

ORDINANCE NO. 1121

AN ORDINANCE OF THE CITY OF FORT MORGAN, COLORADO, REPEALING AND REENACTING CERTAIN PROVISIONS OF CHAPTER 21 OF THE FORT MORGAN MUNICIPAL CODE INCLUDING ADOPTING BY REFERENCE AS A "PRIMARY CODE", THE 2009 *INTERNATIONAL BUILDING CODE* ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF FORT MORGAN; AND ADOPTING BY REFERENCE AS "SECONDARY CODES", THE *INTERNATIONAL RESIDENTIAL CODE* REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, LOCATION, REMOVAL AND DEMOLITION OF DETACHED ONE AND TWO FAMILY DWELLINGS AND MULTIPLE SINGLE FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE STORIES IN HEIGHT WITH SEPARATE MEANS OF EGRESS; THE *INTERNATIONAL EXISTING BUILDING CODE* REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION, AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS IN THE CITY; THE *INTERNATIONAL ENERGY CONSERVATION CODE* REGULATING AND GOVERNING ENERGY EFFICIENT BUILDING ENVELOPES AND INSTALLATION OF ENERGY EFFICIENT MECHANICAL, LIGHTING AND POWER SYSTEMS; THE *INTERNATIONAL MECHANICAL CODE* REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS; THE *INTERNATIONAL FIRE CODE* REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES; THE *INTERNATIONAL FUEL GAS CODE* REGULATING AND GOVERNING FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES IN THE CITY; AND THE *INTERNATIONAL PLUMBING CODE* REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS IN THE CITY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND ESTABLISHING PENALTIES FOR VIOLATION; AND AMENDING THE BOARD OF APPEALS AND THE DUTIES OF THE BUILDING OFFICIAL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

Section 1. Sections 21-1-20, 21-1-50 and 21-1-90, of Article 1 of Chapter 21 of the *Fort Morgan Municipal Code* (2010) are hereby amended to read as follows:

ARTICLE 1

General Provisions

Sec. 21-1-20. Designation and duties of Building Official.

(a) All primary and secondary codes as adopted and amended herein and the Electrical Code shall be enforced by the Building Official.

(b) The Building Official is in charge of the Building Department and shall be appointed by the City Manager.

(c) The Building Official may recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position.

Sec. 21-1-50. Appeals.

(a) Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Building Code or any other construction code of the City do not apply or that the true intent and meaning of the Building Code or any other construction code of the City has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Official to the Board of Appeals, within thirty (30) days from the date of the decision from which the appeal is taken.

(b) The Board of Appeals shall be City Council acting there as, or a body appointed thereby. The Building Official shall be an ex officio member of and shall act as secretary to said Board, but shall have no vote on any matter before the Board.

(c) The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. An application for appeal shall be based on a claim that the true intent of the Building Code or any other construction code of the City or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Building Code or any other construction code of the City do not fully apply, or an equally good or better form of construction is proposed. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the Building Code or any other construction code of the City, nor shall the Board be empowered to waive requirements of the Building Code or any other construction code of the City.

Sec. 21-1-90. Penalties.

(a) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of the Building Code or any other construction code of the City.

(b) Any person, firm or corporation who shall violate any of the provisions of the Building Code, as adopted and amended herein, or any other construction code of the City; or who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a Court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

(c) The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition.

Section 2. Article 2 of Chapter 21 of the *Fort Morgan Municipal Code* (2010) is hereby amended to read as follows:

ARTICLE 2

Building Code

Sec. 21-2-10.Adoption.

That certain document, a copy of which is on file in the office of the City Manager, being marked and designated as the International Building Code, 2009 edition, including Appendix G, Flood-Resistant Construction; Appendix H, Signs; Appendix I, Patio Covers; and Appendix J, Grading, as published by the International Code Council, be and is hereby adopted as the *Building Code* of the City for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Building Code* on file in the office of the City Manager are hereby referred to, adopted and made a part hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 21-2-20 below.

Sec. 21-2-20.Amendments.

(a) Section 101.1, Title, of the International Building Code is revised to read and provide as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Fort Morgan, Colorado, hereinafter referred to as the "Building Code" or "this Code."

(b) Section 101.4.4, Property maintenance, of the *Building Code*, is revised to read and provide as follows:

101.4.4 Property maintenance. The provisions of the International Existing Building Code and the Uniform Code for the Abatement of Dangerous Buildings Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

(c) Section 102.6, Existing structures, of the *Building Code*, is revised to read and provide as follows:

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the 1997 *Uniform Code for the Abatement of Dangerous Buildings Code*, *International Existing Building Code* or the *International Fire Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(d) Section 109.2, Schedule of Permit Fees; Plan Review Fees, of the Building Code, is revised to read and provide as follows:

109.2. Schedule of Permit Fees; Plan Review Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, the fee for each permit shall be in accordance with a schedule of fees and fines for such purpose which shall be promulgated and established from time to time by Resolution of the City Council. If plan review is required, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan review fees shall be equal to sixty-five percent (65%) of the total permit fee for a permit to do the work proposed. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate which has been established from time to time by Resolution of the City Council.

The determination of value or valuation under any of the provisions of this Code or any other construction code of the City shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

(e) Section [F] 903.2.7 Group M, of the Building Code, is revised to read and provide as follows:

[F] 903.2.7 Group M. 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 12,000 square feet (1115 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 24,000 square feet (2230 m²).
4. A Group M occupancy is used for the display and sale of upholstered furniture where the fire area exceeds 5000 square feet.

(f) Section 1006.3, Existing structures, of the *Building Code*, is revised to read and provide as follows:

1006.3. Existing structures. The power supply for means of egress illumination shall normally be provided by the premises' electrical supply.

In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress.
2. Corridors, exit enclosures and exit passageways in buildings required to have two or more exits.
3. Exterior egress components at other than their levels for exit discharge until exit discharge is accomplished for buildings required to have two or more exits.
4. Interior Exit Discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits.
5. Exterior landings as required by Section 1008.1.6 for exit discharge doorways in buildings required to have two or more exists.
6. Restrooms or toilet rooms accessible to the public.

(g) Section 1103.2.2, Existing buildings, of the *Building Code*, is revised to read and provide as follows:

1103.2.2 Existing buildings. Existing buildings shall comply with Section 3411 and the *2009 International Existing Building Code*.

(h) Section 1507.2.1, Deck requirements, of the *Building Code*, is revised to read and provide as follows:

1507.2.1. Deck requirements. Asphalt shingles shall be fastened to solidly sheathed decks. The City defines decking as decking that does not have any gaps more than ¼ inch.

(i) Section 1510. 3, Recovering versus replacement, of the *Building Code*, is revised to read and provide as follows:

1510.3 Recovering versus replacement. New roof coverings shall not be installed without first removing all existing layers of roof coverings down to the roof deck where any of the following conditions occur:

1. Where the existing roof or roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.
4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to Figure R903.5, found on page 434 in the 2009 IRC.

Exceptions:

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
2. Metal panel, metal shingle and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs when applied in accordance with Section 1510.4.
3. The application of a new protective coating over an existing spray polyurethane foam roofing system shall be permitted without tear-off of existing roof coverings.

(j) Section 1608.2, Ground snow loads, of the *Building Code*, is revised to read and provide as follows:

1608.2 Ground snow loads. The ground snow loads used in the calculation of roof drifting within the City of Fort Morgan, Colorado, shall be a minimum of 30 pounds per square foot. Snow loads for roofs shall be determined by the minimum 30 pounds per square foot plus drifting.

(k) Section 1609.3, Basic wind speed, of the *Building Code*, is revised to read and provide as follows:

1609.3 Basic wind speed. The basic wind speed for the determination of the wind loads for the City of Fort Morgan, Colorado, shall be 90 mph (3-second gust).

(l) Section 1609.4, Exposure category, of the *Building Code*, is revised to read and provide as follows:

1609.4 Exposure category. Exposure C shall be used for the design of all structures in the City of Fort Morgan, Colorado, except that Exposure B may be used if all the

requirements of category "Surface Roughness B" under Section 1609.4.2. can be shown to the satisfaction of the Building Official.

(m) Section 1612.3, Establishment of a flood hazard areas, of the *Building Code*, is revised to read and provide as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the City Council shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled, "The Flood Insurance Study for the City of Fort Morgan, Colorado," dated February 5, 1986, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(n) Section 105.2, Work exempt from permit, of the *Building Code*, is revised to read and provide as follows:

105.2 Work exempt from permit. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected floor area does not exceed 120 square feet (11.15 m²).
2. (deleted)
3. (deleted)
4. Retaining walls that are not over 30 inches (762 mm) in height.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. (deleted)
7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to one- and two-family

dwelling.

12. Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.

Electrical:

Repairs and Maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this Code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

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

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 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 removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(o) Section H101.1, General, of the *Building Code* is revised to read and provide as follows:

H101.1 General. All signs shall comply with the Chapter 20, Land Use Code of the Municipal Code of the City of Fort Morgan. If there is a conflict between this section of the IBC and Chapter 20, Chapter 20 shall rule.

(p) Section H101.2. Signs exempt from permits. (deleted)

Section 3. Article 3 of Chapter 21 of the *Fort Morgan Municipal Code* (2010) is hereby amended to read as follows:

ARTICLE 3

Residential Code

Sec. 21-3-10. Adoption.

That certain document, a copy of which is on file in the office of the City Manager, being marked and designated as the International Residential Code, 2009 edition, including Appendix A, Sizing and Capacities of Gas Piping; Appendix B, Sizing of Venting Systems; Appendix C, Exit Terminals; Appendix D, Recommended Procedure for Existing Appliance Installation; Appendix E, Manufactured Housing; Appendix G, Swimming Pools, Spas and Hot Tubs; Appendix H, Patio Covers; Appendix J, Existing Buildings and Structures; and Appendix K, Sound Transmission, as published by the International Code Council, be and is hereby adopted as the *Residential Code* of the City for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Residential Code* on file in the office of the City Manager are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 21-2-20 of this Chapter.

Sec. 21-3-20. Amendments.

(a) Section R105.2, Work exempt from permit, of the *Residential Code*, is revised to read and provide as follows:

R105.2 Work Exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant

authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected floor area does not exceed 120 square feet (11.15 m²).
2. (deleted)
3. Retaining walls that are not over 30 inches (762mm) in height.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. (deleted)
6. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. (deleted).

(b) Table R301.2 (1), Climatic and Geographic Design Criteria, of the *Residential Code*, is revised to read and provide as follows:

TABLE R301.2(1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^g	ICE BARRIER UNDERPLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic Effects ^k		Weathering ^a	Frost Line Depth ^b	Termite ^e					
30	90 MPH EXPOSURE C(I)	NO	B	SEVERE	30"	SLIGHT TO MODERATE	1(°F)	NO (m)		FIRM FLOOD INS RATE MAP 2/5/86	49(°F)

(c) Section R302.2, Townhouse, of the *Residential Code*, is revised to read and provide as follows:

R302.2 Townhouse. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.”

Exception: A common 2-hour fire-resistant-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses 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 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

(d) Section R302.2.4, Structural independence, of the *Residential Code*, is revised to read and provide as follows:

R302.2.4 Structural independence. Each individual townhouse shall be structurally independent.

Exceptions:

1. Foundations supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may fasten to the common wall framing.
3. Nonstructural wall and roof coverings.
4. Flashing at termination of roof covering over common wall.
5. Townhouses separated by a common 2 hour fire rated wall as provided in Section R302.2.

(e) Section R302.5.1, Opening protection, of the *Residential Code*, is revised to read and provide as follows:

R302.5.1 Opening protection. Opening from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors. All doors between such openings shall be tight fitting and self-closing.”

(f) Section R313.1, Townhouse automatic fire sprinkler system, of the *Residential Code*, is revised to read and provide as follows:

R313.1, Townhouse automatic fire sprinkler system. Effective January 1, 2013, an automatic residential fire sprinkler system shall be installed in all townhouses.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

(g) Section R313.2, One and two family dwellings automatic fire systems. (Deleted)

(h) Section R315.1, Carbon monoxide alarms, of the *Residential Code*, is revised to read and provide as follows:

R315.1 Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed within fifteen feet of the entrance to each bedroom in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

(i) Section R315.2, Where required in existing dwellings, of the *Residential Code*, is revised to read and provide as follows:

R315.2 Where required in existing dwellings. Where work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms shall be provided in accordance with Section R315.1.

Exception: Work involving the exterior surfaces of dwellings, including but not limited to, the replacement of roofing or siding or the addition or replacement of windows or doors or the addition of a porch or deck shall be exempt from the requirements of this section.

(j) Section R905.2.1, Sheathing requirements, of the *Residential Code*, is revised to read and provide as follows:

R905.2.1. Sheathing requirements. Asphalt shingles shall be fastened to solidly sheathed decks. The City defines decking as decking that does not have any gaps more than ¼ inch.

(k) Section R905.2.8.5, Drip edge, of the *Residential Code*, is hereby added and shall read as follows:

R905.2.8.5 Drip edge. Provide drip edge at eaves and gables of shingle roofs. Overlap to be a minimum of 2 inches (51 mm). Eave drip edges shall extend ¼ inch (6.4 mm) below sheathing and extend back on the roof a minimum of 2 inches (51 mm). Drip edge shall be mechanically fastened a minimum 12 inches (305 mm) o.c.

(l) Section N1101.6, Insulation product rating, of the *Residential Code*, is revised to read and provide as follows:

N1101.6 Insulation product rating. The thermal resistance (R-value) of insulation shall be determined in accordance with the US Federal Trade Commission R-value rule (CFR Title 16 Part 460 May 31 2005) in units of h-ft²-F/Btu at a mean temperature of 75 degree F (24 degree C).

(m) Section M1801.1, Venting required, of the *Residential Code*, is revised to read and provide as follows:

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

(n) Section G2406.2 (303.3), Prohibited locations, of the *Residential Code*, is revised to read and provide as follows:

G2406.2 (303.3) Prohibited locations. Appliances shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.
2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section G2407.5.
3. (deleted)
4. (deleted)
5. The appliance is installed in an existing room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an approved self-closing device. All combustion air shall be taken directly from outdoors in accordance with Section G2407.6. This installation requirement shall only be used if there is no other option possible.

(o) Section G2413.6.1 (402.6.1) Liquefied petroleum gas systems, of the *Residential Code*, is revised to read and provide as follows:

G2413.6.1 (402.6.1) Liquefied petroleum gas systems. Temporary LP-gas systems shall be designed and installed in accordance with the *Fire Code*, as adopted and amended by the City, and NFPA 58. No permanent LP-gas systems shall be permitted.

(p) Section G2414.5.2 (403.5.2) Copper tubing. (deleted)

(q) Section G2414.6 (403.6) Plastic pipe, tubing and fittings. (deleted)

(r) Section G2414.6 (403.6.1) Anodeless riser, of the *Residential Code* is revised to read and provide as follows:

G2414.6 (403.6.1) Anodeless risers. The City shall install all underground gas piping.

(s) Section G2414.6.2 (403.6.2), LP-gas systems, of the *Residential Code*, is revised to read and provide as follows:

G2414.6.2 (403.6.2) LP-gas systems. The use of plastic pipe, tubing and fittings in temporary undiluted liquefied petroleum gas piping systems shall be in accordance with NFPA 58. No permanent LP-gas piping systems shall be permitted.

(t) Section G2414.10.1 (403.10.1), Pipe joints, of the *Residential Code*, is revised as follows:

G2414.10.1 Pipe joints. Pipe joints shall be threaded, flanged, or welded. Any piping larger than 2" shall be welded.

(u) Section G2414.10.2 (403.10.2) Tubing joints. (deleted)

(v) Section G2414.10.4 (403.10.4) Metallic fitting, of the *Residential Code*, is revised as follows:

G2414.10.4 (403.10.4) Metallic fitting. Metallic fittings, including valves, strainers and filters shall comply with the following:

1. Fittings used with steel or wrought iron pipe shall be steel or malleable iron.
2. (deleted)
3. The use of bushings in any consumer's piping is prohibited.
4. Special Fittings. Fittings such as couplings, proprietary-type joints, saddle tees, gland-type compression fittings, and flared, flareless or compression-type tubing fittings shall be: used within the fitting manufacturer's pressure-temperature recommendations; used within the service conditions anticipated with respect to vibration, fatigue, thermal expansion or contracting; installed or braced to prevent separation of the joint by gas pressure or external physical damage; and shall be *approved*."

(w) Section G2414.11 (403.11) plastic piping, joints and fittings. (deleted)

(x) Section G2415.3 (404.3) Piping in concealed locations, of the *Residential Code*, is revised as follows:

G2415.3 (404.3) Piping in concealed locations. Portions of a piping system installed in concealed locations shall not have unions, tubing fittings, right and left couplings, bushings, compression couplings, and wing joints made by combinations of fittings.

Exceptions: (deleted)

(y) Section G2415.14 (404.14) Location of outlets, of the *Residential Code*, is revised to read and provide as follows

G2415.14 (404.14) Location of outlets. The unthreaded portion of piping outlets shall extend not less than 1 inch (25 mm) through finished ceilings and interior walls and where extending through floors, outdoor patios, slabs and finished exterior walls, shall not be less than 2 inches (51 mm) above them. The outlet fitting or piping shall be securely supported. Outlets shall not be placed behind doors. Outlets shall be located in the room or space where the appliance is installed.

Exception: Listed and labeled flush-mounted-type quick-disconnect devices and listed and labeled gas convenience outlets shall be installed in accordance with the manufacturer's installations instructions.

(z) Section G2415.15 (404.15) Plastic pipe. (deleted)

(aa) Section G2415.17 (404.17) Testing of piping, of the *Residential Code*, is revised to read and provide as follows:

G2415.17 (404.17) Testing of piping. Before any system of piping is put in service or concealed or after a system of piping has been shut off for 12 months or more, it shall be tested to ensure that it is gas tight. Testing, inspection and purging of piping system shall comply with section G2417.

(bb) Section G2416.3 (405.3) Plastic. (deleted)

(cc) Section G2417.4 (406.4), Test pressure measurement, of the *Residential Code*, is revised to read and provide as follows:

G2417.4 (406.4) Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall be performed with gauges displaying 1 lb increments.

(dd) Section G2417.4.1 (406.4.1), Test pressure, of the *Residential Code*, is revised to read and provide as follows:

G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall not be less than 15 lbs.

(ee) Section G2417.4.2 (406.4.2), Test duration, of the *Residential Code*, is revised to read and provide as follows:

G2417.4.2 (406.4.2) Test duration. The test duration shall not be less than one hour.

(ff) **Section G2445 (621) UNVENTED ROOM.** (deleted)

(gg) Section P2718.1 Waste Connection, of the *Residential Code*, is revised to read and provide as follows:

P2718.1 Waste Connection. The waste from an automatic clothes washer shall discharge through an air break into a standpipe in accordance with Section P2706.2 or into a laundry sink. The trap and fixture drain for an automatic clothes washer standpipe shall be a minimum of 2 inches (51 mm) in diameter. The automatic clothes washer fixture drain shall connect to a branch drain or drainage stack a minimum of 2 inches (51 mm) in diameter.

(hh) Section E3401.1 Applicability, of the *Residential Code*, is revised to read and provide as follows:

E3401.1 Applicability. The provisions of Chapters 34 through 43 shall establish the general scope of the electrical system and equipment required by this code. Chapters 34 through 43 cover those wiring methods and materials most commonly encountered in the construction of one- and two-family dwellings and structures regulated by this code but are to be used as guidelines only. All electrical work shall meet the current National Electric Code adopted by the City of Fort Morgan at the time the work is being completed.

Section 4. Section 21-4-560, Article 4, Divisions 5, of Chapter 21 of the *Fort Morgan Municipal Code* (2010) is hereby amended to read as follows:

Sec. 21-4-560. Appeal from findings of Inspector.

The Electrical Inspector shall be deemed the judge of what constitutes proper compliance with the provisions of this Article, but should any person disagree with the findings of the Electrical Inspector, such person will have the right to submit to the Board of Appeals, pursuant to Sec. 21-1-50, in writing, any exception he or she may have to the findings of the Electrical Inspector. The Board of Appeals shall arbitrate such matters and its findings shall be final.

Section 5. Article 5 of Chapter 21 of the *Fort Morgan Municipal Code* (2010) is hereby amended to read as follows:

ARTICLE 5

Mechanical Code

Sec. 21-5-10. Adoption.

That certain document, a copy of which is on file in the office of the City Manager, being marked and designated as the International Mechanical Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the City Manager are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 21-2-20 of this Chapter.

Sec. 21-5-20.Penalties.

(a) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain mechanical systems or equipment or cause or permit the same to be done in violation of the Mechanical Code.

(b) Any person, firm or corporation who shall violate any of the provisions of the Mechanical Code; who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein, and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a Court of competent jurisdiction within the required time, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

(c) The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition.

Section 6. Sections 21-6-10, 21-6-20, and 21-6-100, Article 6 of Chapter 21 of the *Fort Morgan Municipal Code* (2010) is hereby amended to read as follows:

ARTICLE 6

Plumbing Code

Sec. 21-6-10.Adoption.

That certain document, a copy of which is on file in the office of the City Manager, being marked and designated as the International Plumbing Code, 2009 edition, including Appendix E, Sizing of Water Piping System; and Appendix F, Structure Safety, as published by the International Code Council, be and is hereby adopted as the *Plumbing Code* of the City, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Plumbing Code* on file in the office of the City Manager are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 21-2-20 of this Chapter.

Sec. 21-6-20. Amendments.

(a) Section 101.1, Title, of the *Plumbing Code*, is revised to read and provide as follows:

Section 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Fort Morgan, Colorado, hereinafter referred to as 'the Plumbing Code.

(b) Section 106.6.2, Fee Schedule, of the *Plumbing Code*, is revised to read and provide as follows:

Section 106.6.2, Fee Schedule. The fees for all plumbing work shall be as determined by a Fee Schedule approved by and available from the Building Official. When a plan or other data are required to be submitted for review, the plan review fees for plumbing work shall be equal to sixty-five percent (65%) of the total permit fee for a permit to do the work covered by the Plumbing Code. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate which has been established in the Resolution establishing such fees.

(c) Section 106.6.3, Fee refunds. (deleted)

(d) Section 108.4, Violation penalties. (deleted)

(e) Section 108.5, Stop work orders. (deleted)

(f) Section 109, Means of Appeal. (deleted)

(g) Section 109, Appeals, of the *Plumbing Code*, is revised to read and provide as follows:

Section 109, Appeals. All appeals shall be heard and determined by the Board of Appeals pursuant to Sec. 21-1-50.

(h) Section 305.6 Freezing, of the *Plumbing Code*, is revised to read and provide as follows:

Section 305.6 Freezing. Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperatures unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Exterior water supply system piping shall be installed not less than 60 inches (1524 mm) below finished grade.

(i) Section 305.6.1 Sewer depth, of the *Plumbing Code*, is revised to read and provide as follows:

305.6.1 Sewer depth. Building sewers shall be a minimum of 24 inches (610 mm) below grade.

(j) Section 904.1, Roof extension, of the *Plumbing Code*, is revised to read and provide as follows:

Section 904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least twelve (12) inches (mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2,134 mm) above the roof.

(k) Section 1003.2 Approval, of the *Plumbing Code*, is revised to read and provide as follows:

Section 1003.2 Approval. The size, type and location of each interceptor and of each separator shall be approved by the City's Wastewater Treatment Plant. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator.

(l) Section 1003.4 Oil separators required. (deleted)

(m) Section 1003.4.1 Grease interceptor capacity, of the *Plumbing Code*, is revised to read and provide as follows:

Section 1003.4.1 Grease interceptor capacity. Capacity of grease interceptors shall be approved by the City's Wastewater Treatment Plant.

Sec. 21-6-100.Penalties.

(a) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any plumbing or permit the same to be done in violation of the Plumbing Code or any of the provisions of this Chapter.

(b) Any person, firm or corporation who shall violate any of the provisions of the Plumbing Code; who shall fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a Court of competent jurisdiction, within the required time, or any of the provisions of this Chapter, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each separate day or portion thereof, during which any violation of the Plumbing Code occurs or continues or that a prohibited condition is maintained shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of the Plumbing Code. No permit presuming to give authority to violate or cancel any of the provisions of the Plumbing Code shall be valid, except insofar as the work or use which is authorized is lawful.

(c) The issuance or granting of a permit or approval of plans shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of the Plumbing Code or of any certificate of approval when issued in error.

Section 7. Article 7 of Chapter 21 of the *Fort Morgan Municipal Code* (2010) is hereby amended to read as follows:

ARTICLE 7

Fire Code

Division 1 International Fire Code

Sec. 21-7-10.Adoption.

That certain document, a copy of which is on file in the office of the City Manager, being marked and designated as the International Fire Code, 2009 edition, including Appendix B, Fire-Flow Requirements for Buildings; Appendix C, Fire Hydrant Locations and Distribution; Appendix D, Fire Apparatus Access Roads; Appendix E, Hazard Categories; Appendix F, Hazard Ranking; and Appendix G, Cryogenic Fluids-Weight and Volume Equivalents, as published by the International Code Council, be and is hereby adopted as the *Fire Code* of the City, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Fire Code* on file in the office of the City Manager are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article with the additions, insertions, deletions and changes, if any, prescribed in Section 21-2-20 of this Chapter.

Sec. 21-7-20.Establishment and duties of Bureau of Fire Prevention.

(a) The *Fire Code* shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and which shall be operated under the supervision of the Fire Chief.

(b) The Fire Marshal shall be appointed by the Fire Chief on the basis of examination to determine his or her qualifications.

(c) The Fire Chief shall recommend to the City Council the employment of technical inspectors who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

Sec. 21-7-30.Definitions.

Wherever the word "jurisdiction" is used in the *Fire Code*, it is the City of Fort Morgan, Colorado.

Sec. 21-7-40.Storage limits for flammable or combustible liquids.

(a) Storage of flammable or combustible liquids shall be permitted at licensed bulk plants which may be located at such places as shall be permitted by the zoning code, or any other applicable laws or ordinances of the City.

(b) The *Fire Code* shall not be construed to prohibit the storage of flammable or combustible liquids in aboveground tanks which are placed and contained entirely within a concrete vault or basement-like structure (containment vault) which is constructed and which remains at or below the surface grade of the surrounding lands and which meets or complies with all of the following specifications:

(1) The location and construction shall be in compliance with all applicable codes and ordinances of the City;

(2) The containment vault shall be located not less than one hundred (100) feet from the exterior boundaries of the property on which it is constructed;

(3) If the containment vault is covered, it shall be provided with a ventilating system meeting the specifications of all applicable provisions of the *Fire Code* and ordinances of the City;

(4) The walls of the containment vault shall be a minimum of nine (9) inches above the surrounding grade and a minimum of two (2) feet between the bottom of the tank or container and the floor of the containment vault, and a minimum of three (3) feet separating a tank or container from any other tank or container placed therein, as well as a minimum of three (3) feet between any tank or container and the walls of the containment vault;

(5) The inside of the containment vault shall be treated with a substance which resists the passing through or absorption of the fuels, chemicals or liquids kept in the tanks placed therein.

Sec. 21-7-50. Storage limits for flammable cryogenic fluids, Class I and II liquids and liquefied petroleum gas.

(a) The geographic limits referred to in Section 3404.2.9.6.1 of the *Fire Code*, in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited, are hereby established as the City limits.

(b) The limits referred to in Section 3406.2.4.4 of the *Fire Code*, in which the storage of Class I and Class II liquids in aboveground tanks is prohibited, are hereby established as the City limits.

(c) The geographic limits referred to in Section 3804.2 of the *Fire Code*, in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas, are hereby established as the City limits.

Sec. 21-7-60.Amendments.

(a) Section 105.1.2 (1), Types of permits. (deleted)

(b) Section 105.2.2, Inspection authorized. (deleted)

(c) Section 105.3.1, Expiration. (deleted)

(d) Section 105.6, Required operational permits. (deleted)

(e) Section 105.7, Required construction permits. (deleted)

(f) Section 108, Board of Appeals, of the *Fire Code*, is revised to read and provide as follows:

There shall be and hereby is created a Board of Appeals, which shall be City Council Acting thereas or a body appointed thereby. The Fire Chief shall be an ex officio member and shall act as secretary of the board, but shall have no vote on any matter before the Board. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant.

The grounds for an appeal and the jurisdiction of the Board of Appeals shall be limited to the following:

1. The suitability of alternate materials and types of construction proposed as an equivalent method of protection or safety;
2. To provide for reasonable interpretations of the provisions of the *Fire Code*;
3. A determination by the Fire Chief, Fire Marshal or Building Official that the rehabilitation of an existing building or structure is a repair or renovation, alteration, reconstruction, change of use or addition;
4. The disapproval of an application, refusal to grant a permit applied for or issuance of a corrective order by the Fire Chief;
5. Whenever it is claimed that the provisions of the *Fire Code* do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted.

Any appeal must be filed with the City Manager within thirty (30) days from the date of the decision from which the appeal is taken.

(g) Section 109.3, Violations penalties. (deleted)

(h) Section 111.4, Failure to comply, of the *Fire Code*, is revised to read and provide as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition shall be liable to a fine of not less than \$100 or more than \$1,000.00 dollars.

(i) Section 903.2.7, Group M, of the *Fire Code*, is revised to read and provide as follows:

903.2.7 Group M. 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 12,000 square feet (1115 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 24,000 square feet (2230 m²).
4. A Group M occupancy is used for the display and sale of upholstered furniture where the fire area exceeds 5000 square feet.

Sec. 21-7-70. Issuance of summons and complaint by Fire Chief and Fire Marshal.

Pursuant to the general police powers conferred upon municipalities in Section 31-15-401, C.R.S., and subject to the provisions of the *Fire Code*, the Fire Chief and/or Fire Marshal may arrest a person without a warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which he or she has the discretionary duty to enforce, and to issue a summons to appear in Court. The Fire Chief or Fire Marshal shall deposit executed summonses and complaints with the City Manager for filing with the Court

Sec. 21-7-80. New materials, processes or occupancies which may require permits; alternate materials and methods.

(a) The Building Official, the Fire Chief and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the *Fire Code*. The Fire Marshal shall post such list in a conspicuous place and distribute copies thereof to interested persons.

(b) The inspection and enforcement provisions for alternate materials and methods shall be governed by Section 104.10, Fire investigations, of the *Fire Code*. Said Section of the *Fire Code* is amended to add the Building Official and Fire Marshal as persons authorized to approve alternate materials and methods.

Sec. 21-7-90. Penalties.

(a) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or mechanical systems or equipment or cause or permit the same to be done in violation of the *Fire Code*.

(b) Any person, firm or corporation who shall violate any of the provisions of the *Fire Code*; who shall fail to comply therewith; who shall violate or fail to comply with any order thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; who shall fail to comply with such an order within the time fixed therein, and from which no appeal has been taken; or who fails to comply with such an order as affirmed or

modified by the Board of Appeals or by a Court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

(c) The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition.

Division 2
Compressed and Liquefied Petroleum

Sec. 21-7-210. License for installation.

No person shall engage in the business of installing liquefied petroleum or other type of compressed gas system or equipment used in connection with such systems without first securing a license from the City Manager.

Sec. 21-7-220. License for installation; fee; bond.

All installations of liquefied petroleum or other type of compressed gas system or equipment used in connection with such system shall comply with this Code, the 2009 International Fire Code and the 2009 International Fuel and Gas Code as adopted and amended pursuant to this Chapter. Liquid petroleum gas shall be permitted for only temporary heat during construction or for portable cooking appliances. The container size shall be a maximum of 50 gallon water capacity. No permanent piping system shall be permitted.

Sec. 21-7-230. Aboveground bulk storage generally.

(a) No new plants or facilities of any kind for the bulk storage of liquefied petroleum gas, except in approved tanks or containers with a water capacity of fifty (50) gallons or less, shall be hereafter established in the City north of the centerline of the Burlington-Northern Railroad right-of-way.

(b) No person shall construct, operate, use or maintain any plant or facilities of any kind for the aboveground bulk storage of liquefied, compressed or liquefied petroleum gases in tanks or containers larger than five hundred (500) gallons water capacity south of the centerline of the Burlington-Northern Railroad right-of-way without first obtaining a permit therefor from the City Council.

(c) A person desiring such a permit shall make written application therefor to the City Council. Such application shall show the location of and contain a detailed statement of the proposed operations to be conducted with the facilities. Detailed plans and specifications of the facilities proposed to be constructed, operated, used or maintained and a fee of one hundred dollars (\$100.00) shall accompany such application.

(d) The City Council in acting upon an application shall consider the location, nature of the facilities, the proposed operations, the hazards and dangers of injury or damage to persons and property and the possible effect upon the public safety and welfare. The City Council's determinations and conclusions on these considerations shall be final. The City Council shall in its sole discretion determine whether the application shall be accepted or rejected. If rejected, only the fee accompanying the application shall be returned to the applicant. If accepted, a permit shall be issued; provided that the applicant shall first deliver to the City Manager a bond in favor of the City in the penal sum of two thousand dollars (\$2,000.00) to continue in effect for the life of the permit, executed by a responsible corporate surety, with the conditions of the bond being:

(1) That the applicant will construct, operate, use and maintain the facilities for which the permit is to be issued in full compliance with the standards of the National Board of Fire Underwriters for the Design, Installation and Construction of Containers and Pertinent Equipment for the Storage and Handling of Liquefied Petroleum Gases as the same are established when the permit is issued or may be thereafter from time to time altered, amended or enlarged.

(2) That the applicant will faithfully and fully comply with all the terms and provisions of this Division and all other ordinances of the City, present and future.

(3) That the applicant will save the City harmless from any and all claims and demands from any person whomsoever, arising because of, through or by virtue of the construction, operation, use or maintenance of the facilities covered by the permit to be issued.

(e) A permit issued pursuant to this Section shall cover and be continuous only for the facilities for which application was made and shall not be transferable. Upon the failure of a holder of a permit to fully comply with the terms and provisions of this Division or with the conditions of the bond herein required, such permit may be revoked without refund of fee by the City Council after a notice has been sent to the holder of the permit at the address shown on the application by regular mail and he or she has had an opportunity to be heard. In the event of such revocation, all construction, operation, use or maintenance of such facilities shall be immediately abated and stopped.

Section 8. Article 8 of Chapter 21 of the *Fort Morgan Municipal Code* (2010) is hereby amended to read as follows:

ARTICLE 8

Fuel Gas Code

Sec. 21-8-10. Adoption.

That certain document, a copy of which is on file in the office of the City Manager, being marked and designated as the International Fuel Gas Code, 2009 edition, including Appendix A, Sizing and Capacities of Gas Piping; Appendix B, Sizing of Venting Systems; Appendix C, Exit Terminals; and Appendix D, Recommended Procedure for Safety Inspection, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the

regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the City Manager are hereby referred to, adopted and made a part hereof, as if fully set out in this Article with the additions, insertions, deletions and changes, if any, prescribed in Section 21-2-20 of this Chapter.

Sec. 21-8-20. Amendments.

(a) Section 101.1, Title, of the *Fuel Gas Code* is hereby amended to read and provide as follows:

101.1 Title. These regulations shall be known as the *Fuel Gas Code* of the *City of Fort Morgan, Colorado*, hereinafter referred to as 'this Code.

(b) Section 101.12, Applicability, is hereby added to the Fuel Gas Code and shall provide as follows:

101.12 Applicability. The *Fuel Gas Code* standards hereby adopted shall apply to every gas system either within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate.

(c) Section 106.6, Fee Schedule, of the *Fuel Gas Code* is hereby amended to read and provide as follows:

106.6 Fee Schedule. The fees for permits and plan review fees shall be in accordance with Section 109.2 of the Building Code, as amended in Section 21-2-20 of the Fort Morgan Municipal Code; fees for work shall be determined by the Gas Department in accordance with the *Natural Gas Tariffs* of the City.

(d) Section 106.6.3, Fee refunds. (deleted)

(e) Section 108.4, Violation penalties. (deleted)

(f) Section 108.5, Stop work orders. (deleted)

(g) Section 109, Appeals, of the *Fuel Gas Code*, is hereby amended to read and provide as follows:

109. Appeals. All appeals shall be heard and determined by the Board of Appeals pursuant to Sec. 21-1-50.

(h) Section 303.3, Prohibited locations, of the *Fuel Gas Code*, is revised to read and provide as follows:

303.3 Prohibited locations. Appliances shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.

2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section G2407.5.
3. (deleted)
4. (deleted)
5. The appliance is installed in an existing room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an approved self-closing device. All combustion air shall be taken directly from outdoors in accordance with Section G2407.6. This installation requirement shall only be used if there is no other possible option.

(i) Section 402.6.1, Liquefied petroleum gas systems, of the *Fuel Gas Code*, is revised to read and provide as follows:

402.6.1 Liquefied petroleum gas systems. Temporary LP-gas systems shall be designed and installed in accordance with the *Fire Code*, as adopted and amended by the City, and NFPA 58. No permanent LP-gas systems shall be permitted.

(j) Section 403.4.3. Copper and brass. (deleted)

(k) Section 403.4.4. Aluminum. (deleted)

(l) Section 403.5 Metallic tubing, of the *Fuel Gas Code*, is revised to read and provide as follows:

403.5 Metallic tubing. Steel tubing shall not be used with gases corrosive to such material.

(m) Section 403.5.2 Copper tubing. (deleted)

(n) Section 403.5.3 Aluminum tubing. (deleted)

(o) Section 403.6 Plastic pipe, tubing and fittings. (deleted)

(p) Section 403.6.1, Anodeless riser, of the *Fuel Gas Code*, is revised to read and provide as follows:

403.6.1 Anodeless risers. The City shall install all underground gas piping.

(q) Section 403.6.2, LP-gas systems, of the *Fuel Gas Code*, is revised to read and provide as follows:

403.6.2 LP-gas systems. The use of plastic pipe, tubing and fittings in temporary undiluted liquefied petroleum gas piping systems shall be in accordance with NFPA 58. No permanent gas piping systems shall be permitted.

(r) Section (403.10.1), Pipe joints, of the *Fuel Gas Code*, is revised to read and provide as follows:

403.10.1. Pipe joints. All pipe joints shall be threaded, flanged, or welded. Any piping larger than 2" shall be welded.

(s) Section 403.10.2 Tubing joints. (deleted)

(t) Section 403.10.4, Metallic fitting, of the *Fuel Gas Code*, is revised to read and provide as follows:

403.10.4. Metallic fitting. Metallic fittings, including valves, strainers and filters shall comply with the following:

1. (deleted)
2. Fittings used with steel or wrought iron pipe shall be steel or malleable iron.
3. (deleted)
4. (deleted)
5. The use of bushings in any consumer's piping is prohibited.
6. (deleted)
7. (deleted)
8. Special Fittings. Fittings such as couplings, proprietary-type joints, saddle tees, gland-type compression fittings, and flared, flareless or compression-type tubing fittings shall be: used within the fitting manufacturer's pressure-temperature recommendations; used within the service conditions anticipated with respect to vibration, fatigue, thermal expansion or contracting; installed or braced to prevent separation of the joint by gas pressure or external physical damage; and shall be *approved*.

(u) Section 403.11. Plastic piping, joints and fittings. (deleted)

(v) Section 404.14 Location of outlets, of the *Fuel Gas Code*, is revised to read and provide as follows:

404.14 Location of outlets. The unthreaded portion of piping outlets shall extend not less than 1 inch (25 mm) through finished ceilings and interior walls and where extending through floors, outdoor patios, slabs and finished exterior walls, shall not be less than 2 inches (51 mm) above them. The outlet fitting or piping shall be securely supported. Outlets shall not be placed behind doors. Outlets shall be located in the room or space where the appliance is installed.

Exception: Listed and labeled flush-mounted-type quick-disconnect devices and listed and labeled gas convenience outlets shall be installed in accordance with the

manufacturer's installations instructions.

(w) Section 404.15 Plastic pipe. (deleted)

(x) Section 404.17 Testing of piping, of the *Fuel Gas Code*, is revised to read and provide as follows:

404.17 Testing of piping. Before any system of piping is put in service or concealed or after a system of piping has been shut off for 12 months or more, it shall be tested to ensure that it is gas tight. Testing, inspection and purging of piping system shall comply with section 406.

(y) Section 404.3 Piping in concealed locations, of the *Fuel Gas Code*, is revised to read and provide as follows:

404.3 Piping in concealed locations. Portions of a piping system installed in concealed locations shall not have unions, tubing fittings, right and left couplings, bushings, compression couplings, and wing joints made by combinations of fittings.

Exceptions: (deleted)

(z) Section 405.3 Plastic pipe. (deleted)

(aa) Section 406.4, Test pressure measurement, of the *Fuel Gas Code*, is revised to read and provide as follows:

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressure shall be performed with gauges displaying 1 lb increments.

(bb) Section 406.4.1, Test pressure, of the *Fuel Gas Code*, is revised to read and provide as follows:

406.4.1 Test pressure. The test pressure to be used shall not be less than 15 lbs.

(cc) Section 406.4.2, Test duration, of the *Fuel Gas Code*, is revised to read and provide as follows:

406.4.2 Test duration. The test duration shall not be less than one hour.

(dd) Section 501.8, Appliances not required to be vented, of the *Fuel Gas Code*, is revised to read and provide as follows:

501.8, Appliances not required to be vented. The following appliances shall not be required to be vented.

1. Ranges.

2. Built-in domestic cooking units *listed* and marked for optional venting.
3. Hot plates and laundry stoves.
4. Type 1 clothes dryers (Type 1 clothes dryers shall be exhausted in accordance with the requirements of Section 614.
5. A single booster-type automatic instantaneous water heater, where designed and used solely for the sanitizing rinse requirements of a dishwashing machine, provide that the heater is installed in a commercial kitchen having a mechanical exhaust system. Where installed in this matter, the draft hood, if required, shall be not less than 36 inches (914 mm) vertically and 6 inches (152 mm) horizontally from any surface other than the heater.
6. Refrigerators.
7. Counter appliances.
8. (Deleted)
9. Direct-fired makeup air heaters.
10. (Deleted)
11. Specialized appliances of limited input such as laboratory burners and gas lights.

(ee) Section 621 UNVENTED ROOM HEATERS. (deleted)

Sec. 21-8-30. Penalties.

(a) Any person violating any provision of the *Fuel Gas Code* shall be deemed guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or both fine and imprisonment. Each separate day or any portion thereof during which any violation of said Code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorized is lawful.

(b) The issuance or granting of a permit or approval of plans shall not prevent the City Manager or his or her duly authorized representative from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Chapter or of any certificate of approval when issued in error.

(c) Upon notice from the Building Official or the Gas Department Superintendent that work is being done contrary to the provisions of this Chapter or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the

owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Official or the Gas Department Superintendent shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00).

Section 8. Article 9 of Chapter 21 of the *Fort Morgan Municipal Code* (2010) is hereby amended to read as follows:

ARTICLE 9

Existing Buildings Code

Sec. 21-9-10.Adoption.

That certain document, a copy of which is on file in the office of the City Manager, being marked and designated as the International Existing Building Code, 2009 edition, including Appendix B, Supplementary Accessibility Requirement for Existing Buildings and Facilities; and Resource A, Guideline on Fire Ratings of Archaic Materials and Assemblies, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the City Manager are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 21-2-20 of this Chapter.

Section 9. Article 11 of Chapter 21 of the *Fort Morgan Municipal Code* (2010) is hereby amended to read as follows:

ARTICLE 11

Energy Conservation Code

Sec. 21-11-10.Adoption.

That certain document, a copy of which is on file in the office of the City Manager, being marked and designated as the International Energy Conservation Code, 2009 edition, including the Appendix, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the City Manager are hereby referred to, adopted and made a part

hereof as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Section 21-2-20 of this Chapter.

Sec. 21-11-20. Penalties.

(a) It shall be unlawful for any person to erect, construct, renovate, enlarge, alter, repair, improve, convert, equip, use, occupy or maintain any building or structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Energy Conservation Code.

(b) Any person violating any of the provisions of the Energy Conservation Code, or of this Article, shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding one (1) year, or by both fine and imprisonment. Each and every day or portion thereof during which any such violation is committed, continued or permitted shall be considered a separate offense.

(c) The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition.

Section 10. Validity. If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

Section 11. Repeal. All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance.

Section 12. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

Section 13. Certification. The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 14. Severability. In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

Section 15. Safety Clause and Effective date. The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. This Chapter 21, "Building Regulations" shall be effective five (5) days after final publication.

INTRODUCED, READ AND PASSED UPON FIRST READING this 7th day of February 2012, for publication once in a newspaper of the City of Fort Morgan, Colorado, at least ten days before its final passage.

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: /s/ Terry L. McAlister
Mayor Terry McAlister

ATTEST:

/s/ John J. Brennan
John Brennan, City Clerk

FINALLY PASSED, ADOPTED AND APPROVED this 21st day of February 2012 for publication once in the newspaper of the City of Fort Morgan, Colorado, within five days of the final passage, to take effect five days after final publication.

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: /s/ Terry L. McAlister
Mayor Terry McAlister

ATTEST:

/s/ John J. Brennan
John Brennan, City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1121** was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a Regular Meeting on the 7th day of February, 2012. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 10th day of February, 2012 published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a Regular Meeting of the City Council held on the 21st day of February, 2012. Within five (5) days after its final passage, said **Ordinance** was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ John J. Brennan
City Clerk