobile home comply with all applicable zoning and building~~
7 ~~provisions of this code and other ordinances of the city, but only if the mobile home is~~
8 ~~removed from the site upon completion of the construction or remodeling and only if the~~
9 ~~home is adequately secured against damage and overturning by winds while on the~~
10 ~~premises.~~

11 ~~(b) — A person may use a mobile home for nonresidential purposes on other than a mobile~~
12 ~~home park for other than construction or remodeling if the person requests a special~~
13 ~~exception for such use from the board of zoning adjustment. The board may grant a~~
14 ~~special exception if it finds that:~~

15 ~~(1) — The use of the mobile home is a temporary and accessory use necessary to~~
16 ~~enhance the principal use of the property;~~

17 ~~(2) — The use is limited to no more than twenty four months, unless the board finds~~
18 ~~good cause for a longer use;~~

19 ~~(3) — The mobile home installation meets all of the requirements of this chapter relating~~
20 ~~to tie-down and wind security;~~

21 ~~(4) — The applicant has demonstrated an undue hardship and the need for the temporary~~
22 ~~use pending permanent construction of other facilities; and~~

23 ~~(5) — If granted, the special exception will not adversely affect the character of the~~
24 ~~neighborhood in which the mobile home is proposed to be located nor~~
25 ~~substantially impair the appropriate use and development of adjacent property.~~

~~(c) — The board may impose reasonable conditions upon the use that it deems necessary to~~
~~promote the purposes of this chapter.~~

~~(d) — Until April 15, 2014, the city manager may waive any zoning requirement, building~~
~~provision, or other provision of this code for the nonresidential use of a mobile home as~~
~~made necessary by flooding.~~

Reserved

22 Section 23. Section 10-12-8, “Foundations Blocking and Tie-Down Required,” B.R.C.
23 1981, is amended to read as follows:
24
25

10-12-8. Blocking and Tie-Down Required.

(a) ~~No owner or occupant of a mobile home shall fail to provide a skirting of rigid material for the mobile home or fail to secure the mobile home against wind damage by providing tie-downs as required in this section.~~

(b) ~~The city manager may reduce the number of tie-down sets for any mobile home park constructed before July 5, 1973 and annexed to the city after July 5, 1973, if the manager determines, after presentation of evidence by the owner or occupant of a mobile home, that certain spaces are not subject to the wind forces upon which these requirements are based.~~

(c) ~~No owner or occupant of a mobile home shall fail to provide it with tie-downs to the main framing members of the mobile home that comply with the following conditions:~~

(1) ~~In mobile home parks constructed before July 5, 1973:~~

<i>Length of Mobile Home</i>	<i>Required Tie-Down Sets</i>	<i>Number of Anchors</i>
Up to 50 feet	2	4
50 to 70 feet	3	6
Over 70 feet	4	8

(2) ~~In mobile home parks constructed after July 5, 1973:~~

<i>Length of Mobile Home</i>	<i>Required Tie-Down Sets</i>	<i>Number of Anchors</i>
Up to 30 feet	2	4
30 to 50 feet	3	6
50 to 70 feet	4	8
Over 70 feet	5	10

(3) ~~All ties are fastened to an anchorage as provided in Section 10-12-9, "Anchorage," B.R.C. 1981, and are drawn tight with one-half inch or larger galvanized, drop forged turnbuckles, or other equivalent tightening device approved by the city manager. Turnbuckles are ended with jaws or forged or welded eyes. Turnbuckles with hood ends are not used.~~

(4) ~~All cable ends are secured with at least two U-bolt type cable clamps or other fastening device approved by the city manager.~~

(5) ~~Cable used for tie-downs is either galvanized steel or stainless steel and either three eighths inch diameter 7 × 7 (seven strands of seven wires each) steel cable or three eighths inch diameter 7 × 19 (seven strands of nineteen wires each) "aircraft" cable.~~

- (6) — ~~When flat steel strapping is used, it meets federal specifications QQ-S-781 (one and one-fourth inch × 0.035 inch Type 1, Class B, Grade 1). Zinc coating is a minimum of 0.30 ounces per square foot of surface. Breaking strength is a minimum of four thousand seven hundred fifty pounds.³ Other material used is at least equal to the above specifications in tensile strength and weather resistance.~~
- (7) — ~~Steel bands used for ties terminate with a D-ring bolt or other device that will not cause distortion of the band with a tensioning device attached.~~
- (8) — ~~Sharp edges of the mobile home that would tend to cut the cable when the home is buffeted by wind are protected by a thimble or other device to prevent such cutting.~~
- (9) — ~~Connection to the I beam may be by a five-eighths inch drop forged closed eye, bolted through a hole drilled through the beam. A washer or its equivalent is used so that the beam is sufficiently fish-plated through the hole.~~

(d) — ~~The city manager may approve other connectors or means of securing the cable to the beam if they are of equivalent holding power and permanence.~~

10-12-8. Foundations.

(a) Mobile Homes must be installed in compliance with the Colorado Department of Local Affairs, Division of Housing, handbook and must bear the state insignia prior to receiving a certificate of occupancy.

Section 24. Section 10-12-9, “Anchorage,” B.R.C. 1981, is deleted in its entirety and reserved:

10-12-9. Anchorage.

- (a) — ~~Ground anchors shall comply with the following conditions:~~
 - (1) — ~~They are aligned with the piers required by Section 10-12-10, "Piers and Footings," B.R.C. 1981, and are situated immediately below the outer wall if they are to accommodate over the home ties, if this placement allows for sufficient angle for the anchor to frame connection.~~
 - (2) — ~~Steel rods are of a five-eighths inch minimum diameter with a forged or welded eye at the top; the bottom of the rod for dead man anchors is hooked into the concrete.~~
 - (3) — ~~Augers are at least six inches in diameter, with arrowheads of eight inches, and are sunk to a depth of at least five feet.~~
 - (4) — ~~Dead man anchors are sunk to a depth of at least five feet with a minimum vertical dimension of two feet and a diameter of six inches; no celled concrete blocks are provided.~~

³See paragraphs 1.2.1.1, 1.2.1.2, 3.10.2, 6.1.7, and table II of QQ-S-781.

1 ~~(b) — The city manager may approve anchors to reinforced concrete slabs if they are of strength~~
2 ~~comparable to the requirements set forth in this section and if the weight of the mobile~~
3 ~~home rests on the slab.~~

3 RESERVED.

4 Section 25. Section 10-12-10, “Piers and Footings,” B.R.C. 1981, is amended to read as
5 follows:

6 **10-12-10. Piers and Footings.**

7 ~~(a) — Piers and footings on all mobile homes, except those installed before April 21, 1972,~~
8 ~~shall meet the following conditions:~~

9 ~~(1) — All piers are placed on footers of concrete with a minimum dimension of sixteen~~
10 ~~inches by sixteen inches by four inches or an equivalent as approved by the city~~
11 ~~manager.~~

12 ~~(2) — Piers are constructed as standard eight inches by eight inches by sixteen inches~~
13 ~~celled concrete blocks placed over the footings with the long dimension~~
14 ~~crossways to the main frame members and centered under them, with cells~~
15 ~~vertical; piers are of a height so that the mobile home will be located as close to~~
16 ~~the ground as possible.~~

17 ~~(3) — Piers are topped with a concrete cap eight inches by sixteen inches by four inches.~~

18 ~~(4) — Hardwood shims are driven tight between the cap and the main frame to provide~~
19 ~~uniform bearing and are four inches or less in thickness and wide enough to~~
20 ~~provide bearing over the top cap.~~

21 ~~(5) — Required piers are centered under each main frame or chassis member within five~~
22 ~~feet of anchorage, and the end piers are no farther than five feet from the ends of~~
23 ~~the mobile home. There is at least one pier for required anchorage.~~

24 ~~(b) — The city manager may approve other types of piers and footings of equivalent~~
25 ~~permanence and weight bearing ability.⁴~~

Mobile homes must be installed in compliance with the Colorado Department of Local Affairs,
Division of Housing, Installation Handbook

20 Section 26. Section 10-12-12, “Alternative Tie Down and Blocking Methods,” B.R.C.
21 1981, is deleted in its entirety and reserved:

~~⁴The use of a heavy metal adjustment column anchored to both frame and footing is recommended.~~

~~10-12-12. Alternative Tie-Down and Blocking Methods.~~

~~If a mobile home park owner or developer wishes to use different tie-down, blocking or anchorage systems than those required by this chapter, before seeking approval of a final mobile home park site plan from the planning board, the owner or developer shall obtain approval from the city manager for typical tie-downs and for each individual space shown on the proposed final site plan, based on plans for the method and materials for tie-down pads designed by a Colorado licensed professional engineer and complying with the city building code, Chapter 10-5, "Building Code," B.R.C. 1981.~~

Reserved.

...

Section 27. This Ordinance shall take effect on August 1, 2025. It shall be applied to building permit applications submitted on or after the effective date. Building permits applied for before the effective date shall be considered under the code effective at the time of application.

Section 28. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city and covers matters of local concern.

Section 29. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of February 2025.

Aaron Brockett,
Mayor

Attest:

Elesha Johnson,
City Clerk

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READ ON SECOND READING, AMENDED AND PASSED this day of 20th day of
February 2025.

Aaron Brockett,
Mayor

Attest:

Elesha Johnson,
City Clerk