



CITY COUNCIL AGENDA
March 28, 2023 6:00 P.M.
116 Main St., Fountain
Register to attend virtually @
www.fountaincolorado.org

- 1) **Call to Order**
- 2) **Pledge of Allegiance**
- 3) **Roll Call**
- 4.1) **Presentations**
 - Department Update: Utilities (Dan Blankenship) 10 mins
- 4.2) **Board/Commission/Committee**
- 5) **City Council Agenda Requests**

City Council shall use this time to request any items for future consideration
- 6) **Public to be Heard**

Citizens may address the Council on items that are not on the agenda. Council may not be able to provide an immediate answer, but will direct staff to follow-up. Out of respect for the Council and others in attendance, please limit your comments to three (3) minutes or less.
- 7) **Consent Agenda**

All items listed under the Consent Agenda are considered to be routine and will be approved with one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which case the item may be removed from the Consent Agenda and considered separately, at the discretion of Council. (Est. time-3 min)

 - A. Approval Of The March 14, 2023 City Council Meeting Minutes (S. Huffman)
 - B. Request For Approval Of A Park Permit And In-Kind City Sponsorship For Bark In The Park. (S. Huffman)
 - C. Request For Approval Of A Park Permit And In-Kind City Sponsorship For Field Of Drinks Brew Fest. (S. Huffman)
 - D. Resolution 23-013, A Resolution Amending The 2022 Revised City Of Fountain Employee Policies & Procedures Handbook. (C. Brisnehan)
 - E. Resolution 23-014, A Resolution To Adjust The Transportation Impact Fee (B. Sheets)
- 8) **Old Business**
 - A. Second Reading Of Ordinance 1784, An Ordinance Approving The Mesa Ridge Overall Development Plan Amendment No. 5, Generally Located Southeast Of The Intersection Of Mesa Ridge Parkway And Powers Boulevard, And Hereinafter More Specifically Described In Exhibit "A" And Exhibit "B"
(K. Martinez est. 5 min.)

9) New Business

- A.** Consideration Of Items Removed From The Consent Agenda
- B.** Resolution 23-015, A Resolution Approving First Amendment To Mesa Ridge Annexation Agreement Between The City Of Fountain, Colorado And CSI No. 9, LLC, Carolyn S. Jenkins, Chris Marc Chad, LLC, And David D. Jenkins, Generally Located Southeast Of The Intersection Of Mesa Ridge Parkway And Powers Boulevard And Hereinafter More Specifically Described. (K. Martinez /T. Johnson est. 10 min.)
- C.** First Reading Of Ordinance 1785, An Ordinance Amending Chapter 18.04 (Building Code) Of Title 18 (Building Codes) Of The Fountain Municipal Code, As Amended, Pertaining To The Adoption Of The Pikes Peak Regional Building Code, 2023 Edition. (T. Johnson est. 20 min.)
- D.** Resolution No. 23-016 A Resolution Amending The Appropriation Of Fiscal Year (FY) 2023 Budgeted Funds. (J. Lewis est. 5 min.)

10) Correspondence, Comments and Ex-Officio Reports

11) Announcement of Executive Sessions

In accordance with the City Charter and the Colorado Open Meetings Act, the City Council open session is to determine whether it will hold a Closed Executive Session. A Closed Executive Session may be held upon an affirmative vote of two-thirds of the quorum present. If consent to the closed Executive Session is not given, the items may be discussed in open session or withdrawn from consideration.

PURPOSE OF THE EXECUTIVE SESSION:

- Pursuant to C.R.S. Section 24-6-402(4) for the Purpose of Review, Approval, and Amendment of Executive Session Minutes
- Pursuant to C.R.S. Section 24-6-402(4)(a) to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest
- Pursuant to C.R.S. Section 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions.

12) Adjourn

A (Administrative Action) QJ (Quasi-Judicial Action) L (Legislative Action)

**NEXT REGULAR COUNCIL MEETING
April 11, 2023**



Regular City Council Meeting

Consent –7A

Council Meeting Minutes

March 28, 2023

Summary Information

Title:

APPROVAL OF THE MARCH 14, 2023 CITY COUNCIL MEETING MINUTES

Initiator : City Clerk Huffman

Presenter: City Clerk Huffman

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The attached minutes were compiled as the result of the March 14, 2023 City Council Meeting Minutes

Attachments: Above Referenced Meeting Minutes

Background Information

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.**
- Diversify city financial resources and invest.**
- Provide reliable access to public safety services.**
- Improve the quality and availability of parks and recreation opportunities**

Recommendation

Staff recommends approval.

Proposed Motion

Motion to approve shall be included under the consent agenda.

CITY COUNCIL MEETING
March 14, 2023

1) Call to Order

Mayor Thompson called the meeting to order at 6:00P.M.

2) Pledge of Allegiance

The pledge of Allegiance was recited.

3) Roll Call

Roll call found the following members present

Mayor Thompson

Mayor Pro Tem Estes

Council Member Hinton

Council Member Cory

Council Member Rick

Council Member Applegate

Council Member Duncan

4 (1) Presentations

- **Presentation by VFW Post 6461**

Commander of VFW 6461 presented the Police Department with a check, that was made possible by fundraising, for fallen Officer Becerra's family.

Commander Lewis thanked the VFW for their heartfelt contribution to the Becerra family.

- **Women's History Month**

Mayor Pro Tem Estes gave some history of the notable women that have impacted Colorado stating these woman were firsts in their fields paving the way for women all over the world. She stressed that this is much more than a proclamation and many women should be recognized.

4 (2) Board/Commission/Committee Appointments

- **Re-Appoint Two Regular Members To The Planning Commission**

Planning Supervisor Martinez Planning Commission Member Christopher Curl is currently serving as a regular member of the Planning Commission and has served a full term. Mr. Curl is presently seeking reappointment for a second term. The second term would be for a 4-year term, which would expire on March 14, 2027.

Planning Commission Member Robert Carland is currently serving as a regular member of the Planning Commission and has served a full term. Mr. Carland is presently seeking

reappointment for a second term. The second term would be for a 4-year term, which would expire on March 14, 2027.

Planning Commission Member Arris Anderson is currently serving as a regular member of the Planning Commission and has served a full term. Ms. Anderson is presently seeking reappointment for a second term. The second term would be for a 4-year term, which would expire on April 9, 2027.

Council Member Cory made a motion to appoint the Planning Commission members as recommended, seconded by Council Member Hinton. All members voted yes (7-0); the motion carried.

5) City Council Agenda Requests

There were no requests.

6) Public to be Heard

Robert German, Ancestra Dr. asked Council to consider alternatives to the way kilowatt hours are billed.

Mr. German was advised to speak to Utility Director Blankenship.

Connie Wisenhunt, resident asked where citizens can go to get help with utility costs.

Utility Director Blankenship stated that currently it would be the Salvation Army but the Utility Department is working on an additional partnership.

7) Consent Agenda

A. Approval Of The February 28, 2023 City Council Meeting Minutes

Council Member Rick made a motion to approve the consent agenda, seconded by Council Member Applegate. All members voted yes (7-0); the motion carried.

8) Old Business

A. Update On Expenditures (Uses) Of ARPA Funds And Remaining Funds Available To The City

Finance Director Lewis reviewed some expenditures, interest earned, future expenditures and the balance of the American Recovery Plan Act. He stated these funds are restricted by the Federal Government on capital spending. He reported these funds were given to the city due to the impacts of the COVID-19 pandemic.

9) New Business

A. Consideration Of Items Removed From The Consent Agenda

There were no items removed.

B. Public Hearing and First Reading of Ordinance 1784, An Ordinance Approving the Mesa Ridge Overall Development Plan Amendment No. 5, generally located southeast of the intersection of Mesa Ridge Parkway and Powers Boulevard, and Hereinafter More Specifically Described in Exhibit “A” and Exhibit “B”

Mayor Thompson opened the public hearing.

Planning Supervisor Martinez reported the original ODP was approved in 2005 and the City has since processed several amendments to adjust land uses, specifically for multi-family areas (Mesa Ridge Apartments). This amendment proposes consolidating land use areas into four categories – Single Family Residential 3-5 dwelling units per acre, Single Family Residential 4-8 dwelling units per acre, Multi-Family 12-20 dwelling units per acre and commercial keeping the maximum number of dwelling units at 2,114. There is also a proposed one-acre public safety facility north of C&S Road and 30 acres of land to be dedicated for future school sites to Widefield School District No. 3.

She stated the development proposes approximately 347 acres of single family, 25 acres of multi-family and 20 acres of commercial land. The commercial land use area was previously located in the southeast portion of the future South Powers Boulevard corridor and Mesa Ridge Parkway. Due to terrain constraints and better roadway access, the commercial area is planned to be relocated to the southwest corner of the intersection of Mesa Ridge Parkway and Marksheffel Road to align with proposed commercial land on the east side of Marksheffel Road.

Tim Siber, Norwood Development, reviewed location, park and open space areas, Powers extension, access roads, commercial locations, and Metro District partnerships.

Council Member Hinton verified that build out would be around 2050.

Council Member Rick asked for additional access as traffic patterns are currently a concern for the Cross Creek area.

Mayor Thompson noted her concern with the timing of installing amenities as in the past, developers would build many homes prior to installation of parks or other amenities. She asked Mr. Siber to please consider the early residents.

She asked Planning Supervisor Martinez to ensure that the area slated for the Powers corridor be maintained by the Metro District.

Mara Vole, public, stated her concern with existing traffic and noted the ODP shows open space and parks but it lists only detention areas not park or open space.

Elizabeth Nickel, public, stated her concern with access points as there is currently only one way into the current subdivision that will adjoin this.

Josh Olsen, public stated his concern with the traffic that will occur with the concentration of the commercial areas.

Robert Hagdore, public stated his concerns with the failing infrastructure of the current roadways.

Mayor Thompson closed the public hearing.

Mayor Pro Tem Estes made a motion to approve Ordinance No 1784 subject to the following conditions: The applicant/developer and/or property owner may be required to participate in a fair and equitable manner for future intersection or signal improvements at the Mesa Ridge Parkway intersections with Powers Boulevard, Wayfarer Drive, Autumn Glen Avenue, Spring Glen Drive, and Marksheffel Road. The developer's general design, construction and/or financial responsibilities regarding the final intersection or signal improvements shall be determined with final plat approval(s), and County access permits, seconded by Council Member Applegate. All members except Council Member Rick voted yes (6-1); the motion carried.

Council Member Rick explained his no vote was because he feels the current plan does not take into account the traffic that this subdivision will produce as well as the lack of dedicated park space for the additional residents.

C. Resolution No. 23-012, A Resolution Authorizing The City Manager To Enter Into A Legal Services Agreement And Authorizing Expenditures For The Legal Services Up To \$285,000.

Utility Director Blankenship offered clarification on a previous question that the Salvation Army has two program Lighten the Load program that is partially funded by the City of Fountain and the other program is Energy Outreach Colorado, low income household water assistance program and the LEAP program.

He reported that Resolution No. 23-012 is to request Council's authorization to enter into a Legal Services Agreement with Hawkins, Delafield & Wood for the preparation and negotiation of a Public Private Partnership project agreement for the funding and construction of the proposed Fountain reservoir project. The proposed Fountain reservoir project includes diversion and conveyance of raw water from Fountain Creek into a raw water storage reservoir, raw water treatment to drinking water standards, and conveyance of drinking water to existing drinking water storage tank. He stated that A legal services agreement and work plan has been negotiated with Hawkins. Funding for the legal services was appropriated by the Council as part of the first supplemental to the 2023 adopted budget.

Council Member Applegate made a motion to approve Resolution 23-012, seconded by Council Member Duncan. All members voted yes (7-0); the motion carried.

10) Correspondence, Comments and Ex-Officio Reports

Council Member Rick stated that there have been comments on social media regarding the events at the Council Meeting where Former Mayor Pro Tem Phil Thomas was recognized. He stated he had acknowledged Mr. Thomas before the meeting and in no way meant any disrespect. He also noted there will be a community clean up on Saturday the 25th at the recycle center. He then stated that the EPA is looking to raise the maximum contaminate level for PFOA and PSOA to 4 parts per trillion and the City is going above the guidance.

Utility Director Blankenship stated that the City has filters in place that will detect less than 2 parts per trillion.

Council Member Cory reminded all of the ladder truck push-out event.

Council Member Hinton thanked Deputy City Manager Evens for helping remove a vehicle that has been sedentary for a while.

Mayor Pro Tem Estes solicited volunteers for the local museum and she thanked Chief Graham and Commander Christiani for their help on research.

Council Member Duncan noted the passing of Pat Shroder, the first woman elected to Congress in Colorado. She also asked for citizens to support the small business in Fountain.

Mayor Thompson stated there are many bills coming through our state legislature and there are many that are not city, police or second amendment friendly bills. She stressed the importance of contacting the sponsors of the bills to give your opinion.

Deputy City Manager Evans reported that Scott's Hyponex plans on moving their operations by the end of 2025 or first part of 2026.

City Attorney Johnson update on litigation with manufactures of PFOA and that case continues on track set for trial in June. He also updated on Opioid Counsel has done strategic planning to determine where funding will go to address the crisis and listed those recommendations.

Utility Director Blankenship noted that he was interviewed by the media on the EPA announcement and stated that because Fountain has been very transparent, we are getting positive media coverage.

Finance Director Lewis responded to a previous question from Council Member Duncan regarding a decline in sales tax by reporting that sales tax is currently up 1.3% from the same month last year and the funds that we do have are getting good interest rates.

11) Announcement of Executive Sessions

There were no executive sessions requested.

12) Adjourn

There being no further business, Mayor Thompson declared the meeting adjourned at 8:07 P.M.

City Clerk

Mayor



Regular City Council Meeting

Consent –7B

Bark in the Park

March 28, 2023

Summary Information

Title:

REQUEST FOR APPROVAL OF A PARK PERMIT AND IN-KIND CITY SPONSORSHIP FOR BARK IN THE PARK.

Initiator: City Clerk Huffman

Presenter: City Clerk Huffman

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Fountain UP is hosting the 2nd annual Bark in the Park on June 4th to raise money for the Fountain PD K9 unit. They are requesting approval of an Event Park Permit and In-Kind City Sponsorship for the event.

Attachment:

Application

Cost Estimate

Background Information

Fountain UP is an established committee committed to bring local community events back to the City of Fountain.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommends approval.

Proposed Motion

Motion to approve shall be included under the consent agenda.

City of Fountain Colorado

Event Permit Application



Date Received: _____

Check or Cash: _____

Are you requesting sponsorship from City Council (Yes) (No) _____

Event Title: Bark in the Park

Phone Number: 719-322-2019

Entity Name: Fountain UP

Tax ID Number: _____

Applicant Name and Title: Rosa McCormick

Address: 116 S. Main St.

Email Address: Rosa @fountaincolorado.org

Description: (Describe what your event is about, who and what will be involved, how it will operate and any other information that you feel is important that will help us make a determination on whether to approve or deny your event):

Bark in the Park is a community event to bring pet owners to the dog park and connect them with organizations and companies that could benefit animal lovers. The event includes a Fun Run with your pet, K9 demonstrations, Vendors for animal care (Health, Grooming, Boarding and Adoption), Food Trucks and fun contests for everyone. Profit from this event will be donated to the Fountain PD K9 Unit.

Location of Event: Metcalf Park, Dog Park

For official use only

City Authorization:

City Clerk: _____

Comments:

Set up date and time: June 3th 8am-2pm

Dismantle date and time:

Event Start date and time: June 3th 10am End date and time: June 3th 1pm

Anticipated Attendance to include participants: 150 Number of Vehicles: 50

Will there be an admission registration fee? Yes NO Cost: None

Please provide website or Facebook page for your event: _____

IF YOUR EVENT WILL INVOLVE ALCOHOL YOU MUST CONTACT THE CITY CLERK'S OFFICE AND THEY WILL ADVISE YOU ON THE PROCESS TO OBTAIN A LIQUOR LICENSE. YOU MAY HAVE BEER IN CANS ONLY (NOT FOR SALE).

Are there plans to sell or distribute beer or wine at your event? Yes NO

A Certificate of Insurance must be received by the City of Fountain prior to approval and issuance of your Special Event Permit.

The applicant will need commercial general liability insurance which names, as Additional Insured, the "City of Fountain, its officers, employees and agents," and any other public entities impacted by your event to which this permit applies. Insurance coverage must be maintained for the duration of the event including setup and dismantle dates.

Name of Insurance Agency: CIRSA

Address: _____ City: _____ State: _____ Zip: _____

Phone number: _____

Contact Person: _____

Policy Type: _____

Policy Amount: _____ PolicyNumber: _____

The following departments may provide and charge additional services. You will be provided cost estimates in your Agreement packet.

POLICE: Public Safety Personnel: How many? TBD

STREETS/PARKS: Personnel, Equipment (cones, barricades, no parking signs): How many? TBD

STREETS/PARK: Cleanup Personnel, Dumpster(s), trash receptacles, event site preparation and restoration. How many? TBD

FIRE: Paramedics, Inspectors: How many? TBD

Note: The City does not provide tents, Port-O-Lets, tables and chairs.

If you are requesting City Council sponsorship, please provide a summary of the benefit to the City and/or the Citizens of Fountain. If sponsorship is approved, the City requires public recognition of the City on all marketing material. Please see City Clerk's Office for logo.

The sole purpose of Fountain UP is to give back to the citizens of Fountain, all profit from this event will be donated to the Fountain PD K9 Unit.

Review and check all conditions which apply to this event: Note the corresponding obligation for each condition.

<u>Condition</u>	<u>Comments/Details</u>	<u>Obligation</u>
X Public Invited		General Liability Insurance (City Clerk)
X Located in Park	Metcalf Dog Park	Park Permit (City Clerk)
X Vending Product/Merchandise Sales		City of Fountain Business License (City Clerk)
X Vending Food/Beverage	Food Trucks	Health License (Contact El Paso County Public Health)
X Vendors/Exhibitors	How Many? TBD	
Vending Beer/Wine		Alcohol Permit--additional insurance required (City Clerk)
X Erecting Tents	How Many? TBD Vendor Choice	
<input type="checkbox"/> Fence Installation	What Type?	Parks/Streets Department
<input type="checkbox"/> Other Structures	What Structure?	Parks/Streets Department
<input type="checkbox"/> Open Flame Food Preparation		Fire Inspection Permit (Fire Department)
<input type="checkbox"/> Require Street Closure		Parade or Street Closure Permit (Police Department)
<input type="checkbox"/> Car Show	How Many? Impermeable Barrier must be used under car	
<input type="checkbox"/> Grills	How Many?	
Amplified Sound	<input type="checkbox"/> Performers <input type="checkbox"/> Announcement Only	
<input type="checkbox"/> Security	<input type="checkbox"/> Daytime-Private <input type="checkbox"/> Overnight-Private <input type="checkbox"/> Event Time Frame-Fountain PD	
Sanitary Facilities (Port-o-Lets)	No. of Regular Units ____ No. of Disabled Units ____ No. of Hand Washing Units ____	
<input type="checkbox"/> Off-site Parking/Shuttle		
<input type="checkbox"/> Semi-Truck/ Tractor Trailer		
<input type="checkbox"/> Barricade and Street Blockage	Address for Drop Off:	Parks/Streets Department

Describe the economic benefit that this event will bring to the City of Fountain.

Please provide an event map that includes the following information

(If the item does not apply please write N/A in the space provided)

- _____ Provision of minimum twenty feet (20') emergency access lanes throughout the event venue.
 - _____ Location of first-aid facilities and ambulances.
 - _____ Location of all stages, platforms, scaffolding, bleachers, grandstands, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures.
 - _____ A detailed or close-up of the food booth and cooking area configuration including booth identification of all vendors cooking with flammable gases or barbecue grills.
 - _____ Generator locations and/or source of electricity.
 - _____ Placement of vehicles and/or trailers.
 - _____ Exit locations for outdoor events that are fenced and/or locations within tents and tent structures.
-

Certification:

I/we certify that the information contained in the forgoing application is true and correct to the best of my/our knowledge and belief; that I/we have read, understand and agree to abide by the requirements, rules and regulations governing the proposed Event Permit under the City of Fountain. I/we certify that the event will be open to the public and that individuals will not be barred from participation due to race, creed, color, national origin, sex, age, or physical impairment. I/we agree to comply with all other requirements of the City, County, State, Federal Government, and any other applicable entity which may pertain to the use of the event venue and the conduct of the event. I/we agree to pay all fees and taxes; and the City shall not be liable for the payment of such taxes. I/we agree to abide by the requirements of the Public Events Permit, and further certify that I/we, on behalf of the Host Organization, am also authorized to commit that organization; and therefore, agree to be financially responsible, in conjunction with the Host Organization, for any costs and fees that maybe incurred by or on behalf of the Event to the City of Fountain. I/we hold the City of Fountain and all its entities harmless against all liability.

Print Name of Host Organization: Fountain UP

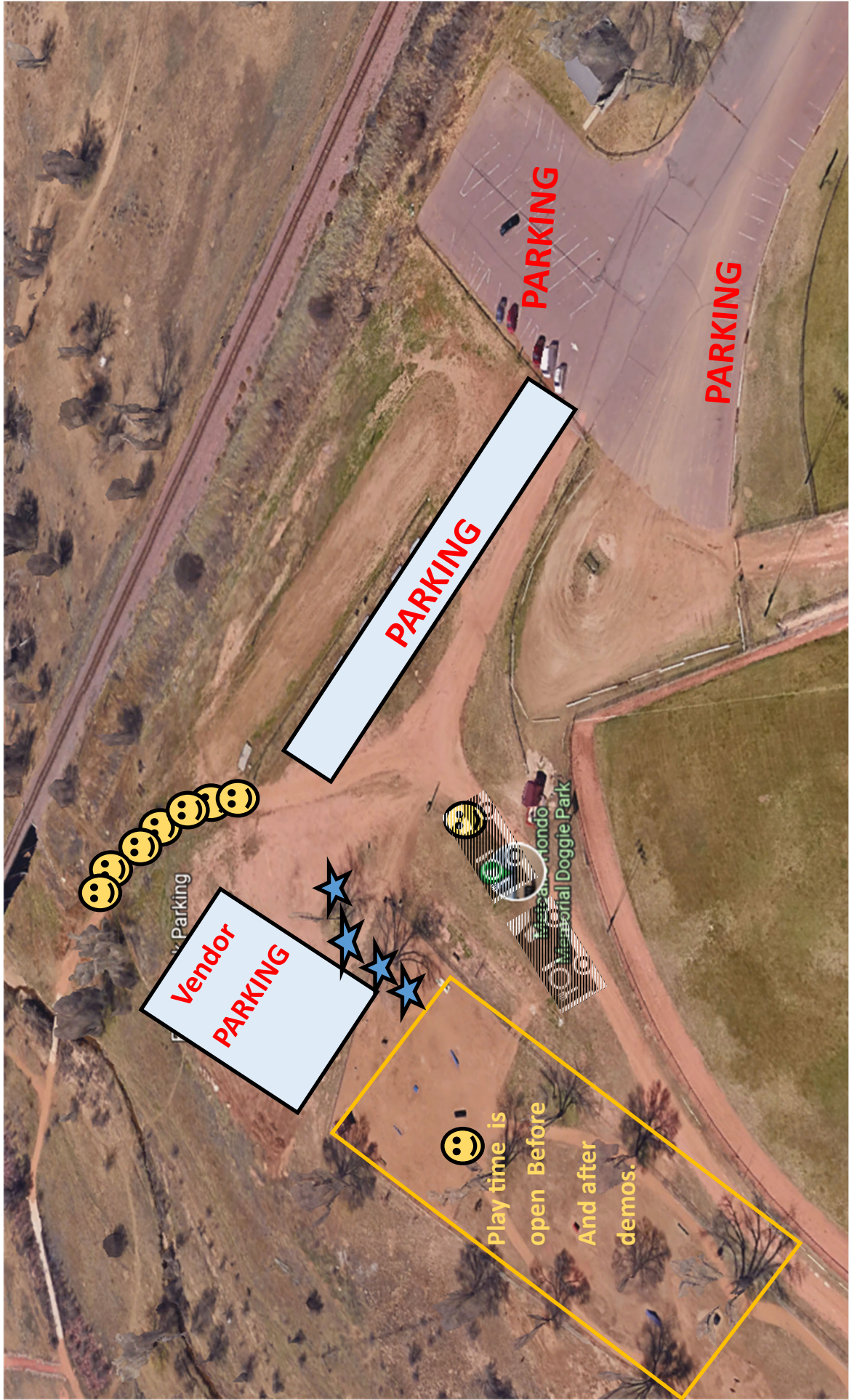
Name of Authorized Representative: Rosa McCormick

Signature: *Rosa McCormick*

Date: 03/10/2022

Review and Approval Process:

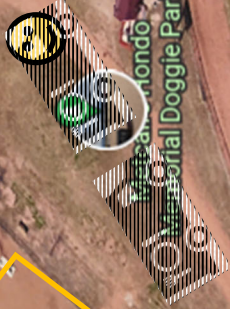
1. Complete application for public event and turn it in to the City Clerk’s office at City Hall.
2. City Clerk will review and coordinate with other city departments as needed.
3. Fountain Parks Department will coordinate an Event Review (ER) meeting with appropriate city staff and event organizer.
4. The event organizer will provide a detailed event layout via the aerial maps provided and will return the map to the parks department for review.
5. If the event application needs special permit approval from City Council, the event organizer will be notified by the City Clerk for Council meeting date and time of appearance.
6. Payment for permit will be required at the Event Review Meeting.



Vendor
PARKING



PARKING



Play time is
open Before
And after
demos.

PARKING

PARKING

Food Trucks

Vendors

Fountain UP Events

EVENT:**Bark in the Park****Organization****Fountain UP**

In -Kind Request	Cost	# employees	# of hours	Total value
Event Permit	\$ 100.00		6	\$ 600.00
Field Rental	\$ 25.00			\$ -
Park Staff	\$ 25.00	1	3	\$ 75.00
Firefighter EMT	\$ 27.37	1	4	\$ 109.48
Fire Paramedic	\$ 31.17	1	4	\$ 31.17
Ambulance Standby	\$ 80.00	1	4	\$ 320.00
Police	\$ 70.00	2	4	\$ 560.00
Digital Kiosk Ads	\$ 150.00	3		\$ 150.00

Total In-Kind Cost \$ 1,845.65



Regular City Council Meeting

Consent –7C
Field of Drinks Brew Fest

March 28, 2023

Summary Information

Title:
REQUEST FOR APPROVAL OF A PARK PERMIT AND IN-KIND CITY SPONSORSHIP FOR FIELD OF DRINKS BREW FEST.

Initiator : City Clerk Huffman	<input checked="" type="checkbox"/> Council Action
Presenter: City Clerk Huffman	<input type="checkbox"/> Council Information
Legal Review: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Report to Council

Summary Overview and List of Attachments:
 Fountain UP is partnering with Peaks N Pines Brewery to host the 2nd Annual Field of Drinks Brew Fest. The event is scheduled for July 1st in the large baseball field at Metcalf Park. They are requesting approval of an Event Park Permit and In-Kind City Sponsorship for the event.

Attachment:
 Application
 Cost Estimate

Background Information

Fountain UP is an established committee committed to bring local community events back to the City of Fountain.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommends approval.

Motion to approve shall be included under the consent agenda.

City of Fountain Colorado

Event Permit Application



Date Received: _____

Check or Cash: _____

Are you requesting sponsorship from City Council (Yes) (No) _____

Event Title: Field of Drinks Brew Fest

Phone Number: 719-322-2024

Entity Name: Fountain UP

Tax ID Number: _____

Applicant Name and Title: Joney Carneal

Address: 116 S. Main St.

Email Address: JCarneal@fountaincolorado.org

Description: (Describe what your event is about, who and what will be involved, how it will operate and any other information that you feel is important that will help us decide on whether to approve or deny your event):

Fountain UP is partnering with Peaks and Pines to bring the 2nd annual Field of Drinks Brew Fest. Colorado Department of Liquor Enforcement has allowed breweries to obtain an Alcohol Beverage Festival Permit that would be obtained by Peaks and Pines Brewery. The event will be held in the large baseball field to ensure containment and control of the alcohol. Port o lets will be provided and re-entry is not allowed. One entry and exit point to ensure IDs are checked and wrist bands provided. Absolutely no entry will be allowed without photo ID presented at the gate. T.I.P.s certified staff will be checking IDs.

Location of Event: Metcalf Park Large Baseball Diamond

For official use only

City Authorization:

City Clerk: _____

Comments:

Set up date and time: July 1st 9am Dismantle date and time: July 1st 4pm

Event Start date and time: July 1st 12pm End date and time: July 1st 4pm

Anticipated Attendance to include participants: 600 Number of Vehicles: 200

Will there be an admission registration fee? Yes NO Cost: \$35 presale tickets, \$45 at the gate if available

Please provide website or Facebook page for your event: TBD

IF YOUR EVENT WILL INVOLVE ALCOHOL YOU MUST CONTACT THE CITY CLERK'S OFFICE AND THEY WILL ADVISE YOU ON THE PROCESS TO OBTAIN A LIQUOR LICENSE. YOU MAY HAVE BEER IN CANS ONLY (NOT FOR SALE).

Are there plans to sell or distribute beer or wine at your event? Yes NO

A Certificate of Insurance must be received by the City of Fountain prior to approval and issuance of your Special Event Permit.

The applicant will need commercial general liability insurance which names, as Additional Insured, the "City of Fountain, its officers, employees and agents," and any other public entities impacted by your event to which this permit applies. Insurance coverage must be maintained for the duration of the event including setup and dismantle dates.

Name of Insurance Agency: CIRSA

Address: _____ City: _____ State: _____ Zip: _____

Phone number: _____

Contact Person: _____

Policy Type: _____

Policy Amount: _____ PolicyNumber: _____

The following departments may provide and charge additional services. You will be provided cost estimates in your Agreement packet.

POLICE: Public Safety Personnel: How many? TBD after event meeting w/ department

STREETS/PARKS: Personnel, Equipment (cones, barricades, no parking signs): How many? TBD after event meeting w/ department

STREETS/PARK: Cleanup Personnel, Dumpster(s), trash receptacles, event site preparation and restoration. How many? TBD after event meeting w/ department

FIRE: Paramedics, Inspectors: How many? TBD after event meeting w/ department

Note: The City does not provide tents, Port-O-Lets, tables and chairs.

If you are requesting City Council sponsorship, please provide a summary of the benefit to the City and/or the Citizens of Fountain. If sponsorship is approved, the City requires public recognition of the City on all marketing material. Please see City Clerk's Office for logo.

The sole purpose of Fountain UP is to give back to the citizens of Fountain. Proceeds from this event will be used to fund upcoming free events within the city. 20 Breweries have committed to participating and additional breweries on a wait list. Designated Drivers will receive free non-alcoholic drinks provided by Fountain UP. Multiple water stations will be available for all patrons along with tents for shade. Food Trucks, and Vendors.

Review and check all conditions which apply to this event: Note the corresponding obligation for each condition.

<u>Condition</u>	<u>Comments/Details</u>	<u>Obligation</u>
X Public Invited	Presale tickets/ gate admission	General Liability Insurance (City Clerk)
X Located in Park	Metcalf park Baseball Field	Park Permit (City Clerk)
X Vending Product/Merchandise Sales	Brewery swag- Vendors product	
X Vending Food/Beverage	Food Trucks	Health License (Contact El Paso County Public Health)
X Vendors/Exhibitors	How Many? TBD	
X Vending Beer/Wine	20 breweries committed	Alcohol Permit--additional insurance required (City Clerk)
X Erecting Tents	How Many? TBD Vendor Choice	Parks/Streets Department
<input type="checkbox"/> Fence Installation	What Type?	Parks/Streets Department
<input type="checkbox"/> Other Structures	What Structure?	Parks/Streets Department
<input type="checkbox"/> Open Flame Food Preparation		Fire Inspection Permit (Fire Department)
<input type="checkbox"/> Require Street Closure		Parade or Street Closure Permit (Police Department)
<input type="checkbox"/> Car Show	How Many? Impermeable Barrier must be used under car	
<input type="checkbox"/> Grills	How Many?	
X Amplified Sound	<input type="checkbox"/> Performers <input type="checkbox"/> Announcement Only	DJ
<input type="checkbox"/> Security	<input type="checkbox"/> Daytime-Private <input type="checkbox"/> Overnight-Private <input type="checkbox"/> Event Time Frame-Fountain PD	
X Sanitary Facilities (Port-o-Lets)	No. of Regular Units <u> 2 </u> No. of Disabled Units <u> 2 </u> No. of Hand Washing Units <u> 2 </u>	
<input type="checkbox"/> Off-site Parking/Shuttle		
<input type="checkbox"/> Semi-Truck/ Tractor Trailer		
<input type="checkbox"/> Barricade and Street Blockage	Address for Drop Off:	Parks/Streets Department

Describe the economic benefit that this event will bring to the City of Fountain.

Please provide an event map that includes the following information

(If the item does not apply please write N/A in the space provided)

- Provision of minimum twenty feet (20') emergency access lanes throughout the event venue.
 - Location of first-aid facilities and ambulances.
 - Location of all stages, platforms, scaffolding, bleachers, grandstands, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures.
 - A detailed or close-up of the food booth and cooking area configuration including booth identification of all vendors cooking with flammable gases or barbecue grills.
 - Generator locations and/or source of electricity.
 - Placement of vehicles and/or trailers.
 - Exit locations for outdoor events that are fenced and/or locations within tents and tent structures.
-

Certification:

I/we certify that the information contained in the forgoing application is true and correct to the best of my/our knowledge and belief; that I/we have read, understand and agree to abide by the requirements, rules and regulations governing the proposed Event Permit under the City of Fountain. I/we certify that the event will be open to the public and that individuals will not be barred from participation due to race, creed, color, national origin, sex, age, or physical impairment. I/we agree to comply with all other requirements of the City, County, State, Federal Government, and any other applicable entity which may pertain to the use of the event venue and the conduct of the event. I/we agree to pay all fees and taxes; and the City shall not be liable for the payment of such taxes. I/we agree to abide by the requirements of the Public Events Permit, and further certify that I/we, on behalf of the Host Organization, am also authorized to commit that organization; and therefore, agree to be financially responsible, in conjunction with the Host Organization, for any costs and fees that maybe incurred by or on behalf of the Event to the City of Fountain. I/we hold the City of Fountain and all its entities harmless against all liability.

Print Name of Host Organization: Fountain UP

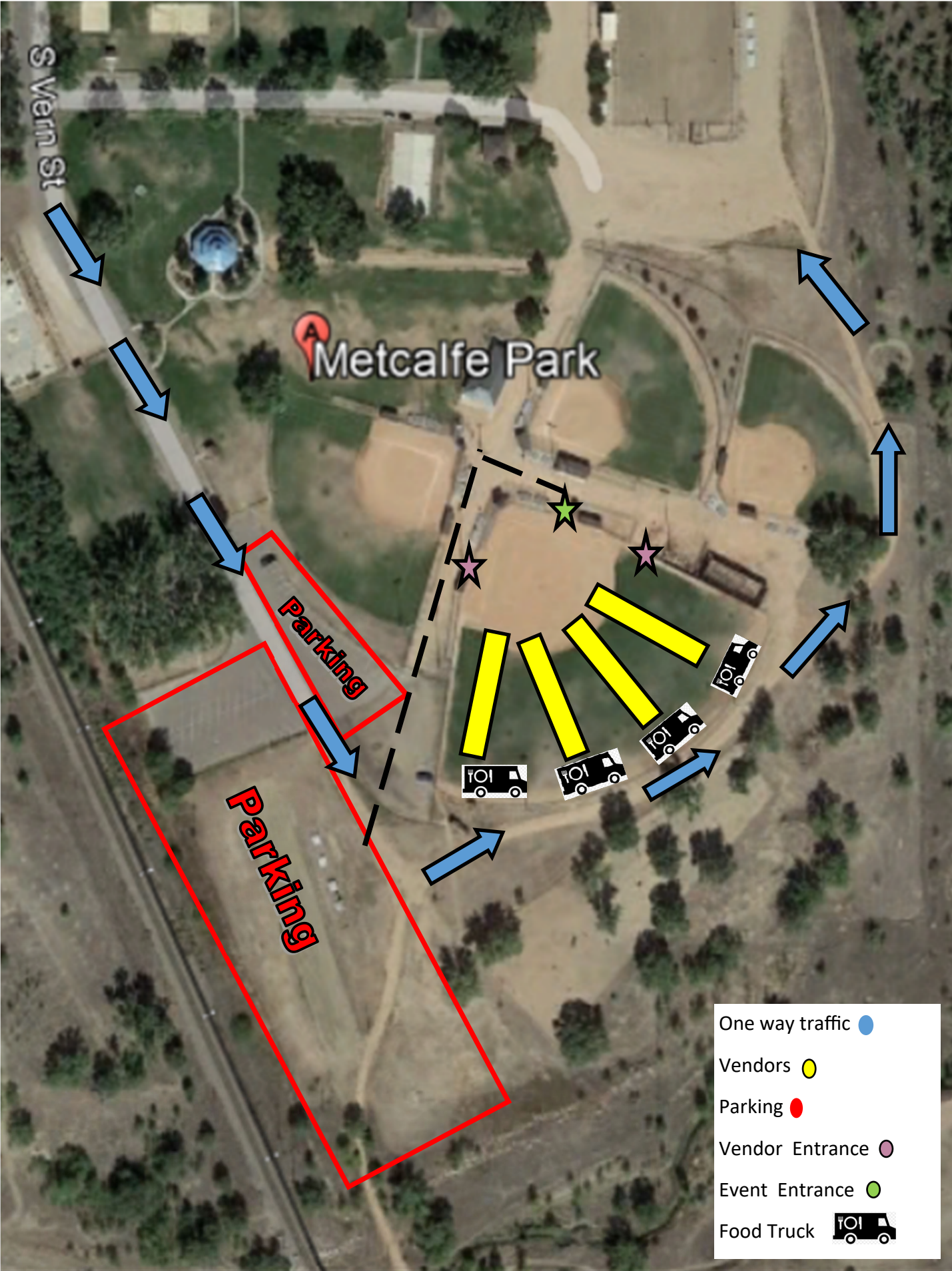
Name of Authorized Representative: Joney Carneal

Signature: 

Date: 03/16/2023

Review and Approval Process:

1. Complete application for public event and turn it in to the City Clerk’s office at City Hall.
2. City Clerk will review and coordinate with other city departments as needed.
3. Fountain Parks Department will coordinate an Event Review (ER) meeting with appropriate city staff and event organizer.
4. The event organizer will provide a detailed event layout via the aerial maps provided and will return the map to the parks department for review.
5. If the event application needs special permit approval from City Council, the event organizer will be notified by the City Clerk for Council meeting date and time of appearance.
6. Payment for permit will be required at the Event Review Meeting.



EVENT:**Field of Drinks****Organization****Fountain UP**

In -Kind Request	Cost	# employees	# of hours	Total value
Event Permit	\$ 100.00		8	\$ 800.00
Field Rental	\$ 25.00		8	\$ 200.00
Field Electricity	\$ 25.00		1	\$ 25.00
Park Staff	\$ 25.00	2	9	\$ 450.00
Firefighter EMT	\$ 27.37	1	6	\$ 164.22
Firefighter Paramedic	\$ 31.17	1	6	\$ 187.02
Ambulance Standby	\$ 80.00	1	6	\$ 480.00
Police	\$ 70.00	4	6	\$ 1,680.00
Digital Kiosk Ads	\$ 150.00	3		\$ 150.00
Printing Svc. (banners)				\$ 1,000.00

Total In-Kind Cost \$ 5,136.24



Regular City Council Meeting

Consent –7D
Personnel Policy Amendment

March 28, 2023

Summary Information

Title:

RESOLUTION 23-013, A RESOLUTION AMENDING THE 2022 REVISED CITY OF FOUNTAIN EMPLOYEE POLICIES & PROCEDURES HANDBOOK.

Initiator: Connie Brisnehan, HR Director

Presenter: Connie Brisnehan, HR Director

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Section 12.1 Short-Term Disability of the Employee Policies and Procedures Handbook require an amendment.

Attachments:

Attachment A Proposed changes

Background Information

This amendment will allow employees who need this benefit to use it without limitations on sick leave balances.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommends approval of Resolution 23-013

Proposed Motion

Motion to approve shall be included under the consent agenda.



RESOLUTON 23-013

A RESOLUTION AMENDING THE 2022 REVISED CITY OF FOUNTAIN EMPLOYEE POLICIES & PROCEDURES HANDBOOK.

WHEREAS, Ordinance 1704 repealed Chapter 2.14 of the Fountain Municipal Code and:

WHEREAS, the Personnel Policies and Procedures need to be updated to accommodate new Colorado laws, specifically Short-Term Disability.

WHEREAS, an updated section to the existing Personnel Policy has been prepared by HR Director Connie Brisnehan to comply with State statues and human resources best practices,

WHEREAS, the City Council of the City of Fountain desires to adopt by Resolution, the amendment to Personnel Policies and Procedures by reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fountain, Colorado, as follows:

1. The Recitals set forth herein are incorporated as finding in support of this Resolution.
2. The City Council of the City of Fountain herby adopts the City of Fountain Employee Policies & Procedures Handbook as amended and presented in attachment A.

Done this 28th day of March, 2023

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman City Clerk

12.1 Short-Term Disability

The City provides Short-Term Disability (STD) income insurance to all Regular Full Time Employees and Probationary Employees. ~~REMOVE: An employee's Sick Leave bank must be at 100 hours or less to be eligible for and before receiving STD.~~ Please notify Human Resources for applications and processing per the applicable procedures.

12.1a Supplementing Short-Term Disability Pay

- Employees may use Sick Leave during the waiting period.
- Employees may supplement STD pay with Vacation, Compensatory Time, (add) Flextime, or Sick Leave balances.



Regular City Council Meeting

Consent-7E
Transportation Impact Fee Adjustment

March 28, 2023

Summary Information

Title:

RESOLUTION 23-014, A RESOLUTION TO ADJUST THE TRANSPORTATION IMPACT FEE

Initiator: Ben Sheets, City Engineer

Presenter: Todd Evans, Deputy City Manager

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Resolution to adjust the transportation impact fees as authorized by Ordinance 1776.

Previous Action by City Council: N/A

Attachments:

Resolution 23-014

Background Information

The City of Fountain is expected to continue to experience significant transportation problems resulting from increased growth generated by new residential and nonresidential uses, which has created an immediate need to provide for fees for the expansion of transportation facilities to ensure that infrastructure is available to accommodate new growth within the City. A Transportation Impact Fee system was implemented by Ordinance 1776. In accord with this ordinance, fees shall be adjusted annually in an amount equal to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index (CPI) for Denver-Aurora-Lakewood; which was a 6.5% increase for 2022.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.**
- Diversify city financial resources and invest.**
- Provide reliable access to public safety services.**
- Improve the quality and availability of parks and recreation opportunities**

Recommendation

Staff recommends approval of Resolution 23-014 adjusting the transportation impact fee schedule

Proposed Motion

Motion to Approve Resolution 23-014



RESOLUTION 23-014

A RESOLUTION ADJUSTING THE TRANSPORTATION IMPACT FEE

WHEREAS, the City of Fountain is responsible for maintaining the streets and public rights-of way throughout the City; and

WHEREAS, it is a strategic priority to improve the conditions of City-wide transportation infrastructure in order to support enhanced road safety, encourage economic development and improve traffic flow, focused principally on major City transportation corridors, then residential areas; and

WHEREAS, the City of Fountain has and continues to experience significant growth;

WHEREAS, the City of Fountain has adopted Ordinance 1776, establishing Chapter 3.17 Transportation Impact Fees which provides criteria and usage of the transportation impact fees; and

WHEREAS, the Transportation Impact Fee Study (2022) prepared by Wilson & Company determined the precise figures needed to determine the maximum allowable fee amounts for transportation for the current and future needs of the City; and

WHEREAS, Ordinance 1776 authorizes an annual fee adjustment needed in an amount equal to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index (CPI) for Denver-Aurora-Lakewood; and

WHEREAS, the United States Bureau of Labor Statistics Consumer Price Index (CPI) for Denver-Aurora-Lakewood percentage change increase was 6.5% for 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fountain, Colorado:

1. The recitals set forth in this resolution are adopted by the City Council as findings in support of this resolution.
2. The Transportation Impact Fee for residential, non-residential and commercial uses for 2023 shall be as follows:

LAND USE	TRIP DEMAND FACTOR	UNIT	TOTAL TIF PER UNIT
Residential Units			
Single Family (Detached)	0.98	Dwelling	\$3,847
Multifamily (Low-Rise)	0.55	Dwelling	\$2,159
Non-Residential units			
Hotel/Motel	0.61	1,000 sf	\$2,620
General Commercial	3.81	1,000 sf	\$4,634
Convenience Commercial	49.11	1,000 sf	\$8,226
Office	1.42	1,000 sf	\$8,432
Light Industrial	0.81	1,000 sf	\$3,183

3. These fees become effective upon the effective date of the passage of this resolution.

Done this 28th day of March.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk



Regular City Council Meeting

Old Business-8A
Amendment to Overall Development
Plan

March 28, 2023

Summary Information

Title:

SECOND READING OF ORDINANCE 1784, AN ORDINANCE APPROVING THE MESA RIDGE OVERALL DEVELOPMENT PLAN AMENDMENT NO. 5, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MESA RIDGE PARKWAY AND POWERS BOULEVARD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B"

Initiator : Kristy Martinez, AICP Planning Supervisor

Council Action

Presenter: Kristy Martinez, AICP Planning Supervisor

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

Major Amendment to Overall Development Plan to adjust land use designation of land.

Attachment:

Ordinance 1784, as amended

Background Information

This is a request for approval of a major amendment to the Mesa Ridge Overall Development Plan (ODP). This is the fifth amendment to this ODP which proposes adjusting the land use planning areas for residential, multi-family, commercial and the school sites to accommodate design changes and future growth. This is one of many land use approval processes as this area develops over the course of several years.

The Mesa Ridge development is approximately 532 acres and is generally located southeast of the intersection of Powers Boulevard and Mesa Ridge Parkway. The development is bound by Marksheffel Road to the east and C&S Road on the south. Portions of the Mesa Ridge ODP have previously been constructed (Areas A and O) and will not be affected by this proposed amendment.

The original ODP was approved in 2005 and the City has since processed several amendments to adjust land uses, specifically for multi-family areas (Mesa Ridge Apartments). This amendment proposes consolidating land use areas into four categories – Single Family Residential 3-5 dwelling units per acre, Single Family Residential 4-8 dwelling units per acre, Multi-Family 12-20 dwelling units per acre and commercial keeping the maximum number of dwelling units at 2,114. There is also a proposed one acre public safety facility north of C&S Road and 30 acres of land to be dedicated for future school sites to Widefield School District No. 3.

The development proposes approximately 347 acres of single family, 25 acres of multi-family and 20 acres of commercial land. The commercial land use area was previously located in the southeast portion of the future South Powers Boulevard corridor and Mesa Ridge Parkway. Due to terrain constraints and better roadway access, the commercial area is planned to be relocated to the southwest corner of the intersection of Mesa Ridge Parkway and Marksheffel Road to align with proposed commercial land on the east side of Marksheffel Road.

Access: There are several access points to this development proposed from Mesa Ridge Parkway, Marksheffel Road, C&S Road and the extension of Cross Creek Avenue in addition to the internal roadway connections. Access points are conceptually shown on the ODP and are further defined at later stages of development.

The South Powers Boulevard corridor transects this property. At a future time as this corridor alignment is defined and constructed in coordination with CDOT and local government agencies, this roadway will provide further vehicular access into and through the development.

Park and Open Space Elements: All PUD zoned property must provide a minimum of 25% of land area as open space for residential and 15% land area for commercial. At the time of annexation of this development (2005), this development was part of a larger parcel (Cross Creek) and the trails, open space and parkland will be developed in a logical and comprehensive manner with Cross Creek. As such, all open space requirements have been previously satisfied. As each phase of development is constructed, the need for smaller pocket parks and other common areas will be evaluated and incorporated in the subdivision design. These areas will be owned and maintained by the metropolitan district.

Within this development area, there will be thirty acres of school land dedicated to Widefield School District No. 3 to accommodate an elementary, middle and high school. These schools will be constructed in the future by Widefield School District No. 3 as the District determines a need for additional school sites. Once constructed, these sites will provide additional recreational opportunities for future residents.

Additionally, the Powers Boulevard corridor as it transects the property, may be used for passive open space for City purposes only, until such time that the south Powers Boulevard roadway corridor is constructed.

Drainage: This development is located within the Jimmy Camp Creek drainage basin and would be subject to payment of drainage basin fees with the approval of future final plats. The site generally drains from the northwest to the southeast. As development occurs, full spectrum detention ponds will be constructed as needed throughout the site. There are currently four planned drainage basins in the undeveloped portion of the development.

Floodplain: A portion of this development is located within a designated 100-year floodplain. The area will be contained in a tract and channelized. Channelization will be coordinated with FEMA with the future need for a conditional letter of map revision (CLOMR) and a letter of map revision (LOMR).

Services: City of Fountain will provide electric, fire and police services to the property. The Fountain Sanitation District will provide sanitary sewer service, Widefield Water is the water provider and Black Hills Energy will provide natural gas. The Widefield Water and Sanitation District has the ability to provide water to this development based upon the maximum number of units at 2,114.

Staff Findings: Staff finds that the Mesa Ridge Overall Development Plan Amendment No. 5 is generally consistent with the review criteria set forth in Section 17.22.030 of the Fountain Municipal Code.

Fountain Comprehensive Development Plan: The Land Use Plan within the Fountain Comprehensive Development Plan, as amended, recommends single family residential, regional commercial, public and multi-family for this area. The request is in general conformance with the Plan. The planned land uses may not geographically align with the 2005 Plan due to development changes that have occurred since the Plan was adopted.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Planning Commission Recommendation: On December 7, 2022 the City Planning Commission voted 5 to 0 to recommend approval of the Mesa Ridge Overall Development Plan Amendment No. 5 subject to condition that all staff and agency comments be fully addressed. All outstanding comments have been addressed.

Staff does not oppose the approval of the Mesa Ridge Overall Development Plan Amendment No. 5 and approval of Ordinance No. 1784, as amended on second reading. An additional condition of approval addressing traffic flow internal to the development.

Proposed Motion

Motion to approve Ordinance No. 1784, as amended on second reading subject to the following conditions:

1. The applicant/developer and/or property owner may be required to participate in a fair and equitable manner for future intersection or signal improvements at the Mesa Ridge Parkway intersections with Powers Boulevard, Wayfarer Drive, Autumn Glen Avenue, Spring Glen Drive, and Marksheffel Road. The developer's general design, construction and/or financial responsibilities regarding the final intersection or signal improvements shall be determined with final plat approval(s), and County access permits.
2. Link Road shall continue north into the Mesa Ridge Development with connections to either Cross Creek Parkway or Mesa Ridge Parkway. Final alignment shall be determined with development plan for that area.

ORDINANCE NO. 1784

AN ORDINANCE APPROVING THE MESA RIDGE OVERALL DEVELOPMENT PLAN AMENDMENT NO. 5, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MESA RIDGE PARKWAY AND POWERS BOULEVARD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B"

WHEREAS, David Jenkins, Carolyn Jenkins, Chris, Marc, Chad, LLC, and CSJ No. 9 LLC are titleholders of the real property described in Exhibit A attached hereto, for property known as Mesa Ridge Overall Development Plan Amendment No. 5, has made application for approval of an amendment to an overall development plan for certain property as more specifically described in Exhibit B attached hereto (Property); and

WHEREAS, a previously approved Overall Development known as Mesa Ridge Overall Development Plan Amendment No. 4 was approved in 2014 for the same property;

WHEREAS, the Mesa Ridge Overall Development Plan Amendment No. 5 and supplemental documents are on file with the City Clerk's office;

WHEREAS, at a regular meeting on December 7, 2022, the City Planning Commission reviewed and voted 5 to 0 to recommend approval of the Mesa Ridge Overall Development Plan Amendment No. 5; and

WHEREAS, the City Council of the City of Fountain, Colorado finds that the request is generally consistent with the review criteria set forth in Section 17.22.030 of the Fountain Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fountain, Colorado:

Section 1. The previously approved Mesa Ridge Overall Development Plan Amendment No. 4 is hereby deemed obsolete.

Section 2. The Mesa Ridge Overall Development Plan Amendment No. 5 is hereby approved subject to the following conditions:

1. The applicant/developer and/or property owner may be required to participate in a fair and equitable manner for future intersection or signal improvements at the Mesa Ridge Parkway intersections with Powers Boulevard, Wayfarer Drive, Autumn Glen Avenue, Spring Glen Drive, and Marksheffel Road. The developer's general design, construction and/or financial responsibilities regarding the final intersection or signal improvements shall be determined with final plat approval(s), and County access permits.

2. Link Road shall continue north into the Mesa Ridge Development with connections to either Cross Creek Parkway or Mesa Ridge Parkway. Final alignment shall be determined with development plan for that area.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

Introduced, read by title and passed this 14th day of March, 2023, by the City Council, City of Fountain, Colorado, signed by the Mayor, and ordered published by title with a summary written by the City Clerk together with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk in the Gazette, a newspaper of general circulation in the City of Fountain.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

Introduced, read by title, and passed on second and final reading on the 28th day of March, 2023, and ordered published by title in the Gazette, a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk



LEGAL DESCRIPTION:

That portion of Sections 27, 28, and 29, Township 15 South, Range 65 West of the 6th P.M., and of Tracts 1 and 2, in SUBDIVISION NO. 1 OF THE FOUNTAIN SUBURBAN HOMES CORPORATION, El Paso County, Colorado, according to the plat thereof as recorded in Plat Book L at Page 44, El Paso County, Colorado, being more particularly described as follows:

Commencing at the Southeast corner of said Section 29; thence N00°28'06"E on the East line of the Southeast quarter of said Section, the basis of bearings used herein, a distance of 30.00 feet to a point thirty (30.00) feet North of the South line of the Southwest quarter (SW1/4) of said Section 28, as measured perpendicular thereto and the POINT OF BEGINNING; thence N00°28'06"E on said East line, a distance of 1290.14 feet to a point on the North line of the South half of the Southwest quarter of said Section 28; thence N44°05'32"W a distance of 252.65 feet; thence N44°06'10"W a distance of 338.98 feet; thence N09°07'50"W a distance of 546.02 feet; thence N04°31'14"E a distance of 206.93 feet to a point on a curve; thence on a curve to the left having a central angle of 21°04'17", a radius of 1460.00 feet for an arc distance of 536.93 feet, whose chord bears S83°19'07"W to a point on the Easterly line of the City of Fountain, El Paso County, Colorado as shown on the Annexation Plat of North Fountain Addition No. 15 as recorded in Plat Book D-4 at Page 62 of the records of said El Paso County; thence N00°22'19"E on said Easterly line, a distance of 210.96 feet; thence N00°22'20"E on said Easterly line, a distance of 2095.96 feet to a point on a curve on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5506 at Page 1290 of the records of said El Paso County; the following twelve (12) courses are on said Southerly boundary line; thence: 1) on a curve to the left having a central angle of 38°50'05", a radius of 220.00 feet for an arc distance of 149.11 feet, whose chord bears S82°40'31"E; 2) N77°54'26"E a distance of 93.79 feet to a point of curve; 3) on a curve to the right having a central angle of 100°24'22", a radius of 55.00 feet for an arc distance of 96.38 feet, whose chord bears S51°53'23"E; 4) S01°41'12"E a distance of 137.18 feet to a point of curve; 5) on a curve to the left having a central angle of 46°29'23", a radius of 88.00 feet for an arc distance of 71.40 feet, whose chord bears S24°55'53"E; 6) S48°10'35"E a distance of 126.77 feet to a point of curve; 7) on a curve to the left having a central angle of 40°56'06", a radius of 220.00 feet for an arc distance of 157.18 feet, whose chord bears S68°38'38"E; 8) S89°06'41"E a distance of 124.09 feet to a point of curve; 9) on a curve to the right having a central angle of 04°53'33", a radius of 460.00 feet for an arc distance of 39.28 feet, whose chord bears S86°39'54"E; 10) S84°13'08"E a distance of 236.92 feet to a point of curve; 11) on a curve to the right having a central angle of 90°54'00", a radius of 23.00 feet for an arc distance of 36.49 feet, whose chord bears S38°46'08"E; 12) S06°40'52"W a distance of 116.20 feet; thence N51°03'46"E a distance of 46.41 feet; thence N60°23'46"E a distance of 110.51 feet to a point of curve; thence on a curve to the right having a central angle of 67°18'34", a radius of 195.87 feet for an arc distance of 230.10 feet, whose chord bears S85°56'57"E to a point on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5992 Page 1279 of the records of said El Paso County, the following two (2) courses are on said Southerly boundary line; thence: 1) N06°26'08"E a distance of 66.34 feet; 2) N14°22'23"E a distance of 52.05 feet to a point on a curve; thence on a curve to the right having a central angle of 13°37'05", a radius of 1520.00 feet for an arc distance of 361.27 feet, whose chord bears N78°12'47"E to a point on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5992 Page 1279 of the records of said El Paso County, the following twenty-two (22) courses are on said Southerly boundary line; thence: 1) S27°47'09"E a distance of 133.07 feet; 2) S41°09'52"E a distance of 48.94 feet to a point of curve; 3) on a curve to the left having a central angle of 28°52'45", a radius of 153.00 feet for an arc distance of 77.12 feet, whose chord bears S55°36'15"E; 4) S70°02'37"E a distance of 94.36 feet; 5) S74°54'11"E a distance of 80.06 feet to a point of curve; 6) on a curve to the right having a central angle of 25°13'15", a radius of 51.00 feet for an arc distance of 22.45 feet, whose chord bears S62°17'33"E; 7) S49°40'56"E a distance of 523.46 feet to a point of curve; 8) on a curve to the left having a central angle of 29°38'12", a radius of 175.00 feet for an arc

distance of 90.52 feet, whose chord bears S64°30'02"E; 9) S79°19'08"E a distance of 312.08 feet to point of a curve; 10) on a curve to the right having a central angle of 37°39'42", a radius of 58.00 feet for an arc distance of 38.12 feet, whose chord bears S60°29'17"E; 11) S41°39'26"E a distance of 256.99 feet to a point of curve; 12) on a curve to the right having a central angle of 34°30'25", a radius of 55.00 feet for an arc distance of 33.12 feet, whose chord bears S24°24'14"E; 13) S07°09'01"E a distance of 147.36 feet to a point of curve; 14) on a curve to the left having a central angle of 77°34'32", a radius of 142.00 feet for an arc distance of 192.26 feet, whose chord bears S45°56'17"E; 15) S84°43'33"E a distance of 42.45 feet to a point of curve; 16) on a curve to the right having a central angle of 14°06'03", a radius of 233.00 feet for an arc distance of 57.34 feet, whose chord bears S77°40'32"E; 17) S70°37'30"E a distance of 42.79 feet to a point of curve; 18) on a curve to the left having a central angle of 89°02'05", a radius of 91.00 feet for an arc distance of 141.41 feet, whose chord bears N64°51'27"E; 19) N20°20'25"E a distance of 404.62 feet; 20) N24°23'23"E a distance of 214.77 feet to a point of curve; 21) on a curve to the right having a central angle of 40°00'00", a radius of 75.00 feet for an arc distance of 52.36 feet, whose chord bears N44°23'23"E; 22) N64°23'23"E a distance of 99.89 feet; thence S72°59'09"E a distance of 157.08 feet to a point of curve; thence on a curve to the left having a central angle of 17°16'12", a radius of 1680.00 feet for an arc distance of 506.38 feet, whose chord bears S81°37'15"E; thence N89°44'40"E a distance of 710.67 feet to a point of curve; thence on a curve to the right having a central angle of 90°00'00", a radius of 40.00 feet for an arc distance of 62.83 feet, whose chord bears S45°15'20"E; thence N89°44'40"E a distance of 80.00 feet to a point on a curve; thence on a curve to the right having a central angle of 90°00'00", a radius of 40.00 feet for an arc distance of 62.83 feet, whose chord bears N44°44'40"E; thence N89°44'40"E a distance of 1397.46 feet to a point of curve; thence on a curve to the right having a central angle of 15°18'05", a radius of 1920.00 feet for an arc distance of 512.75 feet, whose chord bears S82°36'18"E to a point of compound curve; thence on a curve to the right having a central angle of 92°26'20", a radius of 40.00 feet for an arc distance of 64.53 feet, whose chord bears S28°44'06"E; thence S72°30'56"E a distance of 80.00 feet to a point on a curve; thence on a curve to the right having a central angle of 92°26'20", a radius of 40.00 feet for an arc distance of 64.53 feet, whose chord bears N63°42'14"E to a point of compound curve; thence on a curve to the right having a central angle of 14°01'20", a radius of 1920.00 feet for an arc distance of 469.89 feet, whose chord bears S63°03'56"E; thence S56°03'15"E a distance of 209.04 feet to a point on the Northwesterly right-of-way line of Marksheffel Road; the following three (3) courses are on said Northwesterly right-of-way line; thence: 1) S33°56'45"W a distance of 664.27 feet to a point of a curve; 2) on a curve to the right having a central angle of 09°16'28", a radius of 5699.98 feet for an arc distance of 922.65 feet, whose chord bears S38°34'59"W; 3) S43°13'13"W a distance of 2787.86 feet to the Northerly right-of-way line of C & S Road; thence S89°44'27"W on said Northerly right-of-way line, a distance of 1490.44 feet; thence N00°18'33"E a distance of 1290.05 feet to the Northeast corner of Tract 1 of said Subdivision No. 1 of The Fountain Suburban Homes Corporation, said point also being on the North line of the South half of the Southwest quarter of said Section 28; thence S89°44'31"W on said North line a distance of 1075.05 feet to a point on a line being 1565.00 feet East of the West line of said Section 28, as measured perpendicular to thereto; thence S00°28'06"W parallel with said West line, a distance of 660.11 feet to the Northwest corner of the tract of land recorded at Reception No. 205041118 of the records of said El Paso County, the following two (2) courses are on the Northerly and Easterly boundary line of said tract of land; thence: 1) N89°44'27"E a distance of 400.00 feet; 2) S00°28'06"W a distance of 630.00 feet to the Northerly right-of-way line of C & S Road; thence S89°44'27"W on said Northerly right-of-way line, a distance of 1965.00 feet to the POINT OF BEGINNING and containing 532.28 acres of land, more or less.

Prepared by:
 John L. Bailey PLS #19586
 for and on behalf of
 Rockwell Consulting, Inc.
 November 29, 2021



MESA RIDGE - OVERALL DEVELOPMENT PLAN

AMENDMENT NO. 5 (MAJOR AMENDMENT)

CITY OF FOUNTAIN, COLORADO

NOTES

- ADJACENT PROPERTY OWNER NAMES BASED ON THE EL PASO COUNTY ASSESSORS WEBSITE INFORMATION AS OF 09-28-21.
- PARKS, OPEN SPACE, COMMON AREAS AND OTHER PUBLIC AREAS (EXCEPT ROAD RIGHT-OF-WAY) WILL BE OWNED AND MAINTAINED BY THE MESA RIDGE METRO DISTRICT 1 OR 2.
- THIS PROPERTY IS LOCATED WITHIN A DESIGNATED FEMA FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP. COMMUNITY MAP NUMBERS 08041C0958G AND 08041C0958G. EFFECTIVE 12-07-2018.
- MARKSHEFFEL ROAD. THERE SHALL BE NO HOMES FRONTING MARKSHEFFEL ROAD.
- C&S ROAD: BUILDINGS LOCATED IN PLANNING AREA K SHALL BE BUFFERED FROM THE LARGER LOTS ACROSS C&S ROAD BY PROPOSED DETENTION AND UTILITY EASEMENTS. THE C&S ROAD RIGHT-OF-WAY, REQUIRED BUILDING SETBACKS, AND/OR A 6 OPAQUE WALL WHERE APPROPRIATE.
- MESA RIDGE DEVELOPMENT SHALL INCORPORATE FULL-SPECTRUM DETENTION.
- FUTURE DEVELOPMENT OF RESIDENTIAL LOTS WILL BISECT A SCHOOL DISTRICT BOUNDARY.
- ANY BUFFERING WILL FOLLOW CITY CODE STANDARDS AND MAY INCLUDE SETBACKS, LANDSCAPING AND/OR A BUFFER WALL WHERE APPROPRIATE.
- ALL FUTURE ACCESS OPENINGS WILL BE IN COMPLIANCE WITH THE FOUNTAIN TRANSPORTATION MASTER PLAN.
- THERE SHALL BE NO DIRECT ACCESS TO FUTURE POWERS BOULEVARD VIA ANY ROADWAYS EXCEPT POTENTIALLY FOR CROSS CREEK AVENUE OR FROM ANY ADJOINING LOTS WITHIN THE MESA RIDGE DEVELOPMENT.
- ENTRIES TO THE PROJECT SHALL BE LANDSCAPED AND MONUMENTED AS APPROPRIATE.
- GENERAL USES IN PARKS AND OPEN SPACE AREAS SHALL INCLUDE BUT NOT BE LIMITED TO: PASSIVE AND ACTIVE RECREATION USES, AS APPROPRIATE FOR THE LOCATION, SIZE AND ANTICIPATED USERS OF EACH INDIVIDUAL PARK.
- FUTURE POWERS BLVD ROW CORRIDOR ALIGNED WITH THE APPROVED CITY OF FOUNTAIN TRANSPORTATION PLAN.

LEGAL DESCRIPTION

That portion of Sections 27, 28, and 29, Township 15 South, Range 65 West of the 6th P.M., and of Tracts 1 and 2, in SUBDIVISION NO. 1 OF THE FOUNTAIN SUBURBAN HOMES CORPORATION, El Paso County, Colorado, according to the plat thereof as recorded in Plat Book L at Page 44, El Paso County, Colorado, being more particularly described as follows:

Commencing at the Southeast corner of said Section 29; thence N00°28'06"E on the East line of the Southeast quarter of said Section, on the basis of bearings used herein, a distance of 30.00 feet to a point thirty (30.00) feet North of the South line of the Southwest quarter (SW1/4) of said Section 28, as measured perpendicular thereto and the POINT OF BEGINNING; thence N00°28'06"E on said East line, a distance of 1290.14 feet to a point on the North line of the South half of the Southwest quarter of said Section 28; thence N44°05'32"W a distance of 252.65 feet; thence N44°06'10"W a distance of 338.98 feet; thence N09°07'50"W a distance of 546.02 feet; thence N04°31'14"E a distance of 206.93 feet to a curve to the left having a central angle of 21°04'17", a radius of 1460.00 feet for an arc distance of 536.93 feet, whose chord bears S83°19'07"W to a point on the Easterly line of the City of Fountain, El Paso County, Colorado as shown on the Annexation Plat of North Fountain Addition No. 15 as recorded in Plat Book D-4 at Page 62 of the records of said El Paso County; thence N00°22'19"E on said Easterly line, a distance of 2095.96 feet to a point on the curve on the Southerly Mutual Irrigation Company as described in Book 5506 at Page 1290 of the records of said El Paso County; the following twelve (12) courses are on said Southerly boundary line; thence: 1) on a curve to the right having a central angle of 38°5'00", a radius of 220.00 feet for an arc distance of 149.11 feet, whose chord bears S82°40'31"E; 2) N77°54'26"E a distance of 93.79 feet to a point of curve; 3) on a curve to the right having a central angle of 1°00'24"22", a radius of 55.00 feet for an arc distance of 96.38 feet, whose chord bears S51°53'23"E; 4) S01°41'12"E a distance of 137.18 feet to a point of curve; 5) on a curve to the right having a central angle of 46°29'23", a radius of 88.00 feet for an arc distance of 157.18 feet, whose chord bears S24°55'53"E; 6) S48°10'35"E a distance of 126.77 feet to a point of curve; 7) on a curve to the left having a central angle of 40°5'06", a radius of 220.00 feet for an arc distance of 157.18 feet, whose chord bears S68°38'38"E; 8) S89°06'41"E a distance of 124.09 feet to a point of curve; 9) on a curve to the right having a central angle of 04°53'33", a radius of 460.00 feet for an arc distance of 39.28 feet, whose chord bears S86°39'54"E; 10) S84°13'08"E a distance of 236.92 feet to a point of curve; 11) on a curve to the right having a central angle of 90°54'00", a radius of 23.00 feet for an arc distance of 36.49 feet, whose chord bears S38°46'08"E; 12) S06°40'52"W a distance of 116.20 feet; thence N51°03'46"E a distance of 46.41 feet; thence N60°23'46"E a distance of 110.51 feet to a point of curve; thence on a curve to the right having a central angle of 67°18'34", a radius of 195.87 feet for an arc distance of 230.10 feet, whose chord bears S85°56'57"E to a point on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5992 Page 1279 of the records of said El Paso County, the following two (2) courses are on said Southerly boundary line; thence: 1) N06°26'08"E a distance of 66.34 feet; 2) N14°22'23"E a distance of 52.05 feet to a point on a curve; thence on a curve to the right having a central angle of 13°37'05", a radius of 1520.00 feet for an arc distance of 361.27 feet, whose chord bears N78°124'7"E to a point on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5992 Page 1279 of the records of said El Paso County, the following twenty-two (22) courses are on said Southerly boundary line; thence: 1) S27°47'09"E a distance of 133.07 feet; 2) S41°09'52"E a distance of 48.94 feet to a point of curve; 3) on a curve to the left having a central angle of 28°52'45", a radius of 153.00 feet for an arc distance of 77.12 feet, whose chord bears S55°36'15"E; 4) S70°02'37"E a distance of 94.36 feet; 5) S74°54'11"E a distance of 80.06 feet to a point of curve; 6) on a curve to the right having a central angle of 25°13'15", a radius of 175.00 feet for an arc distance of 90.52 feet, whose chord bears S62°17'33"E; 7) S49°40'56"E a distance of 52.36 feet to a point of curve; 8) on a curve to the left having a central angle of 37°39'42", a radius of 58.00 feet for an arc distance of 38.12 feet, whose chord bears S64°30'02"E; 9) S79°19'08"E a distance of 52.36 feet to a point of curve; 10) on a curve to the right having a central angle of 34°30'25", a radius of 55.00 feet for an arc distance of 142.00 feet for an arc distance of 192.26 feet, whose chord bears S24°24'14"E; 11) S41°39'26"E a distance of 147.36 feet to a point of curve; 14) on a curve to the left having a central angle of 14°06'03", a radius of 142.00 feet for an arc distance of 57.34 feet, whose chord bears S45°56'17"E; 15) S84°43'33"E a distance of 42.45 feet to a point of curve; 16) on a curve to the right having a central angle of 14°06'03", a radius of 233.00 feet for an arc distance of 57.34 feet, whose chord bears S77°40'32"E; 17) S70°37'30"E a distance of 42.79 feet to a point of curve; 18) on a curve to the left having a central angle of 89°02'05", a radius of 91.00 feet for an arc distance of 141.41 feet, whose chord bears N64°51'27"E; 19) N20°20'25"E a distance of 404.62 feet; 20) N24°23'23"E a distance of 214.77 feet to a point of curve; 21) on a curve to the right having a central angle of 40°00'00", a radius of 75.00 feet for an arc distance of 52.36 feet, whose chord bears N44°23'23"E; 22) N64°23'23"E a distance of 99.89 feet; thence S72°59'09"E a distance of 157.08 feet to a point of curve; thence on a curve to the left having a central angle of 80.00 feet for an arc distance of 506.38 feet, whose chord bears S81°37'15"E; thence N89°44'40"E a distance of 710.67 feet to a point of curve; thence on a curve to the right having a central angle of 90°00'00", a radius of 40.00 feet for an arc distance of 62.83 feet, whose chord bears S45°15'20"E; thence N89°44'40"E a distance of 80.00 feet to a point on a curve; thence on a curve to the right having a central angle of 90°00'00", a radius of 40.00 feet for an arc distance of 62.83 feet, whose chord bears N44°44'40"E; thence N89°44'40"E a distance of 1397.46 feet to a point of curve; thence on a curve to the right having a central angle of 92°26'20", a radius of 40.00 feet for an arc distance of 64.53 feet, whose chord bears S28°54'06"E; thence S72°30'56"E a distance of 80.00 feet to a point on a curve; thence on a curve to the right having a central angle of 92°26'20", a radius of 40.00 feet for an arc distance of 64.53 feet, whose chord bears N63°42'14"E to a point of compound curve; thence on a curve to the Northwesterly right-of-way line of Marksheffel Road, the following three (3) courses are on said Northwesterly right-of-way line; thence: 1) S33°56'45"W a distance of 664.27 feet to a point on the curve; 2) on a curve to the right having a central angle of 09°16'28", a radius of 5690.98 feet for an arc distance of 922.65 feet, whose chord bears S38°34'59"W; 3) S43°131'3"W a distance of 1290.05 feet to the Northeast corner of Tract 1 of said Subdivision No. 1 of S Road; thence S89°44'27"W on said Northwesterly right-of-way line, a distance of 1490.44 feet; thence S30°18'33"E a distance of 207.04 feet to a point on the curve; 4) on a curve to the right having a central angle of 09°16'28", a radius of 5690.98 feet for an arc distance of 922.65 feet, whose chord bears S38°34'59"W; 3) S43°131'3"W a distance of 1290.05 feet to the Northeast corner of Tract 1 of said Subdivision No. 1 of S Road; thence S89°44'27"W on said Northwesterly right-of-way line, a distance of 1490.44 feet; thence S30°18'33"E a distance of 207.04 feet to a point on the curve; 5) on a curve to the right having a central angle of 1075.05 feet to a point on a line being 1565.00 feet East of the West line of said Section 28, as measured perpendicular thereto; thence S00°28'06"W parallel with said West line, a distance of 660.11 feet to the Northwest corner of the tract of land recorded at Reception No. 205041118 of the records of said El Paso County; the following two (2) courses are on the Northwesterly and Easterly boundary lines of said tract of land; thence: 1) N89°44'27"E a distance of 400.00 feet; 2) S00°28'06"W a distance of 630.00 feet to the Northwesterly right-of-way line of C & S Road; thence S89°44'27"W on said Northwesterly right-of-way line, a distance of 1965.00 feet to the POINT OF BEGINNING and containing 532.28 acres of land, more or less.

ZONING NARRATIVE

1.1 Introduction

The purpose of this section is to establish general provisions and clarify standards and requirements for development within the Mesa Ridge Overall Development Plan (ODP). Due to the size of land area contained within this ODP (approximately 532 acres), a range of densities have been proposed for each Planning Area. This will allow for a variety of housing products and lot sizes. In addition to promoting land use and density flexibility, this approach will accommodate housing product, land planning, market and technological changes well into the future. Refer to the Mesa Ridge ODP Land Use Chart and the Development Standards notes for specific planning area uses and densities.

1.2 Overall Development Plan Caps

The Overall Development Plan is comprised of fifteen distinct Planning Areas, labeled A through O on the plan. Of those fifteen Areas, ten are intended for single family and two are intended for multifamily or attached units. Additionally, there is one commercial parcel (Planning Area G), two school/garage parcels (Planning Area F) and one public safety facility parcel (Planning Area N). Each of the residential Planning Areas has a permitted maximum number of residential dwelling units, based on expected densities for each Planning Area as documented on the Land Use Summary of this ODP. This maximum number of units or square footage, as stated in the Land Use Summary, is a self-imposed limit. Transfers of residential units between individual Planning Areas shall be permitted in accordance with the annexation agreement. Unit counts and transfers shall be tracked by the Developer and the Planning Director. At no time shall the Overall Development Plan residential unit cap exceed 2,114 units.

1.3 Individual Planning Area Caps

Each of the Mesa Ridge Planning Areas has an estimated number of residential dwelling units. These units may be platted within each planning area, and final unit counts shall be determined during the plating process. Transfer of units between planning areas on the Overall Development Plan are permitted, up to the maximum density range shown on the land use summary included on this ODP. In no case shall the maximum number of permitted units over the entire site exceed 2,114.

1.4 Residential Unit Transfers

Transfer(s) of residential units from Planning Area to Planning Area is permitted by the Developer with notification to the City of Fountain Planning Director. Unit transfers shall be tracked by the Developer with each such transfer at each Platting stage. Once a Planning Area has been fully platted, any remaining/unplatted residential units designated on the Overall Development Plan within said Planning Area shall remain available for transfer to other undeveloped areas. At no time shall this Overall Development Plan residential unit cap exceed 2,114 units.

1.5 Overall Development Plan Density Increase

Any request for density over and above the overall permitted density shown on the Overall Development Plan will be considered a major amendment and must follow the procedures outlined in the City of Fountain Land Development Code.

1.6 Parcel Boundaries

Parcel acreages and boundaries of the Planning Areas shown on the Overall Development Plan are preliminary and subject to change with detailed planning. Individual Planning Area acreages may change up to 15% without a major amendment to this Overall Development Plan. Such changes will result in corresponding changes to the residential units shown in the Land Use Summary. However, in no case shall the overall density of Mesa Ridge exceed 2,114 units. Overall Development Plan changes will be submitted with each appropriate plat.

1.7 Development Phasing

Phasing will occur in a logical and cost effective manner based on infrastructure extension, availability of utility service and market conditions. The project will be built in several phases, as conditions dictate. The Mesa Ridge ODP shall permit development of Planning Areas to commence in any Planning Area regardless of buildout status of parcels located in current or preceding Planning Areas (e.g. Development of Planning Area B may begin prior to commencement or completion of Planning Area A.)

1.8 Zoning Notes

A. This ODP permits a two foot encroachment of soffits, bay windows, chimneys, brick facing, mechanical equipment and any other items physically attached to the primary dwelling unit into the side and rear setbacks of each lot provided they do not encroach on any public easements.

B. Parking will comply with City of Fountain Land Development Code.

IN WITNESS WHEREOF:

The aforementioned CSJ No. 9, LLC, by Norwood Limited, Inc., Its Manager, has executed this instrument this _____ day of _____, 20____ A.D.

By: _____
Norwood Limited, Inc.

By: _____
David D. Jenkins, Vice President

STATE OF COLORADO)
) SS

COUNTY OF _____)
)

The above and aforementioned instrument was acknowledged before me this _____ day of _____, 20____ A.D. by David D. Jenkins, Vice President of Norwood Limited, Inc., as manager of CSJ No. 9, LLC.

Witness my hand and official seal:

My commission expires: _____
Notary Public

IN WITNESS WHEREOF:

The aforementioned Carolyn S. Jenkins, as Owner has executed this instrument this _____ day of _____, 20____ A.D.

Carolyn S. Jenkins

STATE OF COLORADO)
) SS

COUNTY OF _____)
)

The above and aforementioned instrument was acknowledged before me this _____ day of _____, 20____ A.D. by Carolyn S. Jenkins.

Witness my hand and official seal:

My commission expires: _____
Notary Public

IN WITNESS WHEREOF:

The aforementioned Chris Marc Chad, LLC, by Norwood Limited, Inc., Its Manager, as Owner has executed this instrument this _____ day of _____, 20____ A.D.

By: _____
Norwood Limited Inc.

By: _____
David D. Jenkins, Vice President of Norwood Limited, Inc. as manager of Chits Marc Chad, LLC.

STATE OF COLORADO)
) SS

COUNTY OF _____)
)

The above and aforementioned instrument was acknowledged before me this _____ day of _____, 20____ A.D. by David D. Jenkins, Vice President of Norwood Limited, Inc. as manager of Chris Marc Chad, LLC.

Witness my hand and official seal:

My commission expires: _____
Notary Public

IN WITNESS WHEREOF:

The aforementioned David D. Jenkins, as Owner has executed this instrument this _____ day of _____, 20____ A.D.

David D. Jenkins

STATE OF COLORADO)
) SS

COUNTY OF _____)
)

The above and aforementioned instrument was acknowledged before me this _____ day of _____, 20____ A.D. by David D. Jenkins.

Witness my hand and official seal:

My commission expires: _____
Notary Public

APPROVALS STATEMENT

The City Council of the City of Fountain, Colorado approved this amendment to the Mesa Ridge Overall Development Plan pursuant to Ordinance No. _____ at a meeting of the said City Council held on the _____ day of _____, 20____ A.D. and at the same time authorized the undersigned to acknowledge the same which is done accordingly on behalf of the City of Fountain this _____ day of _____, 20____ A.D.

Mayor _____ City Clerk _____

RECORDATION:

This document was recorded in the office of the El Paso County Clerk & Recorder.

Reception No. _____ Date: _____

PREPARED: 08-09-22



MESA RIDGE - OVERALL DEVELOPMENT PLAN

AMENDMENT NO. 5 (MAJOR AMENDMENT)

CITY OF FOUNTAIN, COLORADO

DEVELOPMENT STANDARDS

Residential Low Density - 3-5 Dwelling Units Per Acre

- Permitted Uses: Single-family residential (detached), mail kiosks, trails, development signage, parks, open space, utilities, drainage facilities*
- Lot Size Minimum: 5,000 square feet
- Lot Width Minimum: 45-feet/55-feet for corner lots
- Minimum Setback Requirements:
 - Front Setback: 15-feet
 - Rear Setback: 18-feet from face of garage
 - Side Setback: 20-feet
 - 5-foot plus an additional 5-foot for corner lots
- Maximum lot coverage: 50%
- Maximum Height: 35-feet
- A minimum of 4-foot front yard building stagger is required between adjacent units.
- Setback Encroachments: Uncovered patios, decks, porches, stoops, accessory structures, and fireplaces shall not be closer than 10' from the rear property line. Covered or enclosed patios, decks, porches, stoops, and accessory structures are not allowed in setbacks. Encroachments do not override easements.
- The Zoning administrator reviews and approves minor amendments and shall not represent more than a 15% change in the location, height, yard, lot and other development standards. Section 17.22.40.B.

Residential Medium Density - 4-8 Dwelling Units Per Acre

Permitted uses: single-family residential (attached and detached), mail kiosks, development signage, trails, parks, open space, utilities, drainage facilities*

- Residential Front Loaded Units: 3800 square feet
 - Lot Size Minimum: 1000 square feet
 - Lot area for individual lots when platting along a common wall of attached units
- Lot Width Minimum: 45-feet/55-feet for corner lots
- Minimum Setback Requirements:
 - Front Setback: 10-feet with driveway
18-feet from face of garage
5-feet without driveway
 - Rear Setback: 15-feet
 - Side Setback: 5-foot
- Maximum lot coverage: 50%
- Maximum Height: 35-feet
- A minimum of 4-foot front yard building stagger is required between adjacent units.
- Setback Encroachments: Uncovered patios, decks, porches, stoops, accessory structures, and fireplaces shall not be closer than 10' from rear property line. Covered or enclosed patios, decks, porches, stoops and accessory structures are not allowed in setbacks. Encroachments do not override easements.

Residential Alley Loaded Units:

- Lot Size Minimum: 3800 square feet
 - Lot area for individual lots when platting along a common wall of attached units
1000 square feet
- Lot Width Minimum: 45-feet/55-feet for corner lots
- Minimum Setback Requirements:
 - Front Setback: 5-foot to house when adjacent to the street
5-foot to house when adjacent to a tract or greenway
18-feet from face of garage
5-foot without driveway
 - Rear Setback: 10-feet with driveway
5-foot without driveway
 - Side Setback: 5-foot
- Maximum lot coverage: 50%
- Maximum Height: 35-feet
- Setback Encroachments: Uncovered patios, decks, porches, stoops, accessory structures, and fireplaces shall not be closer than 10' from rear property line. Covered or enclosed patios, decks, porches, stoops and accessory structures are not allowed in setbacks. Encroachments do not override easements.

*ALL-ACCESSORY AND ADDITIONAL USES ARE THOSE PER CITY CODE SECTION 17.04.030

Multi Family - 12-20 Dwelling Units Per Acre

- Permitted Uses: Multi-family apartments, mail kiosks, trails, development signage, parks, open space, utilities, drainage facilities, fencing, parks and park related equipment, swimming pool, community clubhouse
- Lot Size Minimum: 1000 square feet when platting along the common wall of attached units
- Minimum Periphery Setback Requirements: 20-foot
none
- Maximum lot coverage: 45-feet
- Maximum Height: 45-feet
- Minimum Lot Width: 75-feet

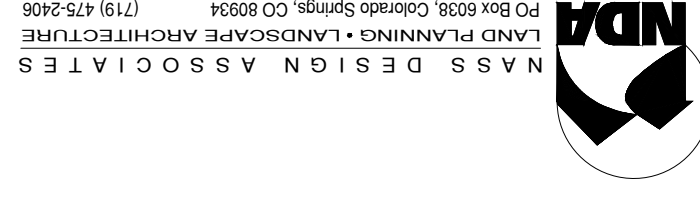
Commercial

- Permitted Uses: All uses permitted in the Regional Commercial (RC) zone per the City Zoning Code.
- Lot Size: no minimum
- Minimum Front, Side, Rear Setback Requirements: 20-foot
- Maximum lot coverage: 80%
- Maximum Height: 40-foot

LAND USE CHART

	ACRES	UNITS / AC RANGE	ESTIMATED UNITS	% OF TOTAL ACRES
MULTIFAMILY				
M	25.3	12-20	481	4.8 %
*O	11.1	10.8	120	2.1 %
SUBTOTAL	36.4		601	6.9 %
SINGLE FAMILY 4-8 DU/Ac				
*A	39.0	4-8	169	7.3 %
B	27.1	4-8	141	5.1 %
C	31.6	4-8	161	5.9 %
H	15.6	4-8	94	2.9 %
I	14.7	4-8	106	2.8 %
L	30.0	4-8	171	5.6 %
SUBTOTAL	158.0		842	29.6 %
SINGLE FAMILY 3-5 DU/Ac				
D	40.6	3-5	162	7.6 %
E	15.2	3-5	63	2.9 %
J	48.3	3-5	172	9.1 %
K	78.5	3-5	240	14.7 %
P	8.5	3-5	34	1.6 %
SUBTOTAL	191.1		671	35.9 %
RESIDENTIAL SUBTOTAL	386.8		2,114	72.4%
EXISTING UNITS (IN AREAS O & A)				
PLANNED UNITS			254	1,860
COMMERCIAL				
G	20.0			3.8 %
COMMERCIAL SUBTOTAL	20.0			3.8%
PUBLIC USE				
PARKS / OPEN SPACE / DETENTION	29.3			5.5 %
SCHOOL (F)	30.0			5.6 %
PUBLIC SAFETY FACILITY (N)	1.0			0.2 %
ROAD ROW	37.9			7.2 %
FUTURE POWERS BLVD. ROW	28.3			5.3 %
PUBLIC USE SUBTOTAL	126.5			23.8%
TOTAL	532.3		2,114	100.0%

*DEVELOPMENT COMPLETE

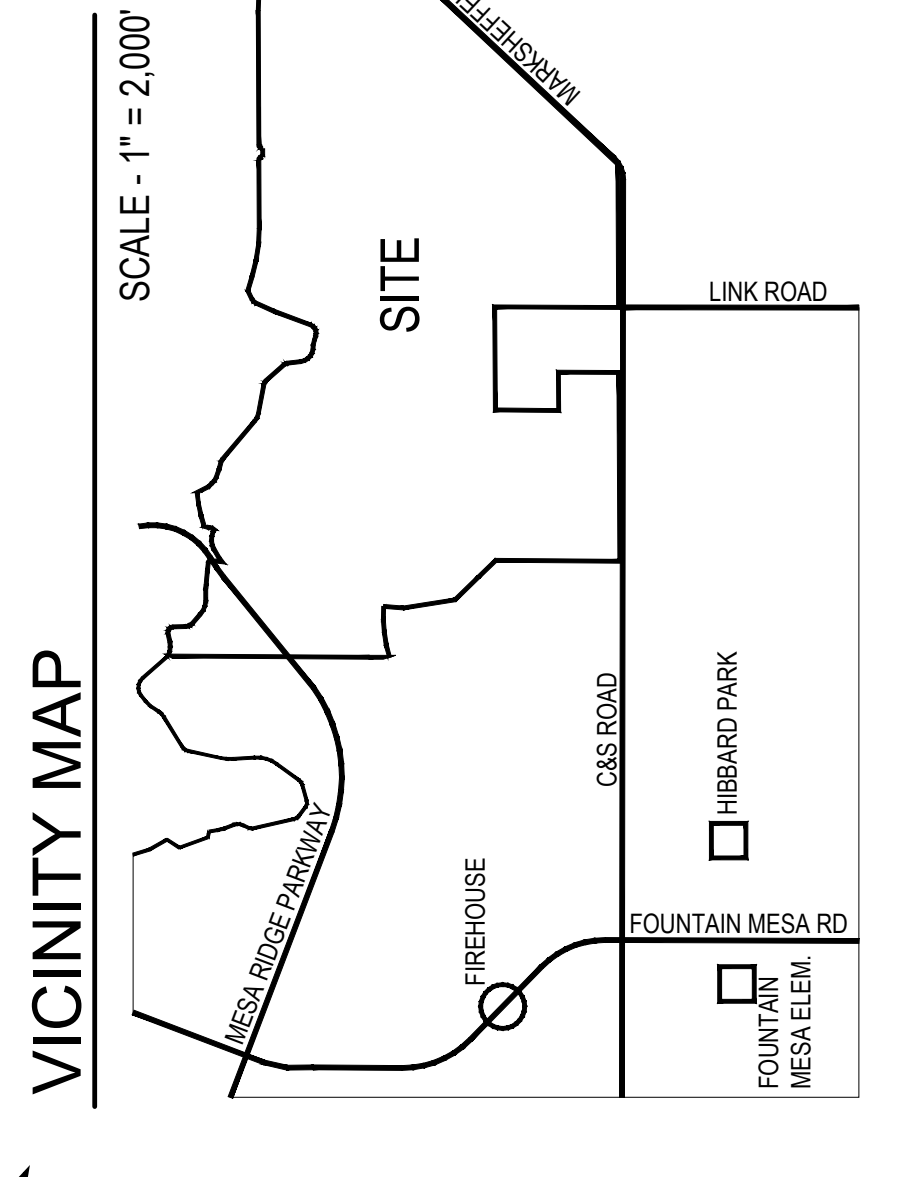
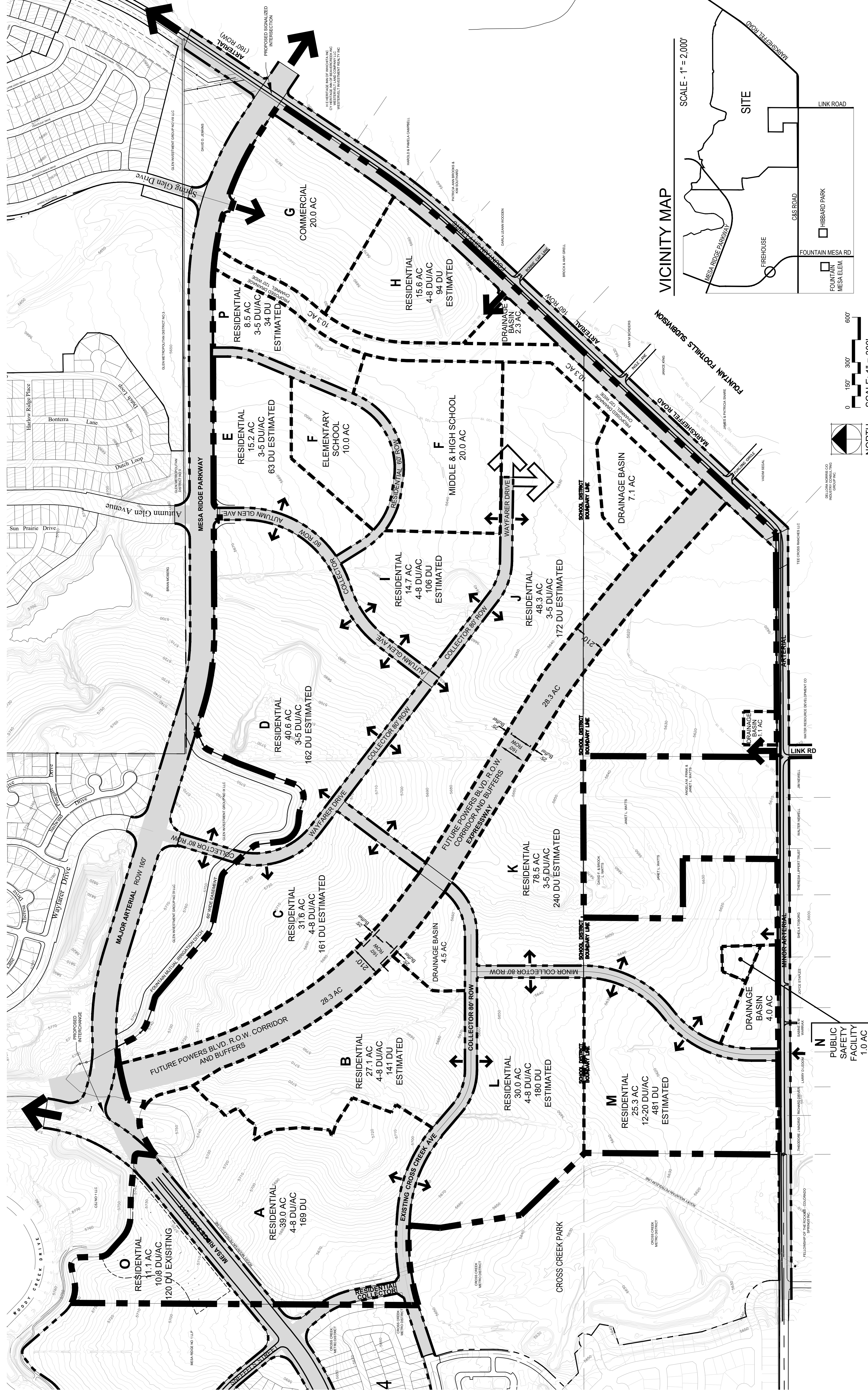


DATE	REVISIONS
12-12-13	REVISIONS PER PLANNING DIVISION COMMENTS IN LETTER DATED DEC.4, 2013
12-02-21	MAJOR AMENDMENT #5

MESA RIDGE
OVERALL DEVELOPMENT PLAN
FOUNTAIN, COLORADO
AMENDMENT NO. 5 (MAJOR AMENDMENT)

MESA RIDGE

OVERALL DEVELOPMENT PLAN AMENDMENT #5 CITY OF FOUNTAIN, COLORADO



NDA
NASS DESIGN ASSOCIATES
LAND PLANNING + LANDSCAPE ARCHITECTURE
PO Box 6038, Colorado Springs, CO 80904
(719) 475-2405

REVISIONS	DATE

MESA RIDGE
OVERALL DEVELOPMENT PLAN
FOUNTAIN, COLORADO
AMENDMENT NO. 5 (MAJOR AMENDMENT)



Regular City Council Meeting

New Business –9A

Items removed from Consent Agenda

March 28, 2023

Summary Information

Title:

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

Initiator: City Clerk

Presenter: City Clerk

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Any Items removed from the Consent agenda for further discussion shall be heard under this item

Previous Action by City Council:

Attachment:

Background Information

Strategic Plan Priority (if applicable):

Facilitate responsible development, building reasonable capacity to meet future community needs.

Diversify city financial resources and invest.

Provide reliable access to public safety services.

Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommendations

Proposed Motion

"I move to approve"



Regular City Council Meeting

New Business-9B

First Amendment to the Mesa Ridge
Annexation Agreement

March 28, 2023

Summary Information

Title:

RESOLUTION 23-015, A RESOLUTION APPROVING FIRST AMENDMENT TO MESA RIDGE ANNEXATION AGREEMENT BETWEEN THE CITY OF FOUNTAIN, COLORADO AND CSJ NO. 9, LLC, CAROLYN S. JENKINS, CHRIS MARC CHAD, LLC, AND DAVID D. JENKINS, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MESA RIDGE PARKWAY AND POWERS BOULEVARD AND HEREINAFTER MORE SPECIFICALLY DESCRIBED.

Initiator: Troy Johnson, City Attorney

Presenter: Kristy Martinez, AICP Planning Supervisor

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

To consider an amendment to the previously approved Mesa Ridge Annexation Agreement.

Attachments:

Resolution 23-015

First Amendment to the Mesa Ridge Annexation Agreement

Background Information

In August 2005, the area known as Mesa Ridge was annexed into the City of Fountain and the City entered into an annexation agreement that outlined specified negotiated terms for development of the area. These negotiated terms included such items as land use, installation of public facilities, roadway improvements, utilities, park land, drainage, and had a term date of the agreement where the requirements would expire.

The landowners have approached the City seeking modifications to the Overall Development – Mesa Ridge Overall Development Plan Amendment No. 5 but are also seeking modifications to the annexation agreement. The changes to the annexation agreement include: Land Use, Public Facilities, and the term of the agreement. The changes to the agreement are more specifically described below:

Land Use: An Overall Development Plan for the Property has been approved by the City of Fountain. The City may in the future approve and adopt revised versions thereof. Unless otherwise specified as ODP No. 5, the original Plan as so revised in hereinafter shall be referred to as the “ODP”, each of which shall be deemed when approved and adopted. The ODP No. 5 becomes the governing land use document for development to include densities and development standards.

Public Facilities: The right-of-way for Powers Boulevard is presently planned to intersect the Property. Owners agree to reserve and designate 210 feet of right-of-way for future Powers Boulevard at the location shown on the ODP. This reserved property shall be held by Owner, or any successor owner of the Property, until conveyed for consideration as right-of-way to the City, CDOT, or other entity, upon request by the City, or until the City agrees in writing that said reservation is no longer required. It should be noted that the right of way is planned to be reserved and not dedicated for the future Powers Boulevard. This section of the agreement also allows for the reservation of the right-of-way to be used for open space, for City purposes only, until such time that the roadway is constructed, by others.

Term: The 2005 annexation agreement had a vesting and term (expiration) of August 2025. This amendment proposes an extension of the agreement for another twenty (20) years for an expiration date of March 2043.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Should City Council find the proposed amendments to the annexation agreement acceptable, then Staff would not oppose a favorable recommendation.

Proposed Motion

Should City Council find the amendments to the annexation agreement sufficient, then the following motion should be used: I motion to approve Resolution 23-015 approving the first amendment to the Mesa Ridge Annexation Agreement.



RESOLUTON 23-015

A RESOLUTION APPROVING FIRST AMENDMENT TO MESA RIDGE ANNEXATION AGREEMENT BETWEEN THE CITY OF FOUNTAIN, COLORADO AND CSJ NO. 9, LLC, CAROLYN S. JENKINS, CHRIS MARC CHAD, LLC, AND DAVID D. JENKINS, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MESA RIDGE PARKWAY AND POWERS BOULEVARD AND HEREINAFTER MORE SPECIFICALLY DESCRIBED

WHEREAS, pursuant to Ordinance No. 1272, recorded August 17, 2005 at Reception No. 205127557, the City annexed certain property legally described in Exhibit A attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, Mesa Ridge Joint Venture, LLC, as the previous owner of the Property, and the City entered into that certain Annexation Agreement dated as of August 9, 2005, recorded August 17, 2005 at Reception No. 205127559 concerning property; and

WHEREAS, since annexation of the Property, a portion of the property has been developed under the subdivision names Mesa Ridge Filing Nos. 8, 9, 11, 12, 13 and 15; and

WHEREAS, the Owners and the City desire to amend the Annexation Agreement and thereby set forth in this Agreement certain agreements relative to the future use or development of the Property; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fountain, Colorado, agree as follows:

Section 1. The City Council hereby approves the first amendment to the Mesa Ridge Annexation Agreement.

Section 2. The Mayor is authorized to execute the Mesa Ridge Annexation Agreement on behalf of the City of Fountain, Colorado.

Done this 28th day of March, 2023.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

FIRST AMENDMENT TO MESA RIDGE ANNEXATION AGREEMENT

This First Amendment (“Amendment”) to that certain Annexation Agreement by and between the City of Fountain, a municipal corporation and home rule city of the State of Colorado (“Fountain” or “City”) and Mesa Ridge Joint venture, LLC (“Owner” or “Property Owner”) dated and effective August 9, 2005 (the “Agreement”), is entered into by the City and the current property owners, CSJ No. 9, LLC, Carolyn S. Jenkins, Chris Marc Chad, LLC, and David D. Jenkins (collectively, “Current Owners”) this ____ day of _____, 2023.

RECITALS

WHEREAS, the Current Owners own all of the real property located in El Paso County, Colorado, identified and described on the legal description attached as Exhibit A to the Annexation Agreement (the “Property”) and have the legal authority to execute this Amendment; and

WHEREAS, the Parties entered into the Annexation Agreement dated and effective August 9, 2005. Thereafter, the City of Fountain annexed the Property under the annexation plat known as Mesa Ridge Addition No. 1; and

WHEREAS, the Parties desire to update the terms of the Agreement and extend the length of the Agreement.

AMENDMENT

NOW, THEREFORE, in consideration of the above recitals which are incorporated into this Amendment and the following mutual covenants and conditions contained herein, the Parties agree as follows:

1. All terms and conditions contained in the Agreement shall remain in effect unless specifically addressed in this Amendment.
2. The Agreement is hereby amended so that Section III. LAND USE is hereby deleted in its entirety and fully restated as follows:

An Overall Development Plan for the Property has been approved by the City of Fountain, attached hereto as Exhibit B, hereinafter referred to as “ODP No. 5”. The City may in the future approve and adopt revised versions thereof. Unless otherwise specified as ODP No. 5, the original Plan as so revised in hereinafter shall be referred to as the “ODP”, each of which shall be deemed to be attached hereto in replacement of Exhibit B when approved and adopted.

3. The Agreement is hereby amended so that Section V. PUBLIC FACILITIES Subsection (B) is hereby deleted in its entirety and fully restated as follows:

B. Powers Boulevard. The right-of-way for Powers Boulevard is presently planned to intersect the Property. Owner will reserve and designate 210 feet of right-of-way for future Powers Boulevard at the location shown on the ODP or at such other location as modified by the

Colorado Department of Transportation (“CDOT”). This reserved property shall be held by Owner, or any successor owner of the Property, until conveyed for consideration as right-of-way to the City, CDOT, or other entity, upon request by the City, or until the City agrees in writing that said reservation is no longer required, in which case any use within the reserved property not related to the Powers Boulevard extension shall be constructed and dedicated through the standard development process according to the City. This subsection shall survive the termination or expiration of this Agreement. The City will not withhold, delay or condition development approvals for the Property because of anything pertaining to Powers Boulevard. This right-of-way for Powers Boulevard shall be used and designated, for City purposes only, as open space.

4. The Agreement is hereby amended so that Section XVIII. TERM – VESTED RIGHT is hereby deleted in its entirety and fully restated as follows:

In recognition of the length of time anticipated for development of the Property, and the significant capital expenditures Owner will be making in reliance on approval of the ODP No. 5, and pursuant to C.R.S. Section 24-68-101 *et. seq.*, the City acknowledges and agrees that the ODP No. 5 constitutes “Vested Property Rights” pursuant to state law and Chapter 17.14 of the Fountain Municipal Code. The Vested Rights for ODP No. 5 shall extend for a period of twenty (20) years following the execution of this Amendment, after which the Vested Period shall terminate. During the Vested Period, the City will not initiate any zoning or take any other action which would alter, impair, delay or impose additional conditions on development and subdivision approvals for the Property that are not consistent with the ODP except as provided for in section 17.146 of the Fountain Municipal Code and section 24-68-102.5 C.R.S. and section 24-68-105(1) C.R.S.; provided that ordinances or regulations that are general in nature and applicable to all property subject to land use regulations by the City including but not limited to building, fire, plumbing, electrical and mechanical codes or as provided for in Article XI of this Agreement shall apply to the Property during the Vested Period.

The City is authorized to review and amend the ODP, consistent with the Fountain Municipal Code, specifically, Sec. 17.22.040.

The establishment of a vested property right pursuant to this Agreement shall be subject to compliance with the notice requirements under section 24-68-103(1)(b) C.R.S. and section 24-68-103(1)(c) C.R.S.

Section XVIII of this Agreement providing for Vested Rights shall be considered a development agreement and a legislative act subject to referendum under section 24-68-104(2) C.R.S. provided that such right of referendum shall not hereby be extended to other provisions of this Agreement.

The Agreement shall be in force and effect for a period of twenty years (20) following execution of this Amendment or until all terms and conditions contained herein have been complied with, whichever occurs first.

5. The Agreement is hereby amended so that Section XX. COMMERCIAL PARCEL is hereby deleted in its entirety:

6. This Amendment shall inure to the benefit of, and be binding upon, the Parties and successors, transferees, assigns and subsequent Property owners.
7. As with the Agreement, this Amendment may be signed in counterparts, all of which together shall be construed as one agreement.

CITY OF FOUNTAIN, COLORADO

Sharon Thompson, Mayor

Attest:

Silvia Huffman, City Clerk

CSJ No. 9, LLC

David Jenkins, Vice President
Nor'wood Limited, Manager for CSJ No. 9 LLC

STATE OF: Colorado
COUNTY OF: El Paso

Sworn to (or affirmed) and subscribed before me this ____ day of _____, 2023, by

(Printed Name)

(Title)

Notary Signature

Date

Seal

CAROLYN S. JENKINS

Carolyn S. Jenkins

STATE OF: Colorado
COUNTY OF: El Paso

Sworn to (or affirmed) and subscribed before me this ____ day of _____, 2023, by

(Printed Name)

(Title)

Notary Signature

Date

Seal

CHRIS MARC CHAD, LLC

David Jenkins, Vice President
Nor'wood Limited, Manager for Chris Marc Chad, LLC

STATE OF: Colorado
COUNTY OF: El Paso

Sworn to (or affirmed) and subscribed before me this ____ day of _____, 2023, by

(Printed Name)

(Title)

Notary Signature

Date

Seal

DAVID D. JENKINS

David D. Jenkins
STATE OF: Colorado
COUNTY OF: El Paso

STATE OF: Colorado
COUNTY OF: El Paso

Sworn to (or affirmed) and subscribed before me this ____ day of _____, 2023, by

(Printed Name)

(Title)

Notary Signature

Date

Seal



LEGAL DESCRIPTION:

That portion of Sections 27, 28, and 29, Township 15 South, Range 65 West of the 6th P.M., and of Tracts 1 and 2, in SUBDIVISION NO. 1 OF THE FOUNTAIN SUBURBAN HOMES CORPORATION, El Paso County, Colorado, according to the plat thereof as recorded in Plat Book L at Page 44, El Paso County, Colorado, being more particularly described as follows:

Commencing at the Southeast corner of said Section 29; thence N00°28'06"E on the East line of the Southeast quarter of said Section, the basis of bearings used herein, a distance of 30.00 feet to a point thirty (30.00) feet North of the South line of the Southwest quarter (SW1/4) of said Section 28, as measured perpendicular thereto and the POINT OF BEGINNING; thence N00°28'06"E on said East line, a distance of 1290.14 feet to a point on the North line of the South half of the Southwest quarter of said Section 28; thence N44°05'32"W a distance of 252.65 feet; thence N44°06'10"W a distance of 338.98 feet; thence N09°07'50"W a distance of 546.02 feet; thence N04°31'14"E a distance of 206.93 feet to a point on a curve; thence on a curve to the left having a central angle of 21°04'17", a radius of 1460.00 feet for an arc distance of 536.93 feet, whose chord bears S83°19'07"W to a point on the Easterly line of the City of Fountain, El Paso County, Colorado as shown on the Annexation Plat of North Fountain Addition No. 15 as recorded in Plat Book D-4 at Page 62 of the records of said El Paso County; thence N00°22'19"E on said Easterly line, a distance of 210.96 feet; thence N00°22'20"E on said Easterly line, a distance of 2095.96 feet to a point on a curve on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5506 at Page 1290 of the records of said El Paso County; the following twelve (12) courses are on said Southerly boundary line; thence: 1) on a curve to the left having a central angle of 38°50'05", a radius of 220.00 feet for an arc distance of 149.11 feet, whose chord bears S82°40'31"E; 2) N77°54'26"E a distance of 93.79 feet to a point of curve; 3) on a curve to the right having a central angle of 100°24'22", a radius of 55.00 feet for an arc distance of 96.38 feet, whose chord bears S51°53'23"E; 4) S01°41'12"E a distance of 137.18 feet to a point of curve; 5) on a curve to the left having a central angle of 46°29'23", a radius of 88.00 feet for an arc distance of 71.40 feet, whose chord bears S24°55'53"E; 6) S48°10'35"E a distance of 126.77 feet to a point of curve; 7) on a curve to the left having a central angle of 40°56'06", a radius of 220.00 feet for an arc distance of 157.18 feet, whose chord bears S68°38'38"E; 8) S89°06'41"E a distance of 124.09 feet to a point of curve; 9) on a curve to the right having a central angle of 04°53'33", a radius of 460.00 feet for an arc distance of 39.28 feet, whose chord bears S86°39'54"E; 10) S84°13'08"E a distance of 236.92 feet to a point of curve; 11) on a curve to the right having a central angle of 90°54'00", a radius of 23.00 feet for an arc distance of 36.49 feet, whose chord bears S38°46'08"E; 12) S06°40'52"W a distance of 116.20 feet; thence N51°03'46"E a distance of 46.41 feet; thence N60°23'46"E a distance of 110.51 feet to a point of curve; thence on a curve to the right having a central angle of 67°18'34", a radius of 195.87 feet for an arc distance of 230.10 feet, whose chord bears S85°56'57"E to a point on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5992 Page 1279 of the records of said El Paso County, the following two (2) courses are on said Southerly boundary line; thence: 1) N06°26'08"E a distance of 66.34 feet; 2) N14°22'23"E a distance of 52.05 feet to a point on a curve; thence on a curve to the right having a central angle of 13°37'05", a radius of 1520.00 feet for an arc distance of 361.27 feet, whose chord bears N78°12'47"E to a point on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5992 Page 1279 of the records of said El Paso County, the following twenty-two (22) courses are on said Southerly boundary line; thence: 1) S27°47'09"E a distance of 133.07 feet; 2) S41°09'52"E a distance of 48.94 feet to a point of curve; 3) on a curve to the left having a central angle of 28°52'45", a radius of 153.00 feet for an arc distance of 77.12 feet, whose chord bears S55°36'15"E; 4) S70°02'37"E a distance of 94.36 feet; 5) S74°54'11"E a distance of 80.06 feet to a point of curve; 6) on a curve to the right having a central angle of 25°13'15", a radius of 51.00 feet for an arc distance of 22.45 feet, whose chord bears S62°17'33"E; 7) S49°40'56"E a distance of 523.46 feet to a point of curve; 8) on a curve to the left having a central angle of 29°38'12", a radius of 175.00 feet for an arc

distance of 90.52 feet, whose chord bears S64°30'02"E; 9) S79°19'08"E a distance of 312.08 feet to point of a curve; 10) on a curve to the right having a central angle of 37°39'42", a radius of 58.00 feet for an arc distance of 38.12 feet, whose chord bears S60°29'17"E; 11) S41°39'26"E a distance of 256.99 feet to a point of curve; 12) on a curve to the right having a central angle of 34°30'25", a radius of 55.00 feet for an arc distance of 33.12 feet, whose chord bears S24°24'14"E; 13) S07°09'01"E a distance of 147.36 feet to a point of curve; 14) on a curve to the left having a central angle of 77°34'32", a radius of 142.00 feet for an arc distance of 192.26 feet, whose chord bears S45°56'17"E; 15) S84°43'33"E a distance of 42.45 feet to a point of curve; 16) on a curve to the right having a central angle of 14°06'03", a radius of 233.00 feet for an arc distance of 57.34 feet, whose chord bears S77°40'32"E; 17) S70°37'30"E a distance of 42.79 feet to a point of curve; 18) on a curve to the left having a central angle of 89°02'05", a radius of 91.00 feet for an arc distance of 141.41 feet, whose chord bears N64°51'27"E; 19) N20°20'25"E a distance of 404.62 feet; 20) N24°23'23"E a distance of 214.77 feet to a point of curve; 21) on a curve to the right having a central angle of 40°00'00", a radius of 75.00 feet for an arc distance of 52.36 feet, whose chord bears N44°23'23"E; 22) N64°23'23"E a distance of 99.89 feet; thence S72°59'09"E a distance of 157.08 feet to a point of curve; thence on a curve to the left having a central angle of 17°16'12", a radius of 1680.00 feet for an arc distance of 506.38 feet, whose chord bears S81°37'15"E; thence N89°44'40"E a distance of 710.67 feet to a point of curve; thence on a curve to the right having a central angle of 90°00'00", a radius of 40.00 feet for an arc distance of 62.83 feet, whose chord bears S45°15'20"E; thence N89°44'40"E a distance of 80.00 feet to a point on a curve; thence on a curve to the right having a central angle of 90°00'00", a radius of 40.00 feet for an arc distance of 62.83 feet, whose chord bears N44°44'40"E; thence N89°44'40"E a distance of 1397.46 feet to a point of curve; thence on a curve to the right having a central angle of 15°18'05", a radius of 1920.00 feet for an arc distance of 512.75 feet, whose chord bears S82°36'18"E to a point of compound curve; thence on a curve to the right having a central angle of 92°26'20", a radius of 40.00 feet for an arc distance of 64.53 feet, whose chord bears S28°44'06"E; thence S72°30'56"E a distance of 80.00 feet to a point on a curve; thence on a curve to the right having a central angle of 92°26'20", a radius of 40.00 feet for an arc distance of 64.53 feet, whose chord bears N63°42'14"E to a point of compound curve; thence on a curve to the right having a central angle of 14°01'20", a radius of 1920.00 feet for an arc distance of 469.89 feet, whose chord bears S63°03'56"E; thence S56°03'15"E a distance of 209.04 feet to a point on the Northwesterly right-of-way line of Marksheffel Road; the following three (3) courses are on said Northwesterly right-of-way line; thence: 1) S33°56'45"W a distance of 664.27 feet to a point of a curve; 2) on a curve to the right having a central angle of 09°16'28", a radius of 5699.98 feet for an arc distance of 922.65 feet, whose chord bears S38°34'59"W; 3) S43°13'13"W a distance of 2787.86 feet to the Northerly right-of-way line of C & S Road; thence S89°44'27"W on said Northerly right-of-way line, a distance of 1490.44 feet; thence N00°18'33"E a distance of 1290.05 feet to the Northeast corner of Tract 1 of said Subdivision No. 1 of The Fountain Suburban Homes Corporation, said point also being on the North line of the South half of the Southwest quarter of said Section 28; thence S89°44'31"W on said North line a distance of 1075.05 feet to a point on a line being 1565.00 feet East of the West line of said Section 28, as measured perpendicular to thereto; thence S00°28'06"W parallel with said West line, a distance of 660.11 feet to the Northwest corner of the tract of land recorded at Reception No. 205041118 of the records of said El Paso County, the following two (2) courses are on the Northerly and Easterly boundary line of said tract of land; thence: 1) N89°44'27"E a distance of 400.00 feet; 2) S00°28'06"W a distance of 630.00 feet to the Northerly right-of-way line of C & S Road; thence S89°44'27"W on said Northerly right-of-way line, a distance of 1965.00 feet to the POINT OF BEGINNING and containing 532.28 acres of land, more or less.

Prepared by:
 John L. Bailey PLS #19586
 for and on behalf of
 Rockwell Consulting, Inc.
 November 29, 2021



MESA RIDGE - OVERALL DEVELOPMENT PLAN

AMENDMENT NO. 5 (MAJOR AMENDMENT)

CITY OF FOUNTAIN, COLORADO

NOTES

1. ADJACENT PROPERTY OWNER NAMES BASED ON THE EL PASO COUNTY ASSESSORS WEBSITE INFORMATION AS OF 09-28-21.
2. PARKS, OPEN SPACE, COMMON AREAS AND OTHER PUBLIC AREAS (EXCEPT ROAD RIGHT-OF-WAY) WILL BE OWNED AND MAINTAINED BY THE MESA RIDGE METRO DISTRICT 1 OR 2.
3. THIS PROPERTY IS LOCATED WITHIN A DESIGNATED FEMA FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY MAP NUMBERS 08041C0958G AND 08041C0958G, EFFECTIVE 12-07-2018.
4. MARKSHEFFEL ROAD. THERE SHALL BE NO HOMES FRONTING MARKSHEFFEL ROAD.
5. C&S ROAD- BUILDINGS LOCATED IN PLANNING AREA K SHALL BE BUFFERED FROM THE LARGER LOTS ACROSS C&S ROAD BY PROPOSED DETENTION AND UTILITY EASEMENTS. THE C&S ROAD RIGHT-OF-WAY, REQUIRED BUILDING SETBACKS, AND/OR A 6' OPAQUE WALL WHERE APPROPRIATE.
6. THE EXISTING COUNTY OUT PARCEL SURROUNDED BY PARCEL K WILL BE SEPARATED FROM THE MESA RIDGE COMMUNITY BY MEANS OF A 6' OPAQUE FENCE AND/OR LANDSCAPE TRACTS.
7. MESA RIDGE DEVELOPMENT SHALL INCORPORATE FULL-SPECTRUM DETENTION.
8. FUTURE DEVELOPMENT OF RESIDENTIAL LOTS WILL ENSURE THAT NO RESIDENTIAL LOT WILL BISECT A SCHOOL DISTRICT BOUNDARY.
9. ANY BUFFERING WILL FOLLOW CITY CODE STANDARDS AND MAY INCLUDE SETBACKS, LANDSCAPING AND/OR A BUFFER WALL WHERE APPROPRIATE.
10. ALL FUTURE ACCESS OPENINGS WILL BE IN COMPLIANCE WITH THE FOUNTAIN TRANSPORTATION MASTER PLAN.
11. THERE SHALL BE NO DIRECT ACCESS TO FUTURE POWERS BOULEVARD VIA ANY ROADWAYS EXCEPT POTENTIALLY FOR CROSS CREEK AVENUE OR FROM ANY ADJOINING LOTS WITHIN THE MESA RIDGE DEVELOPMENT.
12. ENTRIES TO THE PROJECT SHALL BE LANDSCAPED AND MONUMENTED AS APPROPRIATE.
13. GENERAL USES IN PARKS AND OPEN SPACE AREAS SHALL INCLUDE BUT NOT BE LIMITED TO: PASSIVE AND ACTIVE RECREATION USES, AS APPROPRIATE FOR THE LOCATION, SIZE AND ANTICIPATED USERS OF EACH INDIVIDUAL PARK.
14. FUTURE POWERS BLVD ROW CORRIDOR ALIGNED WITH THE APPROVED CITY OF FOUNTAIN TRANSPORTATION PLAN.

LEGAL DESCRIPTION

That portion of Sections 27, 28, and 29, Township 15 South, Range 65 West of the 6th P.M., and of Tracts 1 and 2, in SUBDIVISION NO. 1 OF THE FOUNTAIN SUBURBAN HOMES CORPORATION, El Paso County, Colorado, according to the plat thereof as recorded in Plat Book L at Page 44, El Paso County, Colorado, being more particularly described as follows:

Commencing at the Southeast corner of said Section 29; thence N00°28'06"E on the East line of the Southeast quarter of said Section, on the basis of bearings used herein, a distance of 30.00 feet to a point thirty (30.00) feet North of the South line of the Southwest quarter (SW1/4) of said Section 28, as measured perpendicular thereto and the POINT OF BEGINNING; thence N00°28'06"E on said East line, a distance of 1290.14 feet to a point on the North line of the South half of the Southwest quarter of said Section 28; thence N44°05'32"W a distance of 252.65 feet; thence N44°06'10"W a distance of 338.98 feet; thence N09°07'50"W a distance of 546.02 feet; thence N04°31'14"E a distance of 206.93 feet to a curve to the left having a central angle of 21°04'17", a radius of 1460.00 feet for an arc distance of 536.93 feet, whose chord bears S83°19'07"W to a point on the Easterly line of the City of Fountain, El Paso County, Colorado as shown on the Annexation Plat of North Fountain Addition No. 15 as recorded in Plat Book D-4 at Page 62 of the records of said El Paso County; thence N00°22'19"E on said Easterly line, a distance of 2095.96 feet to a point on the curve on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5506 at Page 1290 of the records of said El Paso County; the following twelve (12) courses are on said Southerly boundary line; thence: 1) on a curve to the left having a central angle of 38°5'00", a radius of 220.00 feet for an arc distance of 149.11 feet, whose chord bears S82°40'31"E; 2) N77°54'26"E a distance of 93.79 feet to a point of curve; 3) on a curve to the right having a central angle of 1°00'24"22", a radius of 55.00 feet for an arc distance of 96.38 feet, whose chord bears S51°53'23"E; 4) S01°41'12"E a distance of 137.18 feet to a point of curve; 5) on a curve to the right having a central angle of 46°29'23", a radius of 88.00 feet for an arc distance of 157.18 feet, whose chord bears S24°55'53"E; 6) S48°10'35"E a distance of 126.77 feet to a point of curve; 7) on a curve to the left having a central angle of 40°5'6"06", a radius of 220.00 feet for an arc distance of 157.18 feet, whose chord bears S68°38'38"E; 8) S89°06'41"E a distance of 124.09 feet to a point of curve; 9) on a curve to the right having a central angle of 04°53'33", a radius of 460.00 feet for an arc distance of 39.28 feet, whose chord bears S86°39'54"E; 10) S84°1'30"08" a distance of 236.92 feet to a point of curve; 11) on a curve to the right having a central angle of 90°54'00", a radius of 23.00 feet for an arc distance of 36.49 feet, whose chord bears S38°46'08"E; 12) S06°40'52"W a distance of 116.20 feet; thence N51°03'04"E a distance of 46.41 feet; thence N60°23'46"E a distance of 110.51 feet to a point of curve; thence on a curve to the right having a central angle of 67°18'34", a radius of 195.87 feet for an arc distance of 230.10 feet, whose chord bears S85°56'57"E to a point on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5992 Page 1279 of the records of said El Paso County, the following two (2) courses are on said Southerly boundary line; thence: 1) N06°26'08"E a distance of 66.34 feet; 2) N14°22'23"E a distance of 52.05 feet to a point on a curve; thence on a curve to the right having a central angle of 13°3'705", a radius of 1520.00 feet for an arc distance of 361.27 feet, whose chord bears N78°1'247"E to a point on the Southerly boundary line of the Main Canal of the Fountain Mutual Irrigation Company as described in Book 5992 Page 1279 of the records of said El Paso County, the following twenty-two (22) courses are on said Southerly boundary line; thence: 1) S27°47'09"E a distance of 133.07 feet; 2) S41°09'52"E a distance of 48.94 feet to a point of curve; 3) on a curve to the left having a central angle of 28°52'45", a radius of 153.00 feet for an arc distance of 77.12 feet, whose chord bears S55°36'15"E; 4) S70°02'37"E a distance of 94.36 feet; 5) S74°54'11"E a distance of 80.06 feet to a point of curve; 6) on a curve to the right having a central angle of 25°13'15", a radius of 175.00 feet for an arc distance of 90.52 feet, whose chord bears S62°17'33"E; 7) S49°40'56"E a distance of 52.36 feet to a point of curve; 8) on a curve to the left having a central angle of 37°39'42", a radius of 58.00 feet for an arc distance of 38.12 feet, whose chord bears S64°3'00"2"E; 9) S79°19'08"E a distance of 52.36 feet to a point of curve; 10) on a curve to the right having a central angle of 147°36'12", a radius of 55.00 feet for an arc distance of 33.12 feet, whose chord bears S24°24'19"E; 11) S41°39'26"E a distance of 256.99 feet to a point of curve; 12) on a curve to the left having a central angle of 14°06'03", a radius of 142.00 feet for an arc distance of 192.26 feet, whose chord bears S45°56'17"E; 13) S07°09'01"E a distance of 42.45 feet to a point of curve; 14) on a curve to the right having a central angle of 14°06'03", a radius of 142.00 feet for an arc distance of 192.26 feet, whose chord bears S45°56'17"E; 15) S84°43'33"E a distance of 42.45 feet to a point of curve; 16) on a curve to the left having a central angle of 14°06'03", a radius of 142.00 feet for an arc distance of 192.26 feet, whose chord bears S77°40'32"E; 17) S70°7'30"E a distance of 42.79 feet to a point of curve; 18) on a curve to the right having a central angle of 89°02'05", a radius of 91.00 feet for an arc distance of 141.41 feet, whose chord bears N64°51'27"E; 19) N20°20'25"E a distance of 404.62 feet; 20) N24°23'23"E a distance of 214.77 feet to a point of curve; 21) on a curve to the right having a central angle of 40°00'00", a radius of 75.00 feet for an arc distance of 52.36 feet, whose chord bears N44°23'23"E; 22) N64°23'23"E a distance of 99.89 feet; thence S72°59'09"E a distance of 157.08 feet to a point of curve; thence on a curve to the left having a central angle of 80.00 feet for an arc distance of 506.38 feet, whose chord bears S81°37'15"E; thence N89°44'40"E a distance of 710.67 feet to a point of curve; thence on a curve to the right having a central angle of 90°00'00", a radius of 40.00 feet for an arc distance of 62.83 feet, whose chord bears S45°15'20"E; thence N89°44'40"E a distance of 80.00 feet to a point on a curve; thence on a curve to the right having a central angle of 90°00'00", a radius of 40.00 feet for an arc distance of 62.83 feet, whose chord bears N44°44'40"E; thence N89°44'40"E a distance of 1397.46 feet to a point of curve; thence on a curve to the right having a central angle of 15°18'05", a radius of 1920.00 feet for an arc distance of 512.75 feet, whose chord bears S82°36'18"E to a point of compound curve; thence on a curve to the right having a central angle of 92°26'20", a radius of 40.00 feet for an arc distance of 64.53 feet, whose chord bears S28°44'06"E a distance of 80.00 feet to a point on a curve; thence on a curve to the right having a central angle of 92°26'20", a radius of 40.00 feet for an arc distance of 64.53 feet, whose chord bears N63°42'14"E to a point of compound curve; thence on a curve to the Northwesterly right-of-way line of Marksheffel Road, the following three (3) courses are on said Northwesterly right-of-way line; thence: 1) S33°56'45"W, a distance of 664.27 feet to a point on the curve; 2) on a curve to the right having a central angle of 09°16'28", a radius of 5690.98 feet for an arc distance of 922.65 feet, whose chord bears S38°34'59"W; 3) S43°13'13"W a distance of 2787.86 feet to the Northeast corner of Tract 1 of said Subdivision No. 1 of S Road; thence S89°44'27"W on said Northerly right-of-way line, a distance of 1490.44 feet; thence N09°44'20"E a distance of 209.04 feet to a point on the curve; 4) S09°02'55"E a distance of 660.11 feet to the Fountain Shurbart Homes Corporation, said point also being on the North line of the South half of the Southwest quarter of said Section 28; thence S89°44'13"W on said North line a distance of 1075.05 feet to a point on a line being 1565.00 feet East of the West line of said Section 28, as measured perpendicular thereto; thence S00°28'06"W parallel with said West line, a distance of 660.11 feet to the Northwest corner of the tract of land recorded at Reception No. 205041118 of the records of said El Paso County; the following two (2) courses are on the Northerly and Easterly boundary lines of said tract of land; thence: 1) N89°44'27"E a distance of 400.00 feet; 2) S00°28'06"W, a distance of 630.00 feet to the Northerly right-of-way line of C & S Road; thence: S89°44'27"W on said Northerly right-of-way line, a distance of 1965.00 feet to the POINT OF BEGINNING and containing 532.28 acres of land, more or less.

ZONING NARRATIVE

1.1 Introduction

The purpose of this section is to establish general provisions and clarify standards and requirements for development within the Mesa Ridge Overall Development Plan (ODP). Due to the size of land area contained within this ODP (approximately 532 acres), a range of densities have been proposed for each Planning Area. This will allow for a variety of housing products and lot sizes. In addition to promoting land use and density flexibility, this approach will accommodate housing product, land planning, market and technological changes well into the future. Refer to the Mesa Ridge ODP Land Use Chart and the Development Standards notes for specific planning area uses and densities.

1.2 Overall Development Plan Caps

The Overall Development Plan is comprised of fifteen distinct Planning Areas, labeled A through O on the plan. Of those fifteen Areas, ten are intended for single family and two are intended for multifamily or attached units. Additionally, there is one commercial parcel (Planning Area G), two school/garage parcels (Planning Area F) and one public safety facility parcel (Planning Area N). Each of the residential Planning Areas has a permitted maximum number of residential dwelling units, based on expected densities for each Planning Area as documented on the Land Use Summary of this ODP. This maximum number of units or square footage, as stated in the Land Use Summary, is a self-imposed limit. Transfers of residential units between individual Planning Areas shall be permitted in accordance with the annexation agreement. Unit counts and transfers shall be tracked by the Developer and the Planning Director. At no time shall the Overall Development Plan residential unit cap exceed 2,114 units.

1.3 Individual Planning Area Caps

Each of the Mesa Ridge Planning Areas has an estimated number of residential dwelling units. These units may be platted within each planning area, and final unit counts shall be determined during the plating process. Transfer of units between planning areas on the Overall Development Plan are permitted, up to the maximum density range shown on the land use summary included on this ODP. In no case shall the maximum number of permitted units over the entire site exceed 2,114.

1.4 Residential Unit Transfers

Transfer(s) of residential units from Planning Area to Planning Area is permitted by the Developer with notification to the City of Fountain Planning Director. Unit transfers shall be tracked by the Developer with each such transfer at each Platting stage. Once a Planning Area has been fully platted, any remaining/unplatted residential units designated on the Overall Development Plan within said Planning Area shall remain available for transfer to other undeveloped areas. At no time shall this Overall Development Plan residential unit cap exceed 2,114 units.

1.5 Overall Development Plan Density Increase

Any request for density over and above the overall permitted density shown on the Overall Development Plan will be considered a major amendment and must follow the procedures outlined in the City of Fountain Land Development Code.

1.6 Parcel Boundaries

Parcel acreages and boundaries of the Planning Areas shown on the Overall Development Plan are preliminary and subject to change with detailed planning. Individual Planning Area acreages may change up to 15% without a major amendment to this Overall Development Plan. Such changes will result in corresponding changes to the residential units shown in the Land Use Summary. However, in no case shall the overall density of Mesa Ridge exceed 2,114 units. Overall Development Plan changes will be submitted with each appropriate plat.

1.7 Development Phasing

Phasing will occur in a logical and cost effective manner based on infrastructure extension, availability of utility service and market conditions. The project will be built in several phases, as conditions dictate. The Mesa Ridge ODP shall permit development of Planning Areas to commence in any Planning Area regardless of buildout status of parcels located in current or preceding Planning Areas (e.g. Development of Planning Area B may begin prior to commencement or completion of Planning Area A.)

1.8 Zoning Notes

A. This ODP permits a two foot encroachment of soffits, bay windows, chimneys, brick facing, mechanical equipment and any other items physically attached to the primary dwelling unit into the side and rear setbacks of each lot provided they do not encroach on any public easements.

B. Parking will comply with City of Fountain Land Development Code.

IN WITNESS WHEREOF:

The aforementioned CSJ No. 9, LLC, by Norwood Limited, Inc., Its Manager, has executed this instrument this _____ day of _____, 20____A.D.

By: _____, Vice President

STATE OF COLORADO)
COUNTY OF _____)SS

The above and aforementioned instrument was acknowledged before me this _____ day of _____, 20____A.D. by David D. Jenkins, Vice President of Norwood Limited, Inc., as manager of CSJ No. 9, LLC.

Witness my hand and official seal:

My commission expires: _____
Notary Public

IN WITNESS WHEREOF:

The aforementioned Carolyn S. Jenkins, as Owner has executed this instrument this _____ day of _____, 20____A.D.

Carolyn S. Jenkins

STATE OF COLORADO)
COUNTY OF _____)SS

The above and aforementioned instrument was acknowledged before me this _____ day of _____, 20____A.D. by Carolyn S. Jenkins.

Witness my hand and official seal:

My commission expires: _____
Notary Public

IN WITNESS WHEREOF:

The aforementioned Chris Marc Chad, LLC, by Nor'wood Limited, Inc., Its Manager, as Owner has executed this instrument this _____ day of _____, 20____A.D.

By: _____, Vice President of Norwood Limited, Inc. as manager of Chris Marc Chad, LLC.

STATE OF COLORADO)
COUNTY OF _____)SS

The above and aforementioned instrument was acknowledged before me this _____ day of _____, 20____A.D. by David D. Jenkins, Vice President of Norwood Limited, Inc. as manager of Chris Marc Chad, LLC.

Witness my hand and official seal:

My commission expires: _____
Notary Public

IN WITNESS WHEREOF:

The aforementioned David D. Jenkins, as Owner has executed this instrument this _____ day of _____, 20____A.D.

David D. Jenkins

STATE OF COLORADO)
COUNTY OF _____)SS

The above and aforementioned instrument was acknowledged before me this _____ day of _____, 20____A.D. by David D. Jenkins.

Witness my hand and official seal:

My commission expires: _____
Notary Public

MAJOR AMENDMENT # 5
REVIEWS PER PLANNING DIVISION COMMENTS IN LETTER DATED DEC. 4, 2013
DATE

12-02-21

MAJOR AMENDMENT # 5
REVIEWS PER PLANNING DIVISION COMMENTS IN LETTER DATED DEC. 4, 2013
DATE

MESA RIDGE
OVERALL DEVELOPMENT PLAN
FOUNTAIN, COLORADO
AMENDMENT NO. 5 (MAJOR AMENDMENT)

MESA RIDGE - OVERALL DEVELOPMENT PLAN

AMENDMENT NO. 5 (MAJOR AMENDMENT)

CITY OF FOUNTAIN, COLORADO

DEVELOPMENT STANDARDS

Residential Low Density - 3-5 Dwelling Units Per Acre

- Permitted Uses: Single-family residential (detached), mail kiosks, trails, development signage, parks, open space, utilities, drainage facilities*
- Lot Size Minimum: 5,000 square feet
- Lot Width Minimum: 45-feet/55-feet for corner lots
- Minimum Setback Requirements:
 - Front Setback: 15-feet
 - Rear Setback: 18-feet from face of garage
 - Side Setback: 20-feet
 - 5-foot plus an additional 5-foot for corner lots
- Maximum lot coverage: 50%
- Maximum Height: 35-feet
- A minimum of 4-foot front yard building stagger is required between adjacent units.
- Setback Encroachments: Uncovered patios, decks, porches, stoops, accessory structures, and fireplaces shall not be closer than 10' from the rear property line. Covered or enclosed patios, decks, porches, stoops, and accessory structures are not allowed in setbacks.
- Encroachments do not override easements.
- The Zoning administrator reviews and approves minor amendments and shall not represent more than a 15% change in the location, height, yard, lot and other development standards. Section 17.22.40.B.

Residential Medium Density - 4-8 Dwelling Units Per Acre

Permitted uses: single-family residential (attached and detached), mail kiosks, development signage, trails, parks, open space, utilities, drainage facilities*

- Residential Front Loaded Units: 3800 square feet
 - Lot Size Minimum: 1000 square feet
 - Lot area for individual lots when platting along a common wall of attached units
- Lot Width Minimum: 45-feet/55-feet for corner lots
- Minimum Setback Requirements:
 - Front Setback: 10-feet with driveway
18-feet from face of garage
5-feet without driveway
 - Rear Setback: 15-feet
 - Side Setback: 5-foot
- Maximum lot coverage: 50%
- Maximum Height: 35-feet
- A minimum of 4-foot front yard building stagger is required between adjacent units.
- Setback Encroachments: Uncovered patios, decks, porches, stoops, accessory structures, and fireplaces shall not be closer than 10' from rear property line. Covered or enclosed patios, decks, porches, stoops and accessory structures are not allowed in setbacks. Encroachments do not override easements.

Residential Alley Loaded Units:

- Lot Size Minimum: 3800 square feet
 - Lot area for individual lots when platting along a common wall of attached units
1000 square feet
- Lot Width Minimum: 45-feet/55-feet for corner lots
- Minimum Setback Requirements:
 - Front Setback: 5-foot to house when adjacent to the street
5-foot to house when adjacent to a tract or greenway
18-feet from face of garage
5-foot without driveway
 - Rear Setback: 10-feet with driveway
5-foot without driveway
 - Side Setback: 5-foot
- Maximum lot coverage: 50%
- Maximum Height: 35-feet
- Setback Encroachments: Uncovered patios, decks, porches, stoops, accessory structures, and fireplaces shall not be closer than 10' from rear property line. Covered or enclosed patios, decks, porches, stoops and accessory structures are not allowed in setbacks. Encroachments do not override easements.

*ALL-ACCESSORY AND ADDITIONAL USES ARE THOSE PER CITY CODE SECTION 17.04.030

Multi Family - 12-20 Dwelling Units Per Acre

- Permitted Uses: Multi-family apartments, mail kiosks, trails, development signage, parks, open space, utilities, drainage facilities, fencing, parks and park related equipment, swimming pool, community clubhouse
- Lot Size Minimum: 1000 square feet when platting along the common wall of attached units
- Minimum Periphery Setback Requirements: 20-foot
none
- Maximum lot coverage: 45-feet
- Maximum Height: 45-feet
- Minimum Lot Width: 75-feet

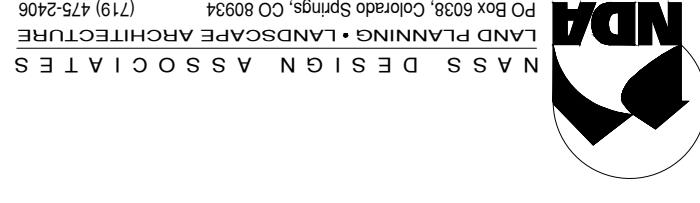
Commercial

- Permitted Uses: All uses permitted in the Regional Commercial (RC) zone per the City Zoning Code.
- Lot Size: no minimum
- Minimum Front, Side, Rear Setback Requirements: 20-foot
- Maximum lot coverage: 80%
- Maximum Height: 40-foot

LAND USE CHART

	ACRES	UNITS / AC RANGE	ESTIMATED UNITS	% OF TOTAL ACRES
MULTIFAMILY				
M	25.3	12-20	481	4.8 %
*O	11.1	10.8	120	2.1 %
SUBTOTAL	36.4		601	6.9 %
SINGLE FAMILY 4-8 DU/Ac				
*A	39.0	4-8	169	7.3 %
B	27.1	4-8	141	5.1 %
C	31.6	4-8	161	5.9 %
H	15.6	4-8	94	2.9 %
I	14.7	4-8	106	2.8 %
L	30.0	4-8	171	5.6 %
SUBTOTAL	158.0		842	29.6 %
SINGLE FAMILY 3-5 DU/Ac				
D	40.6	3-5	162	7.6 %
E	15.2	3-5	63	2.9 %
J	48.3	3-5	172	9.1 %
K	78.5	3-5	240	14.7 %
P	8.5	3-5	34	1.6 %
SUBTOTAL	191.1		671	35.9 %
RESIDENTIAL SUBTOTAL	386.8		2,114	72.4%
EXISTING UNITS (IN AREAS O & A)				
PLANNED UNITS			254	1,860
COMMERCIAL				
G	20.0			3.8 %
COMMERCIAL SUBTOTAL	20.0			3.8%
PUBLIC USE				
PARKS / OPEN SPACE / DETENTION	29.3			5.5 %
SCHOOL (F)	30.0			5.6 %
PUBLIC SAFETY FACILITY (N)	1.0			0.2 %
ROAD ROW	37.9			7.2 %
FUTURE POWERS BLVD. ROW	28.3			5.3 %
PUBLIC USE SUBTOTAL	126.5			23.8%
TOTAL	532.3		2,114	100.0%

*DEVELOPMENT COMPLETE

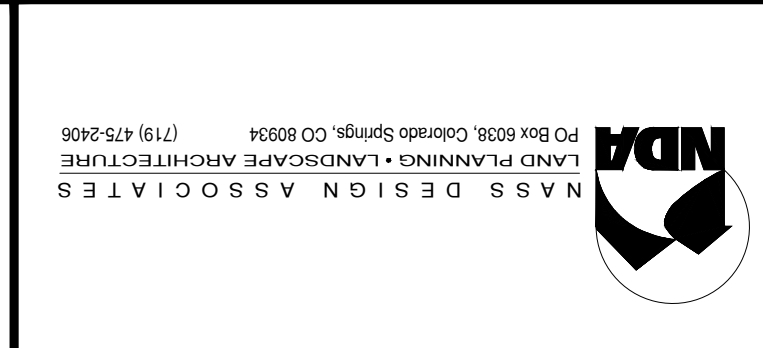
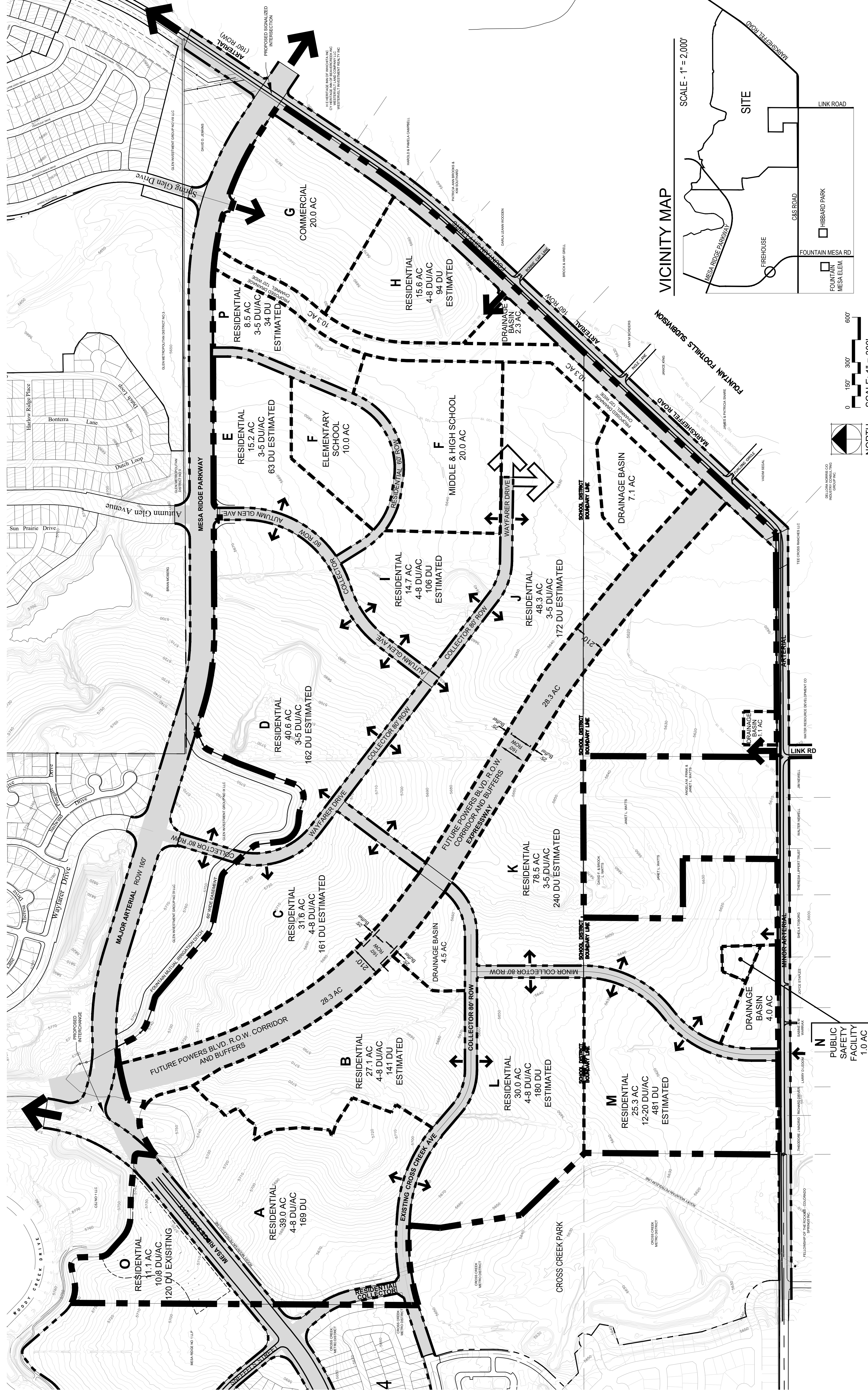


DATE	REVISIONS
12-12-13	REVISIONS PER PLANNING DIVISION COMMENTS IN LETTER DATED DEC.4, 2013
12-02-21	MAJOR AMENDMENT #5

MESA RIDGE
OVERALL DEVELOPMENT PLAN
FOUNTAIN, COLORADO
AMENDMENT NO. 5 (MAJOR AMENDMENT)

MESA RIDGE

OVERALL DEVELOPMENT PLAN AMENDMENT #5 CITY OF FOUNTAIN, COLORADO



REVISIONS	DATE

MESA RIDGE
OVERALL DEVELOPMENT PLAN
FOUNTAIN, COLORADO
AMENDMENT NO. 5 (MAJOR AMENDMENT)



Regular City Council Meeting

New Business –9C

PPRBD Code Amendment

March 28, 2023

Summary Information

Title:

FIRST READING OF ORDINANCE 1785, AN ORDINANCE AMENDING CHAPTER 18.04 (BUILDING CODE) OF TITLE 18 (BUILDING CODES) OF THE FOUNTAIN MUNICIPAL CODE, AS AMENDED, PERTAINING TO THE ADOPTION OF THE PIKES PEAK REGIONAL BUILDING CODE, 2023 EDITION.

Initiator: Troy Johnson, City Attorney

Council Action

Presenter: Troy Johnson, City Attorney

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

Pikes Peak Regional Building Department (PPRBD) administers and enforces building codes within the City of Fountain. In 2022, PPRBD approved changes to the Pikes Peak Regional Building Code (PPRBC), creating the 2023 Edition.

Attachments:

Ordinance 1785

Pikes Peak Regional Building Code, 2023 Edition (not included in agenda, but available in print)

PPRBC Executive Summary

2023 PPRBC Brief Summary

City of Fountain Appendix E

Significant Changes

Letter of Support from HBA

Background Information

The PPRBD is responsible for the plan review(s), permitting, and inspection(s) of all construction activity within the unincorporated areas of El Paso County, as well as the participating incorporated municipalities within the County, including the City of Fountain.

The PPRBC provides for a regional adoption, implementation, and enforcement of adopted model codes and locally developed standards. Sections of the PPRBC are denoted by the prefix "RBC" to differentiate the PPRBC from the model codes.

In 2022, PPRBD went through an extensive process to evaluate the PPRBC and adopt amendments and create the 2023 Edition. The City of Fountain can adopt these changes to the PPRBC through this ordinance at the recommendation of PPRBD.

Strategic Plan Priority (if applicable):

Facilitate responsible development, building reasonable capacity to meet future community needs.

Diversify city financial resources and invest.

Provide reliable access to public safety services.

Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommends approval of Ordinance No. 1785

Proposed Motion

"I move to approve Ordinance NO. 1785 on First Reading"

ORDINANCE 1785

AN ORDINANCE AMENDING CHAPTER 18.04 (BUILDING CODE) OF TITLE 18 (BUILDING CODES) OF THE FOUNTAIN MUNICIPAL CODE, AS AMENDED, PERTAINING TO THE ADOPTION OF THE PIKES PEAK REGIONAL BUILDING CODE, 2023 EDITION.

WHEREAS, by an intergovernmental agreement, the City of Fountain uses the services of Pikes Peak Regional Building Department to administer and enforce building and construction codes; and

WHEREAS, in 2022, Pikes Peak Regional Building Department approved changes to the Pikes Peak Regional Building Code, 2023 Edition, that the participants in the intergovernmental agreement need to adopt for purposes of uniformity; and

WHEREAS, the amendments adopted by Pikes Peak Regional Building Department are incorporated into the Pikes Peak Regional Building Code, 2023 Edition; and

WHEREAS, Pikes Peak Regional Building Department requests that the City adopts the Pikes Peak Regional Building Code, 2023 Edition, together with Appendix A and Appendix B; and

WHEREAS, City staff recommends that the City adopts the Pikes Peak Regional Building Code, 2023 Edition, together with Appendix A and Appendix B; and

WHEREAS, City staff recommends that certain technical changes be made to Title 18 of the City Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fountain, Colorado:

Section 1: Chapter 18.04 (Building Code) of Title 18 (Building Codes) of the Fountain Municipal Code is amended to read:

Sec. 18.04.010. - Title. This chapter shall be known and may be cited as the "Pikes Peak Regional Building Code", "regional building code", or "building code".

Sec. 18.04.020. - Code adopted by reference. The Pikes Peak Regional Building Code, ~~2017 Edition, 2nd Printing~~**2023 Edition**, published by the Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910, (the Pikes Peak Regional Building Code) is adopted by reference as if set out in its entirety.

Sec. 18.04.030. - Codes available for inspection and sale. One copy of the Pikes Peak Regional Building Code, certified by the mayor and the city clerk to be a true copy, and one copy of each secondary code the Pikes Peak Regional Building Code adopted by reference, each certified by the mayor and the city clerk to be a true copy, shall be maintained on file in the office of the city clerk and may be inspected during regular business hours. The city clerk shall assure that a reasonable supply of copies of the Pikes Peak Regional Building Code and the secondary codes the Pikes Peak Regional Building Code adopted by reference are maintained for sale at a reasonable price at the Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910.

Sec. 18.04.040. - Sections ~~deleted from~~ **amended and modified in** the Pikes Peak Regional Building Code. The following sections are ~~deleted from~~ **amended and modified in** the Pikes Peak Regional Building Code: RBC101.8, and RBC103.12, **RBC108.2, and RBC111.17.**

Sec. 18.04.050. – Violations. ~~A~~ **Any person who violates violating this the** building code, ~~or any provision of the building code, is~~ **shall be deemed** guilty of a misdemeanor and, upon conviction ~~thereof~~, shall be fined not more than ~~\$1,000.00~~ **five hundred dollars (\$500.00)**, or imprisoned not more than **ninety (90)** calendar days in the **city jail or** county jail, or both fined and imprisoned. ~~Each calendar day an illegal erection, construction, reconstruction, alteration, maintenance, or use continues is a separate offense.~~ **A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues.** ~~If a~~ **In case any** building or structure is, ~~or is proposed to be,~~ erected, constructed, reconstructed, altered, ~~or remodeled, or used, or maintained in violation of this the~~ building code, the city attorney ~~or the Department's attorney, as applicable,~~ in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove the unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use.

Sec. 18.04.060 - Authority to impose fines. **RBC103.12 AUTHORITY TO IMPOSE FINES is amended to read:**

RBC103.12 AUTHORITY TO IMPOSE FINES. The Building Official may impose an administrative fine ~~of not more than in~~ **an amount of up to one thousand dollars (\$1,000.00)** on a **any person (entity included)** engaged in **any** construction consulting work or construction work covered by ~~this Building Code~~ **the building code** who engages in ~~that~~ **this** work in violation of ~~any provisions of this Building Code~~ **the building**

code. Appeals of an administrative fine may be commenced as provided ~~by~~ **in RBC101.7 of the building code.**

Sec. 18.04.070. - Fire board of appeals. RBC111.7 **FIRE BOARD OF APPEALS** is amended to read:

The fire board of appeals shall have the power and authority specified in RBC207.3.6 **of the building code.**

Sec. 18.04.080. – Schedule of permit fees. RBC108.2 SCHEDULE OF PERMIT FEES is amended and modified by adding the following to read: **“City Council establishes Appendix B: Building Permit Fee Schedule of the building code as the adopted fee schedule.”**

Section 2. The following penalty provisions are set forth in the Pikes Peak Regional Building Code, in compliance with C.R.S. § 31-16-204, and are adopted as set forth below:

Sec. 18.04.090. – Penalty provisions. The building code is subject to the following penalty provisions:

RBC101.8 VIOLATIONS. Any person violating the Building Code, or any provision of this Code, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned not more than ninety (90) calendar days in the City jail or County jail, or both. A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues. In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered or remodeled, or used or maintained in violation of this Code or of any provision of the Building Code, the Jurisdiction’s attorney or the Department’s attorney, as applicable, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use.

RBC103.12 AUTHORITY TO IMPOSE A FINE. The Building Official may impose an administrative fine in an amount of up to one thousand dollars (\$1,000.00) on any person (entity included) engaged in any construction consulting work or construction work covered by this Code within the Jurisdictions who engages in this work in violation of any provisions of this Code. Appeals to this action may be made as provided for elsewhere in this Code.

RBC103.13 AUTHORITY TO RECORD A CERTIFICATE OF ALLEGED

NONCOMPLIANCE. The Building Official shall have authority to record a certificate of alleged noncompliance in the public records of the County of the Jurisdiction where a property is located thirty (30) calendar days after notice of noncompliance is posted on the premises or sent by registered mail or by certified mail, postage prepaid, return receipt requested, addressed to the record owner as such concerns any work done by any person, which work allegedly fails to comply with the final inspection requirements of the Pikes Peak Regional Building Code. Service is perfected under this Section at the earliest of the date of posting; the date the record owner receives the notice of non-compliance; the date shown on the return receipt, if signed on behalf of the record owner; or five (5) days after mailing. This Section does not prescribe the only means, or necessarily the required means, of serving a person in the State of Colorado. When the person has made appropriate corrections so that the work becomes compliant with the Pikes Peak Regional Building Code, the Building Official may record a release of the certificate of alleged non-compliance.

RBC105.2.3 Emergency Work. All work performed on an emergency basis, as determined by the Building Official, to maintain an existing service or to maintain an existing installation, building, or structure, where the maintenance is necessary to protect life or property, shall not be subject to penalty if application for any required permits is made within seventy-two (72) hours after commencement of the emergency work.

RBC105.10.4 Suspension or Revocation of Permit. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Pikes Peak Regional Building Code whenever the permit has been issued in error or on the basis of incorrect information supplied, or in violation of any other provisions of this Code.

RBC112.3.8.3 Penalties. Any person who refuses, without lawful excuse, to attend any hearing or to produce material evidence in the person's possession or under the person's control, as required by any subpoena served upon the person as provided for herein, shall be guilty of a misdemeanor.

RBC112.5.1 Report Account of Expenses. The Jurisdiction's Engineer shall keep an itemized account of the expenses incurred by the Jurisdiction in the repair or demolition of any building or structure done pursuant to the provisions of Section RBC112.4.1.2 Item 3 of the Pikes Peak Regional Building Code. Upon the completion of the work of repair or demolition, the Jurisdiction's Engineer shall prepare and file with the Jurisdiction's Clerk a report specifying the work done, the itemized and total fees and cost of the work, a description of the real property upon which the building or structure is or was located, and the names and

addresses of the persons entitled to notice pursuant to Section RBC112.2.5 of the Pikes Peak Regional Building Code. Upon receipt of this report, the Jurisdiction's Clerk shall fix a time, date, and place for hearing the report, and any protests or objections thereto. The Clerk shall cause notice of the hearing to be posted upon the property involved, published once in a newspaper of general circulation in the Jurisdiction, and served by registered mail or by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the assessment roll of the County Assessor, if it so appears or is known to the Clerk. The notice shall be given at least ten (10) calendar days prior to the date set for hearing, and shall specify the day, hour, and place when the governing body of the Jurisdiction will hear and pass upon the Engineer's report, together with any objections or protests that may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

RBC112.5.4 Personal Obligation or Special Assessment. The Jurisdiction may thereupon order that the charge be made a personal obligation of the owner, or assess the charge against the property involved, or both.

RBC112.5.4.1 Personal Obligation. If the Jurisdiction orders that the charge be a personal obligation of the owner, it shall direct the Jurisdiction's attorney to collect the same on behalf of the Jurisdiction by use of all appropriate legal remedies.

RBC112.5.4.2 Special Assessment. If the Jurisdiction orders that the charge be assessed against the property, it shall confirm the assessment roll, and thereafter this assessment shall constitute a special assessment against and a lien upon the property and shall be collected in the same manner as other special assessments of the Jurisdiction.

RBC112.5.4.3 Authority for Installment Payments. Eligible persons who are determined to have a marginal income such that they cannot pay an assessment or personal obligation levied under this Section, either against the property on which they reside or against themselves personally, may be afforded relief as hereinafter provided.

1. Within thirty (30) calendar days after the assessment or the personal obligation is ordered by the Jurisdiction, an application for relief shall be filed with the Jurisdiction's Clerk.
2. The governing body of the Jurisdiction, or a hardship committee, as designated and authorized by the governing body of the Jurisdiction, shall review the application for the requested relief. To determine the applicant's eligibility, the reviewing body shall use criteria established or adopted in the Jurisdiction's code,

ordinances, rules, or regulations, except that ownership of real property need not be required.

3. If it is determined that the applicant is eligible and that any person would probably default on the assessment or personal obligation, the reviewing body may authorize the execution with the applicant of an installment note for the payment of the assessment or personal obligation. The note shall be secured by a deed of trust, or if not available, by some other security reasonably available or appropriate. If no security is reasonably available or appropriate, then none may be required. The installment note shall provide that the owner shall make monthly payments to the Jurisdiction's Treasurer; that the payments shall not be less than five dollars (\$5.00) and shall be sufficient to repay the amount within a period of not more than twenty-five (25) years; that interest shall be charged at a rate of three percent (3%) per annum on the unpaid balance; that the entire outstanding balance shall become due and payable upon the death of the obligor or the sale or transfer of the property; that if at any time the Jurisdiction determines that the obligor is financially able to pay the outstanding balance, or that the obligor has willfully misrepresented the obligor's financial condition on the obligor's application, it may upon sixty (60) calendar days' notice declare the entire balance due and payable.

RBC112.5.6.1 Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessment shall be a lien against the property assessed. The lien shall be subordinate to all existing special assessment liens previously imposed upon and recorded against the same property and shall be priority or superpriority, as applicable, to all other liens except for State, County, and municipal taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid in full.

RBC112.5.6.2 Interest. Any assessments remaining unpaid after thirty (30) calendar days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of one percent (1%) per month from and after this date.

RBC112.5.8 Collection of Assessment. The amount of the assessment shall be collected at the same time and in the same manner as general taxes are collected; and shall be subjected to the same penalties and procedures and sale in case of delinquency as provided for general municipal taxes. All laws applicable to the levy, collection, and enforcement of general municipal taxes shall be applicable to the assessment. If the Jurisdiction has determined that the assessment shall

be paid in installments, each installment and any interest thereon shall be collected in the same manner as general and municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedures for sale as provided for general municipal taxes.

RBC201.6.6 Felony; Criminal Fraud. No person or entity convicted or found by a court or an administrative agency or authority having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, or for civil or criminal theft, for work related to any license or registration issued by the Department, or for work related to the building trades in any jurisdiction, shall be granted a license or registration, or serve as an examinee for a contractor in the Department's jurisdiction.

RBC201.7.2 Cancellation; Reduction of Insurance. Each policy of insurance shall contain an endorsement to the effect that the insurance carrier shall notify Pikes Peak Regional Building Department at least ten (10) calendar days in advance of the effective date of any reduction or cancellation of the policy. The lapse, cancellation, or reduction of insurance shall be cause for automatic suspension of the license or registration until the required coverage is timely reinstated.

RBC201.10.4 Renewal With Fees. Failure to renew a license within this forty-five (45) calendar day period after the expiration date of the license or registration will require payment of a penalty at one-half (1/2) of the license or registration fee if renewed within ninety (90) days of the expiration date. After ninety (90) days to one hundred thirty-five (135) days, the penalty will be equal to the license or registration fee. After one hundred thirty-five (135) days up to one hundred eighty (180) days, the penalty will be equal to twice the license or registration fee. All requests for renewal(s) after one hundred eighty (180) days from the expiration date shall require payment of all fees accrued, re-application, examination, evaluation by the respective Advisory Committee, and approval by the Board of Review, as applicable.

RBC201.11.3 Punishable Acts and Omissions. The following actions shall be considered punishable:

1. Willfully violating any provisions of this Code including any codes which are adopted by reference.
2. Failure to comply with any lawful order of the Building Official or of any other authorized representative employed by the Building Department pertaining to the administration of this Code and the codes which have been adopted by reference.

3. Using a contractor's license or registration to obtain permits required under this Code for work that will not be performed by or supervised by the contractor.
4. Misrepresentation by an applicant of a material fact when applying for a contractor's license or registration.
5. Failure to obtain a proper permit for any work for which a permit is required by virtue of this Code.
6. Commitment of any act of willful and wanton negligence in the conduct of the contractor's or other person's specific trade or business on work done by the contractor or other person that is regulated by the provisions of this Code.
7. Ordinary negligence of the contractor or other person, evidenced by letters of reprimand and/or incident reports received by the contractor within a three (3) year time period that are, in the judgment of the Board of Review, sufficient in number and severity to warrant revocation or suspension of the contractor's license or registration.

RBC201.11.4 Automatic Revocation of Suspension. A license or registration, or the right of an examinee of the contractor to serve as a contractor or as an examinee of a contractor, shall automatically be suspended or revoked by the Building Official as follows:

1. Registrations within this jurisdiction shall be automatically revoked or suspended upon revocation, suspension or refusal to renew any required Colorado State license.
2. Any license or registration within this jurisdiction shall be automatically suspended upon lapse, cancellation, or reduction of insurance coverage below that required by section RBC201.7 of this Code. This suspension shall remain in effect until proof of the reinstatement of the required coverage is presented to the Building Department. Failure to present this proof within twelve (12) months from the date of the lapse, cancellation, or reduction shall result in automatic revocation of the license or registration.
3. Conviction or a finding by a court or administrative agency or authority having competent jurisdiction of the contractor and/or its examinee(s), for a felony, or for civil or criminal fraud, constructive or actual, or for civil or criminal theft, for work related to any license or registration under the authority of this Code, or for work related to the building trades in any jurisdiction, shall result in automatic

revocation of the license or registration and revocation of the right of the examinee and all authorized persons of the contractor to serve as a contractor or examinee for this or another contractor after notification by the Board of Review and exhaustion of due process rights, if any, in accordance with Colorado law. The notification shall be served personally or posted by registered or by certified mail, return receipt requested, to the last known mailing address.

RBC201.11.5 Voluntary Suspension.

- 1. The Board of Review may suspend licenses or registrations upon the voluntary written request for this action by the contractor. These suspensions shall not exceed a period of twelve (12) months unless a notarized annual certification from an employer is furnished to the Building Department indicating that the contractor is engaged in an active capacity in the field of building codes and construction.**
- 2. While under voluntary suspension, the contractor need not carry insurance, but shall be responsible for all license or registration fees normally due.**
- 3. The voluntary suspension shall be automatically lifted at any point during the twelve (12) month period under the following conditions:**
 - a. Written request is made to the Board of Review by the contractor.**
 - b. Proof of insurance is provided in accordance with section RBC201.7 of this Code.**
- 4. In the event the contractor does not terminate the voluntary suspension within the twelve (12) month period as provided in item 3 above, or furnish proof of active engagement in the construction field and building codes, as provided in item 1 above, in order to obtain a new license or registration, the contractor must then meet all requirements of sections RBC201.5 and RBC201.6 of this Code.**

RBC312.3.8 Authority to Enforce. The Building Official shall have the authority to require compliance with the requirements of SECTION RBC312 - of the Pikes Peak Regional Building Code. It shall be the responsibility of the property owner(s) to meet or cause to be met all applicable requirements. Upon due notification of noncompliance and failing to meet or cause to be met all applicable requirements, the property owner(s) shall be responsible for any and all incurred expenditures on the part of the Jurisdiction(s) or any authorized agency in the enforcement of and compliance with applicable requirements.

RBC313.10 Penalties for Noncompliance. Refer to local Jurisdiction's

penalties for noncompliance, as stated within the Jurisdiction's ordinances or regulations.

Appendix B

R. Investigation Fee: Work Without A Permit.

Investigation. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to twice the amount of the permit fee that would be required by this Code if a permit was issued. The payment of such an investigation fee shall not exempt any person from compliance with any provisions of this Code nor from any prescribed by law.

Equal to two times the Permit Fee

S. Re-Inspection Fees:

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is requested is not complete, when corrections required by a previous inspection have not been made, or when an additional inspection is required for alterations made after completion of initial inspection.

This is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of requesting inspections before the job is ready for such an inspection or re-inspection.

Re-inspection fees may be assessed for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until such fees have been paid.

\$50.00 for 1st incident

\$100.00 for 2nd incident

**\$200.00 for 3rd incident
Plus 2 work day inspection delay**

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

Introduced, read by title, and passed on first reading, this _____ of _____, 2023, by City Council and ordered to be published by title in _____ with a summary written by the City Clerk, and with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk, 116 South Main Street, Fountain, Colorado 80817.

[SEAL]

CITY OF FOUNTAIN, COLORADO

Attest:

By: _____
Sharon Thompson, Mayor

By: _____
Silvia Huffman, City Clerk



Pikes Peak Regional Building Code

2023 Edition

PREFACE

HISTORY, FUNCTION AND ADMINISTRATION OF THE BUILDING DEPARTMENT

Pikes Peak Regional Building Department (the "Department" or "Building Department") is responsible for the plan review, permitting, and inspection of all construction activity within the unincorporated areas of El Paso County, as well as the participating incorporated municipalities within the County. These currently include the Cities of Colorado Springs, Fountain and Manitou Springs and the Towns of Green Mountain Falls, Monument and Palmer Lake, as well as the City of Woodland Park (individually, the "Jurisdiction", or collectively, the "Jurisdictions").

The Department was formed by an Intergovernmental Agreement between the City of Colorado Springs and El Paso County in 1966 to provide uniform service to their jurisdictions. Then, in 1982, the suburban jurisdictions entered into the same service agreement for the administration and enforcement of their building codes.

The Department performs plan reviews, issues permits, and inspects construction work within the scope of the building, mechanical, plumbing, electrical, and elevator codes, as well as enforces floodplain and enumeration regulations. Further, the Department licenses and registers contractors who perform work within the jurisdictions served.

The Department is governed by a Regional Building Commission, which is a three-member governing body consisting of an El Paso County Commissioner, a Colorado Springs Councilperson, and a representative from one of the five suburban jurisdictions. The Regional Building Commission is responsible for approval of the Department's budget.

The Department is self-funded by plan review, permit, and licensing fees. An independent auditor performs an annual cost analysis. Fee adjustments are proposed when the Regional Building Commission determines them to be necessary to maintain the Department's operation(s).

LOCAL CODE AND ADOPTION PROCESS

The Code in effect for building construction or the installation of systems or equipment is this edition of the Pikes Peak Regional Building Code. This Code provides for the administration of the Department, licensing and registration of contractors, and enforcement of adopted model codes. Sections of this Code are denoted by the prefix "RBC" to differentiate this Code from other codes.

As new model codes are developed and published, the Department reviews these codes and updates the Pikes Peak Regional Building Code. New codes are promulgated every three years and used exclusively across the United States. This edition of the Pikes Peak Regional Building Code cites and adopt a majority of the International Codes promulgated by the International Code Council (ICC).

Proposed modifications to this Code may be made in writing to the Department during the official comment period prior to adoption of the Code. Department staff reviews all comments and makes a recommendation to the advisory committee(s) for consideration. The advisory committees then undertake a Code review process involving committee meetings and one or more public hearings before making a recommendation to the Board of Review for Code adoption.

The Board of Review then holds its own session of review and public hearing(s) before making a final recommendation of Code adoption to the participating jurisdictions.

Each Jurisdiction has the final authority regarding proposed Code content prior to adoption. The Code becomes enforceable when each Jurisdiction legally adopts the Code by resolution or ordinance. Notwithstanding, amendments or revisions to any regulations, standards, codes, studies, Flood Insurance Rate Maps (FIRM), or Flood Insurance Study (FIS) reports, adopted in the Code by reference, as promulgated by the federal government or the State of Colorado, or by any agency of either of them, are adopted by reference, as if fully set forth herein, without further action by each Jurisdiction and declared to be a part of the adopting resolution or ordinance.

TABLE OF CONTENTS

CHAPTER 1 – ADMINISTRATION	1
SECTION RBC101 - GENERAL PROVISIONS	1
SECTION RBC102 - BUILDING DEPARTMENT	3
SECTION RBC103 - BUILDING OFFICIAL	4
SECTION RBC104 - APPLICATION OF REGULATIONS	6
SECTION RBC105 - PERMITS	8
SECTION RBC106 - CONSTRUCTION DOCUMENTS	12
SECTION RBC107 - TEMPORARY STRUCTURES	14
SECTION RBC108 - PERMIT FEES	15
SECTION RBC109 - INSPECTIONS	16
SECTION RBC110 - CERTIFICATES OF OCCUPANCY	17
SECTION RBC111 - BOARD OF REVIEW AND ADVISORY COMMITTEES	18
SECTION RBC112 - DANGEROUS BUILDINGS	20
CHAPTER 2 – CONTRACTOR LICENSING	33
SECTION RBC201 - GENERAL PROVISIONS	33
SECTION RBC202 - LICENSE AND REGISTRATION FEES	40
SECTION RBC203 - BUILDING CONTRACTORS	41
SECTION RBC204 - MECHANICAL CONTRACTORS	43
SECTION RBC205 - PLUMBING & WATER CONDITIONING CONTRACTORS	45
SECTION RBC206 - ELECTRICAL CONTRACTORS	46
SECTION RBC207 - FIRE SUPPRESSION CONTRACTORS	47
SECTION RBC208 - FIRE ALARM CONTRACTORS	53
CHAPTER 3 – CONSTRUCTION CODES	56
SECTION RBC301 - GENERAL	56
SECTION RBC302 - COMMERCIAL BUILDING CODE	57
SECTION RBC303 - RESIDENTIAL BUILDING CODE	64
SECTION RBC304 - MECHANICAL CODE	75
SECTION RBC305 - FUEL GAS CODE	77
SECTION RBC306 - PLUMBING CODE	80
SECTION RBC307 - ELECTRICAL CODE	81
SECTION RBC308 - ENERGY CONSERVATION CODE	82
SECTION RBC309 - MANUFACTURED BUILDING CODE	85
SECTION RBC310 - CONVEYANCE SAFETY CODE	88
SECTION RBC311 - EXISTING BUILDING CODE	89
SECTION RBC312 - ENUMERATION CODE	91
SECTION RBC313 - FLOODPLAIN CODE	97
SECTION RBC314 - SWIMMING POOLS	108

APPENDIX A: HISTORY OF CODE ADOPTION	109
APPENDIX B: BUILDING PERMIT FEE SCHEDULE	111
APPENDIX C: COUNTY OF EL PASO RESOLUTION	116
APPENDIX D: CITY OF COLORADO SPRINGS ORDINANCE	116
APPENDIX E: CITY OF FOUNTAIN ORDINANCE	116
APPENDIX F: CITY OF MANITOU SPRINGS ORDINANCE	116
APPENDIX G: TOWN OF GREEN MOUNTAIN FALLS ORDINANCE	116
APPENDIX H: TOWN OF MONUMENT ORDINANCE	116
APPENDIX I: TOWN OF PALMER LAKE ORDINANCE	116
APPENDIX J: CITY OF WOODLAND PARK	131

CHAPTER 1 – ADMINISTRATION

SECTION RBC101 - GENERAL PROVISIONS

RBC101.1 TITLE. This Code shall be known and cited as the Pikes Peak Regional Building Code, hereinafter referred to as the “Code” or “this Code.” This Code shall include those codes and standards adopted by reference herein.

RBC101.2 PURPOSE. The purpose of this Code is to provide minimum standards to protect the public health and safety by regulating and controlling buildings, structures, systems, and equipment including, but not limited to, heating, ventilating, comfort cooling, and refrigeration systems; signs and sign structures; elevators, dumbwaiters, escalators; boilers and pressure vessels; plumbing and drainage systems; electric conductors and equipment; and the storage and handling of hazardous materials; and adopting uniform codes, consistent with and generally conforming to similar resolutions, ordinances, and regulations throughout the Pikes Peak region, and to effect this purpose by acting with other governmental bodies in the Pikes Peak region in the promulgation of measures and procedures, and the establishment of committees and boards as herein provided, and establishing procedures for licensing and registering contractors.

RBC101.3 SCOPE. The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, demolition, occupancy, use, storage, height, area, installation, inspection, design, operation, testing, handling, erection and fabrication of equipment, structures, and buildings within the Jurisdiction.

Exceptions:

1. Work located primarily in a public right of way;
2. Public utility towers and poles;
3. Mechanical equipment not specifically regulated by this Code; and
4. Structures not defined as buildings located on publicly owned land.

RBC101.3.1 Appendices. Appendices shall not be construed as provisions of this Code unless specifically adopted by the Jurisdiction.

RBC101.4 DIFFERING REQUIREMENTS. Where, in any specific case, different sections of this Code, or other codes, ordinances, or resolutions of the Jurisdiction or other governmental body specify different requirements, the more restrictive shall govern.

RBC101.5 DEFINITIONS. Unless otherwise stated, the following words and terms shall, for the

purposes of this Code, have the following meanings:

Building Code. Either the Commercial Building Code or the Residential Building Code, as applicable, in accordance with Chapter 3 of this Code.

The City. The applicable municipality having jurisdictional authority to adopt this Code.

The Fire Authority. The applicable Fire Protection District or municipal Fire Department having jurisdictional authority to adopt and enforce a Fire Code.

The Jurisdiction. The applicable county or municipality having jurisdictional authority to adopt this Code.

RBC101.6 LIABILITY OF OFFICERS. The Building Official, the Regional Building Commission, and any advisory committees or boards appointed pursuant to any agreement in regard to the Department entered into between the City and the County of El Paso, or any employee charged with the enforcement of this Code acting in good faith and without malice for the Jurisdiction in the discharge of duties, shall not be rendered personally liable and is hereby relieved from all personal liability for any damage(s) that may accrue to persons or property as a result of any act required by this Code or by reason of any act or omission in the discharge of duties. Any claim(s) or suit brought against the Building Official, the Regional Building Commission, any advisory committees or boards, or any employee because of any act or omission performed in the enforcement of any provisions of this Code, shall be defended by the Jurisdiction according to the location of the property that is the subject of the act or omission which resulted in the claim(s) or suit until final termination of the proceeding.

RBC101.7 APPEAL PROCEDURES. Any person aggrieved by any decision or order of the Building Official, except as otherwise provided in this Code, may file a written appeal of the decision or order in the following manner:

1. To one of the appropriate Advisory Committees under the Board of Review.
2. If the decision of the Advisory Committee is not favorable to this person, a further appeal of the decision of the committee may be made to the Board of Review. The Board of Review’s decision shall be considered final agency action

for all purposes under Colorado law. Recourse from any decision(s) of the Board of Review is through the courts of El Paso County, State of Colorado. Every appeal from a decision of the Building Official or a committee must be filed in writing within thirty (30) calendar days from the date of the order or decision appealed from. It shall be lodged with the secretary of the board or committee, contain appropriate reference to the decision or order appealed from, and specify the grounds of the appeal. The Board of Review may hear the appeal de novo or limit the hearing to the issues identified in the notice of appeal. At the conclusion of the hearing, the Board shall determine whether there is substantial evidence in the record to support the decision or order being appealed, and if so, then the decision or order must be affirmed. If there is not substantial evidence in the record to support the decision or order being appealed, the Board may overturn the decision or order or modify it. An appeal from a decision of the Building Official or an Advisory Committee shall stay all proceedings in connection with the decision or order appealed from unless the Building Official certifies that a stay would cause imminent hazard to life or property. No appeal, however, shall stay the effect of a stop work order.

RBC101.8 VIOLATIONS. Any person violating the Building Code, or any provision of this Code, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned not more than ninety (90) calendar days in the city jail or county jail, or both. A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues. In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered or remodeled, or used or maintained in violation of this Code or of any provision of the Building Code, the Jurisdiction's attorney or the Department's attorney, as applicable, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove any unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use.

RBC101.9 SEVERABILITY. If any of the provisions of this Code, or of any code or secondary code adopted in this Code or its application to any person or any circumstances are held to be invalid, this invalidity shall not affect other provisions or applications of this Code or any other adopted code. The Jurisdiction hereby declares in this regard that the provisions of this Code and all adopted codes are wholly severable.

SECTION RBC102 - BUILDING DEPARTMENT

RBC102.1 PIKES PEAK REGIONAL BUILDING DEPARTMENT. The Department is created pursuant to inter-governmental agreements, the latest of which is known as the Pikes Peak Regional Building Department Agreement dated January 1, 2004, under the authority of Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, et seq., Colorado Revised Statutes (C.R.S.), as amended. This agreement is incorporated herein by reference.

RBC102.2 REGIONAL BUILDING COMMISSION. The Building Department shall be administered by a governing body of the Department known as the Regional Building Commission.

The Regional Building Commission shall have the powers and functions set forth in the Pikes Peak Regional Building Department Agreement, including but not limited to the appointment of the administrator of the Building Department, known as the Building Official.

RBC102.3 FINANCE OF BUILDING DEPARTMENT. The cost of operation of the Building Department shall be as set forth in the Pikes Peak Regional Building Department Agreement. A budget shall be prepared annually by the Building Official and approved by the Regional Building Commission. At the end of each year, a report of all income received shall be submitted by the Building Official. Any deficit in the operation of the Building Department shall be made up as provided in the Pikes Peak Regional Building Department Agreement.

SECTION RBC103 - BUILDING OFFICIAL

RBC103.1 GENERAL POWERS AND DUTIES.

The Building Official, as the administrator of the Department, is hereby authorized and directed to enforce all provisions of this Code.

RBC103.2 ACT AS DEPUTY PLUMBING INSPECTOR.

The Building Official is hereby confirmed as Deputy Plumbing Inspector for the County Board of Health and is hereby authorized and directed to enforce all provisions of the Plumbing Code as adopted by the Jurisdiction. The Building Official shall submit periodic reports, as requested, concerning the public health aspects of plumbing inspections to the proper official of the County Board of Health.

RBC103.3 APPOINTMENTS. With the approval of the Regional Building Commission, the Building Official may appoint any officers, inspectors, assistants, and other employees as shall be deemed necessary from time to time for the continued operation(s) and sustainability of the Department. The Building Official may deputize or assign any employees, as may be necessary, to carry out the functions of the Department.

RBC103.4 REPORTS AND RECORDS. The Building Official shall promulgate or keep the following reports and records:

1. A report to the Regional Building Commission, not less than once a year, covering the work of the Department during the preceding period. The Building Official shall incorporate in this report a summary of any recommendations as to desirable amendments to this Code.
2. A permanent, accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.
3. A permanent record of all meetings of the Board of Review, as established in Section RBC111.1 of this Code, to be kept using a skilled stenographer as secretary of the Board. This record shall constitute the minutes of any official meeting and shall be kept in the office of the Building Department as a public record accessible during Building Department hours of operation.

RBC103.5 RIGHT OF ENTRY. Upon presentation of proper credentials, the Building Official or the Building Official's duly authorized representative(s) may enter at reasonable times any building, structure, or premises in the Jurisdiction to perform any duty imposed upon the Building Official by this Code.

RBC103.6 STOP WORK ORDERS. Whenever any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing of work to be done, and any persons shall forthwith stop the work until authorized by the Building Official to proceed with the work.

RBC103.7 OCCUPANCY VIOLATIONS.

Whenever any structure is being used contrary to the provisions of this Code, the Building Official may order this use discontinued and the structure, or portion thereof, vacated by notice served on any person causing this use to be continued. Such person(s) shall discontinue the use within ten (10) calendar days after receipt of this notice or make the structure, or portion thereof, comply with requirements of the Code, provided, however, that in the event of an unsafe building, Section RBC112 of this Code shall apply.

RBC103.8 COOPERATION OF OTHER OFFICIALS.

The Building Official may request, and shall receive, so far as may be necessary in the discharge of the Building Official's duties, the assistance and cooperation of other officials of the Jurisdiction.

RBC103.9 AUTHORITY TO DISCONNECT UTILITIES.

The Building Official or the Building Official's authorized representative(s) shall have the authority to disconnect or to cause the disconnection of any utility service or energy supplied to a building, structure or building service equipment therein regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life and property. The Building Official shall, whenever possible, notify the serving utility, the property owner, and occupant of the building, structure, or building service equipment of the decision to disconnect prior to taking any action, and shall notify the serving utility, owner, and occupant of the building, structure, or building service equipment, in writing, of any disconnection immediately thereafter.

RBC103.10 AUTHORITY TO CONDEMN EQUIPMENT. When the Building Official ascertains that equipment, or a portion thereof, regulated by this Code has become hazardous to life, health or property, the Building Official shall order in writing that the equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice shall contain a fixed time limit for compliance with this order. Persons shall not use defective equipment after receiving a notice.

RBC103.11 CONNECTION AFTER ORDER TO DISCONNECT. Persons shall neither make connections from an energy, fuel or power supply nor supply energy or fuel to any equipment regulated by this Code that has been condemned, disconnected, or ordered to be disconnected by the Building Official, until the Building Official authorizes the reconnection and use of any equipment.

RBC103.12 AUTHORITY TO IMPOSE A FINE. The Building Official may impose an administrative fine in an amount of up to one thousand dollars (\$1,000.00) on any person (entity included) engaged in any construction consulting work or construction work covered by this Code within the Jurisdictions who engages in this work in violation of any provisions of this Code. Appeals to this action may be made as provided for elsewhere in this Code.

RBC103.13 AUTHORITY TO RECORD A CERTIFICATE OF ALLEGED NONCOMPLIANCE. The Building Official shall have authority to record a certificate of alleged noncompliance in the public records of the County of the Jurisdiction where a property is located thirty (30) calendar days after notice of noncompliance is posted on the premises or sent by registered mail or by certified mail, postage prepaid, return receipt requested, addressed to the record owner as such concerns any work done by any person, which work allegedly fails to comply with the final inspection requirements of this Code. Service is perfected under this Section at the earliest of the date of posting; the date the record owner receives the notice of non-compliance; the date shown on the return receipt, if signed on behalf of the record owner; or five (5) days after mailing. This Section does not prescribe the only means, or necessarily the required means, of serving a person in the State of Colorado. When the person has made appropriate corrections so that the work becomes compliant with this Code, the Building Official may record a release of the certificate of alleged non-compliance.

SECTION RBC104 - APPLICATION OF REGULATIONS

RBC104.1 APPLICABILITY TO BUILDINGS AND STRUCTURES.

RBC104.1.1 Existing Buildings. Buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements for new buildings or structures except as specifically provided in this Section.

RBC104.1.2 New Buildings, Structures or Equipment. This Code shall apply to all equipment, structures and buildings hereafter erected or installed.

RBC104.1.3 Moved Buildings. Buildings or structures moved into or within the Jurisdiction shall comply with the provisions of this Code for new buildings or structures.

RBC104.2 ADDITIONS, ALTERATIONS OR REPAIRS.

Additions, alterations, or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of this Code, provided the addition, alteration, or repair conforms to that required for a new building or structure. Additions, alterations, or repairs shall not cause an existing building or structure to become unsafe or overloaded. Any building so altered, which involves a change in the use of occupancy, shall not exceed the height, number of stories, and area permitted for new buildings. Any building plus new additions shall not exceed height, number of stories, and area specified for new buildings.

Exception: Alterations or repairs to an existing building or structure that are nonstructural and do not adversely affect any structural member or any part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed.

RBC104.3 EXISTING OCCUPANCIES.

Buildings in existence at the time of adoption of this Code may have their existing use or occupancy continued if the use or occupancy was legal at the time of adoption of this Code, provided the continued use is not dangerous to life. If any change is made in the use or occupancy of any existing building or structure, the provisions of SECTION RBC110 - of this Code must be complied with.

RBC104.4 MAINTENANCE OF BUILDINGS. All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards that are required by this Code in a building or structure when erected, altered, or repaired, shall be maintained in good working order. The owner or the owner's designated agent shall be responsible for the maintenance of buildings or structures.

RBC104.5 ALTERNATIVE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION.

The provisions of this Code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Code, provided that any such alternate has been approved. An alternative material, design, or method of construction shall be approved where the Building Official finds that the proposed alternative meets all of the following:

1. The alternative material, design, or method of construction is satisfactory and complies with the intent of the provisions of this Code.
2. The material, method, or work offered is for purpose intended, not less than the equivalent of that prescribed in this Code as it pertains to the following:
 - 2.1 Quality.
 - 2.2 Strength.
 - 2.3 Effectiveness
 - 2.4 Fire resistance.
 - 2.5 Durability.
 - 2.6 Safety.

Where the alternative material, design, or method of construction is not approved, the Building Official shall respond in writing, stating the reasons why the alternative was not approved.

RBC104.5.1 Acceptance Tests. Whenever there is insufficient evidence of compliance with the provisions of this Code, evidence that any material or any construction does not conform to the requirements of this Code, or in order to substantiate claims for alternate materials or methods of construction, the Building Official may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency.

Test methods shall be as specified by the Building Code for the material in question. If there are no appropriate test methods specified in the Building Code, the Building Official shall determine the test methods.

Copies of the results of all tests shall be retained for a period of not less than two (2) years after the acceptance of the structure.

RBC104.6 MODIFICATIONS. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Building Official may grant modifications for individual cases, provided the Building Official shall first find that a special individual reason makes the strict letter of this Code impractical and that the modification is in conformity with the intent and purpose of this Code, and that the modification does not lessen any life safety or fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the Building Department.

SECTION RBC105 - PERMITS

RBC105.1 PERMITS REQUIRED. Except as specified in Section RBC105.2 of this Code, no building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, changed in occupancy, or demolished unless a separate permit for each building or structure has first been obtained from the Building Official. A permit is also required to install, replace, or repair any electrical, gas, mechanical or plumbing system regulated by this Code.

RBC105.1.1 Annual Permit. Instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the Building Official may issue an annual permit upon application thereof to a licensed or registered contractor for a specific scope of work and discipline at a single premise. Inspections shall be required per SECTION RBC109 - of this Code.

RBC105.2 WORK EXEMPT FROM PERMITS.

RBC105.2.1 Construction and Installations. Permits shall not be required for the following:

Building:

1. One-story, detached accessory structures, as defined in the International Residential Code, provided that the floor area does not exceed 200 square feet (18.58 m²) and is supported directly on grade.
2. One-story, detached buildings used for weather protection, storage, or similar commercial uses, provided that the floor area does not exceed 120 square feet (11 m²) and is supported directly on grade.
3. Fences not more than 7 feet (2,134 mm) in height.
4. Oil derricks, flagpoles, and private antennas.
5. Retaining walls not more than 4 feet (1,219 mm) in height measured from the lower grade to the upper grade, unless supporting a surcharge from a structure or a grade slope greater than two (2) units horizontal to one (1) vertical or impounding Class I, II, or III-A liquids.
6. Water tanks supported directly on 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 two (2) to one (1).
7. Water tanks under the direct control of a utility purveyor located completely below grade with a capacity that does not exceed 5,000 gallons (18,927 L) and any equipment accessory to the tank.
8. Private sidewalks, driveways, and platforms supported directly on grade.
9. Detached decks in conjunction with one- and two-family dwellings not exceeding 200 square feet (18.58 m²) in area that are not more than 30 inches (762 mm) above grade at any point within 36 inches (914 mm) of the deck perimeter and do not serve the required egress door.
10. Replacement of any doors, windows, or fixed glazing, unless the rough opening dimensions are modified. Replacement of any window required as an emergency escape and rescue opening and safety glazing required due to a hazardous location must comply with the applicable provisions of the Building Code.
11. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
12. Temporary motion picture, television and theater stage sets, and scenery.
13. Above ground swimming pools accessory to one- and two-family dwellings and R-3 occupancies less than 24 inches (610 mm) deep and not more than 5,000 gallons (18,927 L).
14. Repairs to roofing and/or siding when the repair constitutes less than 100 square feet (9.29 m²).
15. Detached or attached shade cloth structures with fabric area not exceeding 200 square feet (18.58 m²) in conjunction one- and two-family dwellings.
16. Swings and other playground equipment.
17. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of one- and two-family dwellings and accessory structures.
18. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1,752 mm) in height.
19. Hydraulic flood-control structures.
20. Pedestrian and vehicular bridges not directly serving or constructed as part of a building or structure.
21. Where approved by El Paso County, agricultural buildings and agricultural structures located in unincorporated El Paso County, as defined in the El Paso County Land Development Code.

22. Where approved by El Paso County, non-public, non-residential buildings located in the A-35 District in unincorporated El Paso County, as defined in the El Paso County Land Development Code.
23. Temporary freestanding signs, limited to one (1) per year, not more than 7 feet (2,134 mm) in height and not more than 32 square feet (2.97 m²) in area.

Electrical:

1. Work exempt from permit subject to SECTION RBC307 - of this Code.

Gas:

1. Portable heating, cooking, or clothes drying appliances.
2. Replacement of any minor component that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating, ventilation, or cooking appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Evaporative coolers in connection with one- and two-family dwellings, where no structural elements or components are modified.

Plumbing:

1. The removal and reinstallation of plumbing fixtures provided the work does not involve the replacement or rearrangement of drain, waste, vent, or water pipes.
2. Repair of minor leaks.

RBC105.2.2 Public Service Agencies. No permit is required when the work performed is conducted by the personnel of, or for the use of, the public telephone and telegraph and messenger call companies operating under authority granted by the Jurisdiction and under bond to the Jurisdiction, or other public or private utilities that desire to install electrical wiring, electrical equipment, or related process piping and equipment on:

1. Installations of communication equipment under the exclusive control of communication utilities, located outdoors or in building spaces used exclusively for installations.
2. Installations under the exclusive control of electric or natural gas utilities for the purpose of communication, metering, or for the generation, control, transformation, transmission and distribution of electrical

energy or natural gas located in buildings used exclusively by utilities for these purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, or outdoors by established rights on private property.

These exemptions are not intended to exclude new buildings which house these installations.

RBC105.2.3 Emergency Work. All work performed on an emergency basis, as determined by the Building Official, to maintain an existing service or to maintain an existing installation, building, or structure, where the maintenance is necessary to protect life or property, shall not be subject to penalty if application for any required permits is made within seventy-two (72) hours after commencement of the emergency work.

RBC105.3 APPLICATION FOR PERMITS. Permits are required prior to the commencement of any work governed by this Code. To obtain a permit, the applicant shall first file an application as required by the Department. Every application shall contain the following:

1. Identification and description of the work to be considered as the scope of the permit;
2. Description of the land on which the proposed work is to be done by lot, block, tract, and house and street address or similar description that will readily identify and definitively locate the proposed building or work;
3. Identification and description of the proposed use and occupancy classification of all parts of the building;
4. Complete construction documents as required by SECTION RBC106 - of this Code.
5. A statement as to the valuation of the proposed work;
6. The signature of the applicant or the applicant's authorized agent, who may be required to submit evidence to indicate this authority; and
7. Any other reasonable information as may be required by the Building Official.

When work is commenced before a permit is issued, with the exception of work performed on an emergency basis pursuant to Section RBC105.2.3 of this Code, the applicant shall be required to pay fees according to the Building Permit Fee Schedule as adopted by the Jurisdiction.

RBC105.4 FRAUDULENT INTENT. Any permit issued in error, or for which the applicant is not qualified in accordance with the provisions of SECTION RBC201 - of this Code, or for which the applicant filed with fraudulent intent, shall thereby become null and void.

RBC105.5 PREREQUISITES TO PERMIT ISSUANCE.

RBC105.5.1 Approved Construction Documents. No permit shall be issued until the applicant has processed and received approval of the submittal documents required in accordance with SECTION RBC106 - of this Code.

RBC105.5.2 Municipal Services. No building permit shall be issued until the applicant has processed an application for water, wastewater, and drainage through the appropriate departments of the Jurisdiction or other applicable authorities, and the applicant has paid all fees pursuant to this application.

RBC105.6 ISSUANCE OF PERMITS. Upon satisfaction of the requirements in Sections RBC105.3 through RBC105.5 of this Code and payment of fees as specified in the Building Permit Fee schedule adopted by the Jurisdiction, the Building Official shall issue the applicant a permit to perform the proposed work provided that the applicant meets the qualifications of SECTION RBC201 - of this Code.

RBC105.7 PHASED PERMITS. The Building Official may issue a permit for the construction of any portion of a building or structure before the complete construction documents for the entire building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code and any other codes or requirements of the Jurisdiction, and all fees have been paid. The holder of this permit shall proceed at his or her own risk without assurance that the permit for the entire building or structure will be granted.

Phased permits may include, but are not limited to the following:

1. Foundation only.
2. Superstructure.
3. Core and shell.
4. Partial interior finish.

Exception: Phased permits may not be issued for the construction of one- and two-family dwellings and their accessory structures.

RBC105.8 EXPIRATION OF PERMITS.

RBC105.8.1 Administratively Closed Permits. Any permit issued by the Building Official under the provisions of this Code shall be administratively closed to further inspection requests if the permit holder does not request a valid inspection for the authorized work within six (6) months from the date of issuance of the permit.

Upon a request for extension, the Building Official may grant one extension of time not to exceed 180 days. Such extension of time shall be requested prior to permit expiration and shall demonstrate justifiable cause.

RBC105.8.1.1 Fee to Re-Open a Permit. Before work can be recommenced, a fee equal to one-half (½) the amount required for the original permit shall be paid to the Department, provided no changes have been made or will be made in the original construction documents and, provided further, that permit expiration has not exceeded one (1) year.

Upon review, the Building Official may allow recommencement of work on a permit that has been expired for more than one (1) year, provided a fee equal to the entire amount required for the original permit is paid to the Department.

RBC105.8.2 Voided Permits. Any permit issued by the Building Official under the provisions of this Code shall become null and void if all of the following occurs:

1. The permit holder does not request a valid inspection for the authorized work within one (1) year from the date of issuance of the permit, or the building or work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of one (1) year; and
2. The authorized work is not substantially complete in the opinion of the Building Official.

RBC105.8.2.1 New Permit Required. Before work can be recommenced, new plans shall be submitted, and a new permit shall be obtained. Any fees shall be in accordance with the current Building Permit Fee Schedule as adopted by the Jurisdiction.

RBC105.9 SUSPENSION OR REVOCATION OF PERMIT. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provisions of this Code.

RBC105.10 CONVEYANCE PERMITS. No person, agency, subdivision or department thereof, shall alter, modify, or newly install any conveyance governed by SECTION RBC310 - of this Code without first having obtained a permit for the alteration, modification, or newly installed device without having obtained a permit from the Building Official.

RBC105.10.1 Application for Permits. To obtain a permit for the operation of a conveyance governed by this Code, the applicant shall first file

an application therefor in writing on a form furnished by the Department. Every application shall contain the following:

1. The address of the site where the conveyance is to be operated.
2. A complete description of the device, including exact location, for which the application is made.
3. A description of the use for which the device is intended to be used.
4. The signature of the applicant or the applicant's authorized agent.
5. Any other reasonable information as may be requested by the Building Official.

RBC105.10.2 Authorized Applicants. Authorized applicants for the permit of operation or construction of conveyance devices shall be required per SECTION RBC310 - of this Code.

RBC105.10.3 Issuance of Permits. The application and substantiating information filed by an applicant shall be reviewed by the Building Official for accuracy and compliance with this Code. These documents may be reviewed by other departments of the Jurisdiction to assure compliance with the laws, ordinances, rules, and regulations under their jurisdiction. When the Building Official is satisfied that the device described in the application complies with all applicable regulations, has successfully passed required inspections, and that required fees have been paid, the Building Official shall issue a permit to the applicant.

RBC105.10.4 Suspension or Revocation of Permit. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit has been issued in error or on the basis of incorrect information supplied, or in violation of any other provisions of this Code.

RBC105.10.5 Inspection of Premises. Inspection(s) shall be conducted per the requirements of SECTION RBC310 - of this Code.

RBC105.11 PERMITS ISSUED BY THE FIRE AUTHORITY. Permits for installation of any Fire Protection, Suppression, Extinguishing, or Fire Alarm Systems shall be issued by the Fire Authority.

SECTION RBC106 - CONSTRUCTION DOCUMENTS

RBC106.1 GENERAL. Construction documents shall be reviewed and approved by the Building Official prior to the issuance of a permit for the proposed work.

Exception: The Building Official is authorized to waive the submission of construction documents if it is found that the scope of proposed work is such that review of construction documents is not necessary to obtain compliance with this Code.

RBC106.2 CONSTRUCTION DOCUMENTS. Construction documents shall be prepared in accordance with Section RBC106.2.1 through RBC106.2.7 .

RBC106.2.1 Information Required.

Construction documents shall be of sufficient clarity to indicate the scope of work proposed and show in detail that the work will conform to the provisions of this Code and all applicable laws, ordinances, rules, and regulations. Construction documents shall include a Code Study Form for all commercial projects and architectural, structural, plumbing, mechanical, and electrical plans and details as applicable to the proposed scope of work.

RBC106.2.2 Scale and format. Construction documents shall be drawn to a minimum scale of one eighth (1/8) inch = one (1) foot (1:96) for the primary description of scope of work. Lettering shall be a minimum size of one eighth (1/8) inch in height. Construction documents shall be drawn and submitted upon substantial paper, plastic or cloth of a minimum eighteen (18) inches by twenty-four (24) inches in size, or by an approved electronic means.

Exception: Construction documents may be submitted on material of minimum eight and one half (8½) inches by eleven (11) inches in size for any of the following:

1. Structures accessory to one- and two-family dwellings.
2. Structures or equipment of a minor nature such that the construction documents are of a sufficient clarity to meet the minimum requirements of Section RBC106.2.1 of this Code.

RBC106.2.3 Project data. The first sheet of each set of construction documents shall provide the building and street address of the proposed work, the name and address of the firm or person who prepared them, and a sheet index listing all pages within the construction documents.

RBC106.2.4 Site plan. The construction documents shall be accompanied by a site plan showing the location of the proposed work and location of every existing building on the property. The site plan shall be drawn to scale or adequately dimensioned to indicate all building sizes, distances from buildings to lot lines, and distances between all proposed and existing buildings. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

RBC106.2.5 Calculations. When requested by the Building Official, calculations indicating the determination of any or all structural, mechanical, plumbing, and electrical design features and other necessary data sufficient to show compliance with this Code shall be submitted.

RBC106.2.6 Registered Design Professional required. Construction documents shall be prepared by and bear the seal and signature of a registered design professional licensed in the State of Colorado.

Exceptions:

1. Structures complying with SECTION RBC303 - of this Code, excluding the foundation design unless permitted by this Code.
2. Any building of Group R-2 occupancy with no more than four (4) continuous units in which no dwelling unit or portion thereof is located directly above another dwelling unit, excluding the foundation design.
3. Any building of Group F-2, S-2 or U occupancy that neither exceeds five thousand (5,000) square feet in floor area nor one story in height, excluding a one-story basement, and is not designed for occupancy by more than ten (10) persons in accordance with SECTION RBC302 - of this Code, excluding the foundation design.
4. Additions, alterations, or repairs to the foregoing buildings that do not cause the completed buildings to exceed the applicable limitations set forth above.
5. Nonstructural alterations of any nature to any building if the alterations do not affect the life-safety of the building.
6. Pole signs having a moment at the base of not more than seventy-five thousand

(75,000) foot-pounds.

RBC106.2.7 Special Conditions. Where special conditions exist, the Building Official is authorized to:

1. Require additional construction documents be prepared by a registered design professional.
2. Require unlisted construction materials, equipment, and appliances be evaluated and approved by a nationally recognized testing laboratory (NRTL).

RBC106.3 EXAMINATION OF DOCUMENTS.

The Building Official shall examine or cause to be examined the construction documents and accompanying submittal documents and shall ascertain by such examination whether the construction indicated as described is in accordance with the requirements of this Code and other applicable laws, ordinances, rules, and regulations. Construction documents may be reviewed by other departments of the Jurisdiction to verify compliance with applicable laws, ordinances, rules, and regulations. The Building Official and the Jurisdiction are hereby authorized to require revision to the construction documents until the documents demonstrate satisfactory compliance with this Code and applicable laws, ordinances, rules, and regulations.

RBC106.4 APPROVAL OF DOCUMENTS.

Construction documents complying with the provisions of this Code, and approved by the Building Official, shall be "Released for Permit" and shall bear the "Released for Permit" stamp on each page thereof and each set of specifications. Approval of construction documents shall not be construed, interpreted, or argued to be an approval of any violation of this Code or any other code, or applicable laws, ordinances, rules, and regulations, if a violation is included in the approved drawings or specifications, and shall not relieve or exonerate any person or entity from the responsibility of complying with the provisions of this Code or any other code, laws, ordinances, rules, and regulations.

RBC106.4.1 Phased approval. In accordance with Section RBC105.7 of this Code, the Building Official may examine and approve phased construction documents for foundations or any other portion of a building or structure.

Exception: One- and two-family dwellings and accessory structures.

RBC106.4.2 Deferred submittals. Where approved by the Building Official, submittal items may be deferred. Deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the Building Official.

RBC106.5 AMENDED CONSTRUCTION DOCUMENTS (SPLICES).

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be submitted for approval as an amended set of construction documents.

RBC106.6 DISTRIBUTION OF DOCUMENTS.

The approved construction documents shall be returned to the applicant after the Building Department has recorded a digital image record of the approved construction documents. Approved construction documents shall be kept on the job site at all times while the authorized work is in progress. The Building Department shall retain digital image records for a period of not less than ninety (90) calendar days after date of completion of the work.

RBC106.7 EXPIRATION OF DOCUMENTS.

Approved construction documents for which no permit is issued within six (6) months following the date of final department approval shall expire and the construction documents may thereafter be retrieved by the applicant or be destroyed by the Building Department.

RBC106.7.1 Extension of Approval. The Building Official may extend the approval of the construction documents for a period not to exceed six (6) months upon request by the applicant. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

SECTION RBC107 - TEMPORARY STRUCTURES

RBC107.1 GENERAL. The provisions of this Section shall apply to temporary structures erected for a period of less than 180 days. The Building Official is authorized to grant a single extension of up to 180 days for demonstrated good cause.

EXCEPTION: Special event structures, tents, umbrella structures, and other membrane structures erected for a period of less than 180 days shall comply with the Fire Code as adopted by the Fire Authority.

RBC107.1.1 Conformance. Temporary structures shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, electrical, and sanitary requirements of this Code as necessary to ensure the public health, safety, and general welfare.

RBC107.1.2 Permit Required. Temporary structures not exempt from the permit requirements of Section RBC105.2 of this Code that cover an area greater than 120 square feet (11.6 m²) and are used or intended to be used for the gathering of 10 or more persons shall not be

erected without obtaining a permit from the Building Official.

RBC107.1.3 Construction documents. Construction documents shall be submitted for each installation of a temporary structure. The construction documents shall include a site plan indicating the location of the temporary structure and information delineating the means of egress and the occupant load. The Building Official is authorized to require the submission of additional construction documents to ensure satisfactory compliance with this Code.

EXCEPTION: The Building Official is authorized to waive the submission of construction documents if it is found that the scope of proposed work is such that review of construction documents is not necessary to obtain compliance with this Code.

RBC107.1.4 Means of egress. Temporary structures shall conform to the means of egress requirements of Chapter 3 of this Code and shall have an exit access travel distance of 100 feet (30.48 m) or less.

SECTION RBC108 - PERMIT FEES

RBC108.1 PAYMENT OF FEES. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

RBC108.2 SCHEDULE OF PERMIT FEES. On buildings, structures, electrical, gas, mechanical and plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the Building Permit Fee Schedule as established by the Jurisdiction.

RBC108.3 BUILDING PERMIT VALUATIONS. The applicant for a permit shall provide an estimated permit value at time of application in order for the Building Department to calculate the permit fee. Permit valuations shall include the total value of work, including labor and materials, for which the permit is issued. This shall include such items as, but not limited to, profit, design, and construction activity, as well as electrical, gas, mechanical, plumbing equipment and permanent systems. Final building permit valuation shall be set by the Building Official.

RBC108.4 WORK COMMENCING BEFORE PERMIT ISSUANCE. Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established in accordance with the Building Permit Fee Schedule as adopted by the Jurisdiction.

RBC108.5 RELATED FEES. The payment of the fee for the construction, alteration, removal, or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

RBC108.6 REFUNDS. The Building Official may authorize the following refunds:

1. Any fee which was erroneously paid or collected.
2. Not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than eighty percent (80%) of the plans examination fee paid when no plans examination has been conducted on a plan submitted in accordance with this Code.

SECTION RBC109 - INSPECTIONS

RBC109.1 GENERAL. Construction work for which a permit is required shall be subject to inspection by the Building Official, and such construction work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed, interpreted, or argued to be an approval of any violation of the provisions of this Code or of other laws, ordinances, rules, or regulations, and shall not relieve or exonerate any applicant from the responsibility of complying with the provisions of this Code or of other laws, ordinances, rules, or regulations. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the Building Official nor the Jurisdiction(s) shall be liable for the expense(s) incurred in the removal or replacement of any material(s) required to allow inspection.

RBC109.2 INSPECTION ACCESS. It shall be the duty of the owner or owner's authorized agent or permit holder requesting inspections to provide access to and means for proper inspection.

RBC109.3 REQUIRED INSPECTIONS. It shall be the responsibility of the permit holder to request and complete all required inspections in a timely manner as determined by the Building Official. As applicable, the Building Official shall perform the required inspections for the work under the scope of the permit and shall either approve that portion of work as completed or shall notify the permit holder or the permit holders' agent wherein the same fails to comply with the requirements of this Code. Noted deficiencies shall be corrected within thirty (30) calendar days or as required by the Building Official. Reasonable extensions may be granted by the Building Official.

RBC109.4 OCCUPANCY. All required inspections must be completed, and all regulated work must be approved by the Building Official prior to the use or occupancy of any building.

RBC109.5 ENERGY CONNECTIONS. No person shall make connections from a source of energy to any system or equipment regulated by this Code and for which a permit is required until approved by the Building Official.

RBC109.6 TEMPORARY CONNECTIONS. The Building Official may authorize temporary connection of the equipment to the source of energy for the purpose of testing the equipment or for use under a temporary certificate of occupancy.

RBC109.7 WORK COVERED BEFORE INSPECTION. Work shall not be done beyond the

point indicated in each successive inspection without first obtaining the approval of the Building Official. Whenever any work is covered or concealed by additional work without first having been inspected as required, the Building Official may order, by written notice, that the work be exposed for examination.

RBC109.8 THIRD PARTY INSPECTIONS.

RBC109.8.1 Special Inspections. Special inspections shall be required per SECTION RBC302 - of this Code.

RBC109.8.2 Observation by Registered Design Professional. Where approved by the Building Official, observation of the construction of buildings, or portions thereof, structures or portions thereof, or utilities to which required construction documents pertain shall be performed by or under observation of the registered design professional.

RBC109.8.3 Third Party Inspections. A third party, where approved by the Building Official, may conduct inspections and prepare reports for construction and code related requirements for, but not limited to, building system performance and energy testing, provided such third party satisfies the requirements as to qualifications, certifications, and reliability as required by the Building Official.

RBC109.9 APPROVALS REQUIRED. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. A survey of the lot may be required by the Building Official to verify compliance of the structure with approved documents.

RBC109.10 ADDITIONAL INSPECTIONS. In addition to the normally required inspections, the Building Official may, at any time, make other inspections of the work in progress to ascertain compliance with the provisions of this Code.

RBC109.11 REINSPECTIONS. The Building Official has the right to re-inspect any premises within the Jurisdictions. These inspections may be made from time to time during reasonable hours and upon notice to occupants, and are made to determine if the requirements of this Code are continually met and that the premises are kept in accordance with the requirements of this Code.

SECTION RBC110 - CERTIFICATES OF OCCUPANCY

RBC110.1 CERTIFICATE REQUIRED.

RBC110.1.1 New Use or Occupancy. No new building or structure or portion thereof requiring a permit in accordance with SECTION RBC105 - of this Code shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefor as provided herein.

Exceptions:

1. Group U Occupancies.
2. Manufactured buildings in accordance with Section RBC309.15 of this Code.
3. Work exempt from permit in accordance with Section RBC105.2 of this Code.

RBC110.1.2 Change in Occupancy or Use. No change shall be made in the character of occupancy or use of any building that would place the building in a different occupancy classification or higher risk category, unless the building is made to comply with the requirements of this Code. A change in use, without a change in occupancy classification, to a use that causes an increase in the occupant load of greater than ten percent (10%) of the original use shall require compliance with the requirements of this Code the same as required by a change to another occupancy classification. A new certificate of occupancy shall be issued for all changes in occupancy or use as provided herein.

Exception: A new certificate of occupancy is not required when the change of use is from a Group B to Group M occupancy or vice versa provided the resulting occupant load does not exceed fifty (50) occupants.

RBC110.2 CERTIFICATE ISSUED. After the Building Official conducts final inspections and determines that the building or structure complies with the provisions of this Code and other applicable requirements including but not limited to zoning, planning, fire, health, and engineering, the Building Official shall issue a certificate of occupancy. The building or structure shall not be occupied until the certificate of occupancy is issued. The certificate of occupancy shall contain:

1. The address of the building or structure.
2. Permit number.
3. A statement that the building or structure or portion thereof has been inspected for compliance with the requirements of this Code.
4. The use and occupancy for which the certificate of occupancy is issued.
5. The name of the Building Official.

RBC110.3 COMPLIANCE REQUIRED. The Building Official shall not issue a certificate of occupancy to any owner who has not complied with the requirements imposed on the owner by the Jurisdiction whether by ordinance, resolution, contract, or otherwise. The site improvements including, but not limited to, landscaping, paving, and lighting shall be completed in accordance with the plans submitted and approved before a certificate of occupancy may be issued.

RBC110.4 TEMPORARY CERTIFICATES. A temporary certificate of occupancy may be issued by the Building Official for the use of a building or structure or portion(s) thereof prior to the completion of the entire building or structure provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

RBC110.4.1 Phased temporary certificates. The Building Official may issue a phased temporary certificate of occupancy for a building or structure upon approval of a required phased occupancy plan meeting the requirements of Section RBC110.2 of this Code.

RBC110.5 CERTIFICATE TO BE POSTED. The certificate of occupancy or temporary certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

SECTION RBC111 - BOARD OF REVIEW AND ADVISORY COMMITTEES

RBC111.1 BOARD OF REVIEW ESTABLISHED. In order to carry out and accomplish the provisions and objectives of this Code, there is hereby created a board to be known and referred to as the Board of Review.

The Board of Review shall be composed of five (5) members to be composed as follows:

1. Registered Engineer (structural, electrical, or mechanical).
2. Architect licensed by the State of Colorado.
3. Building Contractor A or B (commercial work).
4. Building Contractor A, B, or C (home builder).
5. Citizen at Large experienced in building construction.

RBC111.2 AUTHORITY AND RESPONSIBILITY OF BOARD OF REVIEW. The Board of Review shall have authority and responsibility as set forth in this Section.

RBC111.2.1 Proposal of Rules, Regulations and Standards. The Board shall propose rules, regulations, and standards as may be necessary to accomplish the purposes and objectives of this Code. All rules, regulations, and standards, as may be proposed for adoption by the Board of Review shall be subject to final approval of the appropriate legislative body of the Jurisdictions. All rules and regulations, upon adoption, shall be reduced to writing and kept available for public inspection in the office of the Building Official and the Clerks of the Jurisdictions.

RBC111.2.2 Licenses and Registrations. The Board of Review shall act as the duly authorized authority for granting and revoking all licenses and registrations provided for in this Code.

RBC111.2.3 Interpretation of Code. The Board is charged with reasonable interpretation of this Code. The Board of Review may grant minor variances from the provisions of this Code, provided the Board finds that at least one of the following conditions exists:

1. The true intent of the applicable code has been incorrectly interpreted.
2. The provisions of the applicable code do not fully apply.
3. An equally good or better form of construction is proposed.

RBC111.3 ADVISORY COMMITTEES; PURPOSE. Advisory committees shall be established as advisory to the Board of Review. These committees shall review all appeals with power and authority to interpret and recommend

minor variances from this Code and shall examine all applicants and attest as to their fitness and qualifications for licenses and registrations.

RBC111.4 ADVISORY COMMITTEES; COMPOSITION AND FUNCTIONS.

RBC111.4.1 Technical Committee. The Technical Committee shall review all matters and appeals with power and authority to interpret and recommend minor variances from this Code. The Technical Committee shall be composed of seven (7) members as follows:

1. Architect licensed by the State of Colorado.
2. Professional Engineer licensed by the State of Colorado (civil - structural).
3. Building Contractor A, B, or C.
4. Mechanical Contractor A.
5. Electrical Contractor licensed by the State of Colorado.
6. Master Plumber licensed by the State of Colorado.
7. Building Contractor D, E, or subcontractor.

RBC111.4.2 Licensing Committee. The Licensing Committee shall review applications for licenses and the performance of work required under the Commercial Building Code, the Residential Building Code, the Existing Building Code, the Mechanical Code, the Fuel Gas Code, the Energy Conservation Code, the Manufactured Building Code and review applications for registration under the Electrical and Plumbing Codes as well as the performance of work under the Elevator and Escalator Safety Code. The Licensing Committee shall be composed of seven (7) members as follows:

1. Architect licensed by the State of Colorado.
2. Professional Engineer licensed by the State of Colorado (mechanical) or Mechanical Contractor A.
3. Building Contractor A.
4. Contractor (building, mechanical, plumbing, or electrical).
5. Building Contractor C.
6. Officer of a financial institution.
7. Citizen at Large.

RBC111.5 BOARD AND COMMITTEE MEMBER APPOINTMENTS, ORGANIZATION AND MEETINGS. Members of the Board of Review and advisory committees shall be governed by this Section.

RBC111.5.1 Appointments. Members shall be appointed by the Board of County Commissioners of the County of El Paso in conjunction with the City Council of the City of Colorado Springs, acting as individual bodies, but in agreement.

RBC111.5.2 Terms. A term of service shall be for two (2) consecutive three (3)-year terms unless to fill a vacancy. After the two (2) consecutive terms are completed, members shall serve as an alternate member for an additional two (2) years. In the event that a quorum cannot be established, an alternate member may be asked to attend prior to the scheduled meeting.

RBC111.5.3 Election of Officers. The board(s) and committee(s) shall, as its first official act in each year, elect a chair and vice chair.

RBC111.5.4 Minutes. Minutes shall be maintained of all meetings and be made a permanent public record.

RBC111.5.5 Meetings. The board(s) or committee(s) shall meet as necessary for the conduct of business. To constitute a quorum, at least a majority of the entire membership shall be present.

RBC111.5.6 Vacation of Office. Members shall be dropped from the board(s) or committee(s) on which they serve for failure to attend a minimum of seventy-five percent (75%) of the scheduled meetings in any consecutive twelve (12) month

period unless, in the opinion of the appointing Council or Commission, good cause can be shown for failing to be present at the meetings. Such dismissal shall constitute the conclusion of one term of service.

RBC111.6 LIABILITY OF MEMBERS. No member of any board or committee provided for herein, acting in good faith and without malice for the Jurisdictions in the discharge of the member's duties shall thereby render the member personally liable. All board and committee members are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required, or by reasons of any act or omission related to the discharge of the member's duties. Any suit brought against a member or members of the board(s) or any committees, as provided for herein, because of any act or omission performed by the member in the discharge of the member's duties, shall be defended by the Jurisdiction(s) according to the location of the property that is subject to the act or omission that resulted in the suit, until final termination of the proceedings.

RBC111.7 FIRE BOARD OF APPEALS. When appointed by the Jurisdiction, Fire Authority or both, the Fire Board of Appeals shall have power and authority as assigned by the Jurisdiction, Fire Authority or both.

SECTION RBC112 - DANGEROUS BUILDINGS

RBC112.1 GENERAL PROVISIONS.

RBC112.1.1 Title. This Section shall be known and cited as the Dangerous Building Code.

RBC112.1.2 Purpose and Scope of Regulations.

RBC112.1.2.1 Purpose. It is the purpose of these provisions to provide a just, equitable, and practicable method, to be cumulative with and in addition to, any other remedy provided by this Code, or the Housing Code, as applicable, or otherwise available at law, whereby buildings or structures that from any cause endanger the life, limb, health, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished.

RBC112.1.2.2 Scope. The provisions of Section RBC112 of this Code shall apply to all dangerous buildings, as herein defined, that are now in existence, or that may hereafter be constructed in the Jurisdiction(s).

See Appendix C of this Code for additional modifications to this Section by the Board of County Commissioners of El Paso County, Colorado.

RBC112.1.3 Administration. The Building Official is hereby authorized to enforce the provisions of this Section.

RBC112.1.4 Board of Appeals. In order to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, there is hereby established a Board of Appeals of five (5) members who are not employees of the Jurisdiction(s) or the Department, except that the Building Official shall be an ex officio member of and shall act as secretary to this Board. The Board shall be composed of the five (5) members of the Board of Review. The Board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Appeals to the Board shall be processed in accordance with the provisions contained in Section RBC112.3 of this Code. Copies of all rules and regulations adopted by the Board shall be delivered to the Building Official, who shall make them freely accessible to the public.

RBC112.1.5 Inspections. The Jurisdiction's Health Officer, the Fire Chief of the Fire Authority, and the Building Official, and any of their authorized representative(s), are hereby authorized to make any inspection(s) and take any action(s) as may be required to enforce the

provisions of SECTION RBC112 - of this Code. (this "Section").

All buildings or structures within the scope of this Section and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by SECTION RBC109 - of this Code.

RBC112.1.6 Right of Entry for Inspections.

RBC112.1.6.1 Authorized Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Section, or whenever the Building Official or the Building Official's authorized representative(s) has reasonable cause to believe that there exists in any building or upon any premises any condition that makes a building or premises dangerous as defined in Section RBC112.1.7 of this Code, the Building Official or the Building Official's authorized representative(s) may enter this building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Building Official by this Code, provided that:

1. If this building or premises is occupied, the Building Official or the Building Official's authorized representative(s) shall first present proper credentials and demand entry; and
2. If this building or premises is unoccupied, the Building Official or the Building Official's authorized representative(s) shall first make a reasonable effort to locate the owner or other persons having charge, care, or control of the building or premises and demand entry. If entry is refused or not timely provided, the Building Official or the Building Official's authorized representative(s) shall have recourse to every remedy provided by law to secure entry. The fees and costs incurred by the Department in pursuing such remedies shall be charged against the property or its owner.

RBC112.1.6.2 Authorized Representative. "Authorized representative" shall include the officers named in Section RBC112.1.5 of this Code and their authorized inspection personnel.

RBC112.1.6.3 Permission of Entry. No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made herein provided, to promptly permit entry therein by the Building Official or

the Building Official's authorized representative(s) for purpose(s) of inspection and examination pursuant to this Code. Any person violating this Section shall be guilty of a misdemeanor.

RBC112.1.7 Definitions. The following terms, as used in this Section, shall have the meanings hereinafter designated, unless the context specifically indicates otherwise, or unless such meaning is excluded by express provision.

Dangerous Building. For the purpose of this Section, any building or structure that has one or more of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that the conditions or defects exist to the extent that the life, limb, health, property, safety, or welfare of the public or its occupants are endangered:

1. Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire, earthquake, wind, flood, explosion, emergency, any other cause, or panic.
2. Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1½) times the working stress or stresses allowed in this Code for new buildings of similar structure, purpose, or location.
3. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, explosion, or by any other cause, to an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of this Code for new buildings of similar structure, purpose, or location.
4. Whenever any portion of a member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
5. Whenever any portion of a building or structure, or any member, appurtenance or ornamentation on the exterior thereof is found to be of insufficient strength or stability, or it is not anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (½) of that specified in this Code for new buildings of similar structure, purpose, or location without exceeding the working stresses

permitted in this Code for new buildings.

6. Whenever any portion thereof has cracked, warped, buckled, or settled to an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
7. Whenever the building or structure, or any portion thereof, is likely to partially or completely collapse because of:
 - 7.1. Dilapidation, deterioration, or decay;
 - 7.2. Faulty construction;
 - 7.3. Removal, movement, or instability of any portion of the ground necessary for the purpose of supporting the building or structure;
 - 7.4. Deterioration, decay, or inadequacy of the foundation; or
 - 7.5. Any other cause.
8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
9. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base.
10. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage, deterioration, or decay of its supporting member or members, or fifty percent (50%) damage, deterioration, or decay of its non-supporting members, enclosing or outside walls or coverings.
11. Whenever the building or structure has been so damaged by fire, earthquake, wind, flood, explosion, or by any other cause, or has become so dilapidated, deteriorated, or decayed as to become:
 - 11.1. An attractive nuisance to child(ren);
 - 11.2. A harbor for vagrants, trespassers, criminals, or immoral persons; or as to
 - 11.3. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
12. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to the building or structure provided by this Code, the Housing

Code, or of any law, ordinance, rule, or regulation of the State or the Jurisdiction relating to the condition, location, use, occupancy, or structure of building.

13. Whenever any building or structure that, whether or not erected in accordance with the provisions of this Code and all other applicable laws, ordinances, rules, and regulations has in any non-supporting part, member or portion, less than fifty percent (50%), or in any supporting part, member or portion, less than sixty-six percent (66%) of the:

- 13.1. Strength;

- 13.2. Fire-resistance rating characteristics; or

- 13.3. Weather-resisting qualities or characteristics required by the provisions of this Code and all other applicable laws, ordinances, rules, and regulations in the case of a newly constructed building of like area, height, and occupancy in the same location.

14. Whenever a building or structure, used for dwelling purposes, because of inadequate maintenance, dilapidation, deterioration, decay damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Officer to be unsanitary, unfit for human habitation, or in a condition that is likely to cause sickness or disease.

15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, decay damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or any other cause, is determined by the Fire Chief of the Fire Authority to be a fire hazard.

16. Whenever any building or structure is in a condition to constitute a public nuisance known to the common law or in equity jurisprudence.

17. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute a building or portion thereof as an attractive nuisance or hazard to the public.

RBC112.2 ABATEMENT OF DANGEROUS BUILDINGS

RBC112.2.1 Public Nuisance Declared. All buildings or structures, or portions thereof, that are determined, after inspection by the Building Official, to be dangerous as defined in Section RBC112.1.7 of this Code are hereby declared to be public nuisances and shall be abated by repair, demolition, or removal in accordance with the requirements of this Section. The Building Official shall have authority and discretion to interpret compliance specific to non-material matters.

RBC112.2.2 Comply with Applicable Codes. All buildings or structures that are required to be repaired under the provisions of this Section shall be subject to the provisions of Chapter 3 of this Code, and the applicable codes adopted by reference therein.

RBC112.2.3 Commence Abatement Proceedings. Whenever the Building Official has inspected, or caused to be inspected, any building(s) or structure(s) and has found and determined that a building or structure is a dangerous building, the Building Official shall commence proceedings to cause the repair, vacation, or demolition of the building.

RBC112.2.4 Notice and Order to Abate. The Building Official shall issue a notice and order directed to the record owner (herein, also referred to as the "owner") of the building or structure. The notice and order shall contain:

1. The street address and a legal description sufficient to identify the premises upon which the building or structure is located.
2. A statement that the Building Official has found the building to be dangerous, with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section RBC112.1.7 of this Code.
3. A statement of the action required to be taken, as determined by the Building Official.

- 3.1. If the Building Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within an appropriate amount of time (not to exceed sixty (60) calendar days from the date of the notice and order) and completed within an appropriate amount of time, as the Building Official determines to be

reasonable under all of the circumstances.

- 3.2.** If the Building Official has determined that the building or structure must be vacated, the notice and order shall require that the building or structure be vacated within a time certain from the date of the notice and order, as determined by the Building Official to be reasonable.
- 3.3.** If the Building Official has determined that the building or structure must be demolished, the notice and order shall require that the building or structure, as applicable, be vacated within an appropriate amount of time, as the Building Official determines to be reasonable (not to exceed sixty (60) calendar days from the date of the notice and order); that all required permits be secured therefor within sixty (60) calendar days from the date of the notice and order, and that the demolition be completed within an appropriate amount of time, as the Building Official determines to be reasonable.
- 4.** Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time(s) specified, the Building Official:
 - 4.1.** Will order the building vacated and posted "Do Not Occupy" to prevent further occupancy until the work is completed; and
 - 4.2.** May proceed to cause the work to be done and charge the costs thereof against the property or its owner.
- 5.** Statements advising:
 - 5.1.** That any person having any record title or legal interest in the building or structure may appeal from the notice and order or any action of the Building Official to the Board of Appeals, provided the appeal is made in writing as provided in this Code, and filed with the Building Official within thirty (30) calendar days from the date of service of the notice and order; and
 - 5.2.** That failure to appeal will constitute a waiver of all right(s) to an

administrative hearing and determination of the matter, in which case, the notice and order shall be considered final agency action for all purposes under Colorado law.

RBC112.2.5 Service of Notice and Order.

RBC112.2.5.1 To Whom Made. The notice and order, and any amendment(s) or supplement(s) thereto, shall be served upon the owner and posted on the property; and one copy thereof shall be served on each of the following, if known to the Building Official or reasonably discoverable from official public records;

- 1.** The holder of any mortgage, deed of trust, other lien, or encumbrance of record;
- 2.** The owner or holder of any lease of record; and
- 3.** The holder of any other estate or legal interest of record in or to the building, structure, or the land on which the building or structure is located.

The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served, or relieve any person from any duty or obligation imposed on the person by the provisions of this Section.

RBC112.2.5.2 Method of Service. Service of the notice and order shall be made upon all persons entitled thereto:

- 1.** Either personally or by mailing a copy of the notice and order by registered mail or by certified mail, postage prepaid, return receipt requested, addressed to the person at the address as it appears on the assessment roll of the County or as known to the Building Official; and
- 2.** by posting the notice and order on the premises. If no address of any persons so appears or is known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to the person, at the address of the building or structure involved in the proceedings. The failure of any person to receive the notice and order shall not affect the validity of any proceedings taken under this Section. Service by registered mail or by certified mail in the manner herein provided shall be effective on the date of mailing. Service by posting in the manner herein

provided shall be effective the date of posting.

RBC112.2.5.3 Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by registered or by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.

RBC112.2.6 Notice to Vacate. Every notice to vacate shall, in addition to being served as provided in Section RBC112.2.5 of this Code above, be posted at or upon each exit of the building or structure on the premises, and shall be in substantially the following form:

DANGEROUS BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy the building or structure, or to remove or deface this notice.

Building Official

Pikes Peak Regional Building Department

Whenever this notice is posted, the Building Official shall include a notification thereof in the notice and order issued under Section RBC112.2.4 of this Code, reciting the emergency and specifying the conditions that necessitate the posting. No person shall remain in or enter any building or structure that has been so posted, except that entry may be made to repair, demolish, or remove the building or structure under permit(s). No person shall remove or deface this notice after it is posted until the required repairs, demolition, or removal has been completed and a certificate of occupancy issued pursuant to the provisions of this Code. Any person violating this Section shall be guilty of a misdemeanor.

RBC112.2.7 Record Notice and Order; Certificate(s). Upon initiation of service of the notice and order, the Building Official shall file for recording in the office of the County Clerk and Recorder of the Jurisdiction a certificate describing the property and certifying:

1. That the building or structure is a dangerous building; and
2. That the owner is being so notified.

Whenever the Building Official's notice and order has been reversed on appeal, or the corrections

ordered shall thereafter have been completed, or the building has been demolished so that it no longer exists as a dangerous building on the property described on the certificate, the Building Official shall file a new certificate with the County Clerk and Recorder certifying that the notice and order has been terminated because the building or structure has been demolished, or all required corrections have been made so that the building or structure is no longer dangerous, whichever is appropriate.

RBC112.2.8 Standards for Repair, Vacation, or Demolition. The following standards shall be followed by the Building Official (and by the Board of Appeals, if an appeal is taken) in ordering the repair, vacation, or demolition of any dangerous building or structure.

RBC112.2.8.1 Order to Repair. Where the Building Official determines that any building or structure declared as a dangerous building under Section RBC112.1 of this Code may reasonably be repaired in accordance with the current Building Code, the Building Official shall order this action. An owner ordered to effect repairs under this paragraph may elect to have the building or structure demolished.

RBC112.2.8.2 Order to Demolish. Where the Building Official determines that repair in accordance with the provisions of Section RBC112.2.8.1 of this Code above cannot reasonably be accomplished, the Building Official shall order the building or structure demolished.

RBC112.2.8.3 Order to Vacate. If the building or structure is in a condition as to make it immediately dangerous to life, limb, health, property, or the safety or welfare of the public or its occupants, the Building Official shall order the building vacated. The Building Official may also take action under Section RBC112.2.10 of this Code relating to Emergency Orders.

RBC112.2.9 Vacant Buildings.

RBC112.2.9.1 Cleanup and Securing of Property. Whenever a building or structure becomes vacant or unoccupied, the owner or agent of the building or structure shall remove therefrom and from the lot and exterior premises on which the building or structure is located all paper, trash, rubbish, refuse, garbage, or combustible material(s) accumulated thereon, and shall securely close and keep closed all doors, windows, or the other openings into the building or structure

for as long as the building or structure remains vacant or unoccupied.

RBC112.2.9.2 Order to Cleanup and Secure. In the event the owner, occupant or other person responsible for the condition of any vacant building or structure fails or refuses to remove all paper, trash, rubbish, refuse, garbage, or combustible material(s) accumulated thereon, or upon the lot and exterior premises on which the building or structure is located, or fails or refuses to securely close and keep closed all doors, windows, or other openings into the building or structure, the Building Official shall order the same to be done without delay.

RBC112.2.9.3 Giving or Serving of Order or Notice. Any order or notice by the Building Official to clean up or secure a vacant building or structure shall be given or served upon the owner, occupant, or other person responsible for the condition of the vacant building or structure by verbal notification or personal service, and by posting on the premises. Where personal service cannot be made, a copy thereof shall be mailed to the person by registered or certified mail to that person's last known address and the building or structure posted the same day. Where orders or notice are given verbally, they shall be confirmed by service in writing.

RBC112.2.9.4 Compliance with Order or Notice. Where notification is given verbally or by personal service, ten (10) calendar days shall be given to comply with the order or notice. Where notice is by registered or by certified mail, fifteen (15) calendar days from mailing shall be given for compliance.

RBC112.2.9.5 Failure to Comply. If compliance with the order or notice has not yet begun, or reasonable or sufficient arrangement(s) made with the Building Official by the due date, then the Building Official may order the same to be done without delay.

RBC112.2.9.6 Timely Abatement. To assist in the rapid abatement of vacant buildings or structures in violation of this Section:

RBC112.2.9.6.1 Authority of Jurisdiction's Engineer to Abate. Where there has been no compliance with the Building Official's order or notice, the Jurisdiction's Engineer may provide, or contract to provide, the services needed upon demand of the Building Official through the year. The Jurisdiction's Engineering Department is authorized to perform the abatement at the Building Official's request.

RBC112.2.9.6.2 Report. Where, upon the order or notice of the Building Official, a vacant building or structure has been cleaned, boarded, and sealed, the Building Official shall then prepare and file with the Jurisdiction's Clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure was located, and the names and addresses of persons entitled to notice under this Section. Upon receipt of the report, the Jurisdiction's Clerk shall be governed by the provisions of Section RBC112.5 of this Code and applicable provisions of the Jurisdiction's code, ordinances, rules, and regulations.

RBC112.2.9.7 Applicability. This Section shall be construed as an addition to, and not inconsistent with, the applicable provisions of the Fire Code adopted by the Fire Authority.

RBC112.2.10 Emergency Orders.

RBC112.2.10.1 Issuance of Order. If any building or structure constituting a dangerous building under Section RBC112.1 of this Code is in a condition as to make it immediately dangerous to life, limb, health, property, or the safety or welfare of the public or its occupants, the Building Official may, in addition to ordering that the building or structure be vacated pursuant to Section RBC112.2.8.3 of this Code, issue an order, without prior notice and hearing, declaring that an emergency exists and requiring that temporary action, not constituting either repair in accordance with the current Building Code or demolition, be taken as deemed necessary to abate the emergency. This order may be issued to the owner of the property, the owner's agent, or any person entitled to notice under Section RBC112.2.5 of this Code. Notwithstanding any provision of this Section to the contrary, this order shall be effective immediately.

RBC112.2.10.2 Compliance with Order. Any person to whom an emergency order is issued shall comply with that order immediately, and it shall be unlawful to fail or refuse to comply with such an order. Any person failing to immediately comply with the order shall be guilty of a misdemeanor.

RBC112.2.10.3 Failure to Comply. In the event that the person to whom the emergency order is issued fails or refuses to immediately comply therewith, the Building Official may request, without prior notice to any party, that the Jurisdiction's Engineer take any action, as required by the terms of the emergency order.

The provisions of Section RBC112.5 of this Code shall apply to any emergency abatement.

RBC112.2.10.4 Action to Abate. The Building Official shall, either simultaneously with or as soon after the issuance of an emergency order as possible, institute action in accordance with the provisions of this Section to permanently abate the dangerous building or structure.

RBC112.3 APPEALS AND HEARINGS.

RBC112.3.1 Form of Appeal. Any person entitled to service under Section RBC112.2.5 of this Code may appeal from any notice and order to any action of the Building Official by filing at the office of the Building Official within thirty (30) calendar days from the date of the service of the notice and order a written appeal containing:

1. A heading in the words: "Before the Board of Appeals".
2. A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building, structure, or the land involved in the notice and order.
4. A brief statement, in ordinary and concise language, of the specific notice and order or action protested, together with any material facts and documentation claimed to support the contentions of the applicant(s).
5. A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested notice and order, or action should be reversed, modified, or otherwise set aside.
6. The full, legal name(s) of all parties named as appellants, and their current contact information (mailing address, telephone number, and electronic-mail address, if any, included).
7. The signature(s) of all parties named as appellants.
8. The verification (by declaration under penalty of perjury) of all appellants as to the truth of the matters stated in the appeal.

RBC112.3.2 Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of Section RBC112.3.1 of this Code shall constitute a waiver of that person's right to an administrative hearing and adjudication of the notice and order, or any portion thereof. The notice and order shall be considered final agency action for all purposes under Colorado law.

RBC112.3.3 Staying Order under Appeal.

Except for vacation orders made pursuant to Section RBC112.2.8 of this Code or emergency orders issued pursuant to Section RBC112.2.10 of this Code, enforcement of any notice and order of the Building Official issued under this Code shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.

RBC112.3.4 Processing Appeal. Upon receipt of any appeal filed pursuant to this Section, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.

As soon as practicable, after receiving the written appeal, the Board of Appeals shall fix a date, time, and place for the hearing of the appeal by the Board. This date shall not be less than ten (10) calendar days nor more than sixty (60) calendar days from the date the appeal was filed with the Building Official. Written notice of the date, time, and place of the hearing shall be given by the secretary of the Board at least ten (10) calendar days prior to the date of the hearing to each appellant either by causing a copy of the notice to be delivered to the appellant personally, by mailing a copy thereof, postage prepaid, addressed to the appellant at the appellant's address shown on the appeal, or by electronic transmission (should the appellant(s) has(ve) disclosed an electronic-mail address in the notice of appeal). For purposes herein, "electronic-mail address" shall mean a destination, commonly expressed as a string of characters consisting of a unique username or mailbox, commonly referred to as the "local part" of the address, together with a second string of characters commonly referred to as the "domain name." The local part of the address and the domain name are usually, but not necessarily, separated by an "@" symbol. An electronic transmission shall be deemed delivered to a person for purposes of this Section when the electronic transmission enters an information processing system that the person has designated for the purposes of receiving electronic transmissions of the type delivered. Whether a person has so designated an information processing system is determined by the constituent documents or from the context and surrounding circumstances, including the parties' conduct. An electronic transmission is delivered under this Section even if no person is aware of its receipt. Receipt of an electronic acknowledgment from an information processing system establishes that an electronic transmission was received but does not, by itself, establish that the content sent corresponds to the content received.

RBC112.3.5 Scope of Hearing on Appeal.

Only those matters or issues specifically raised by

the appellant(s) shall be considered in the hearing of the appeal.

RBC112.3.6 Procedure for Hearing Appeals.

RBC112.3.6.1 Hearing Examiners. The Board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearing. The examiner(s) hearing the appeal shall exercise all powers relating to the conduct of hearings until it is submitted by the examiner(s) to the Board for decision.

RBC112.3.6.2 Records and Reports. A record of the entire proceeding(s) shall be made by live voice recording determined to be appropriate by the Board. The proceeding(s) at the hearing shall also be reported by a phonographic, or other reporting system, if requested by any party thereto. A transcript of the proceeding(s) shall be made available to all parties upon request and payment of the fee(s) prescribed therefor. Fees may be established by the Board but shall in no event be greater than the cost involved to produce the transcript for the requesting party.

RBC112.3.6.3 Continuances. The Board may grant a continuance for good cause shown; however, when a hearing examiner has been assigned to a hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

RBC112.3.6.4 Oaths; Certification. In any proceeding(s) under this Section, the Board, any Board members, the hearing examiner(s), or the Department's attorney has the power to administer oaths and affirmations and to certify to official acts.

RBC112.3.6.5 Reasonable Dispatch. The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

RBC112.3.7 Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information: You are hereby notified that a hearing will be held before (the Board or name of hearing examiner) at ___(PLACE)___ on the ___(DATE)___ day of ___(MONTH)___, ___(YEAR)___, at the hour upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by an attorney. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the

issuance of subpoenas to compel the attendance of witnesses, and the production of books, documents, or other things by filing an affidavit therefor with (Board or name of hearing examiner).

RBC112.3.8 Subpoenas.

RBC112.3.8.1 Filing of Affidavit. The Board or examiner(s) may issue a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the Board or upon the written demand of any party. The consideration to issue a subpoena shall require the filing of an affidavit therefor that states the name and address of the proposed witness, the capacity in which the witness may offer testimony, the specifics of the testimony or evidence sought to be produced and the materiality thereof in detail to the issues involved; and representation(s) that the witness has the desired information or documents in the witness' knowledge, possession, or under the witness' control. A subpoena need not be issued when the affidavit is defective in any particulars.

RBC112.3.8.2 Cases Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner in accordance with Section RBC112.3.8.1 of this Code.

RBC112.3.8.3 Penalties. Any person who refuses, without lawful excuse, to attend any hearing or to produce material evidence in the person's possession or under the person's control, as required by any subpoena served upon the person as provided for herein, shall be guilty of a misdemeanor.

RBC112.3.9 Conduct of Hearing.

RBC112.3.9.1 Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

RBC112.3.9.2 Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

RBC112.3.9.3 Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this State.

RBC112.3.9.4 Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of any evidence over

objection in civil actions in courts of competent jurisdiction in this State.

RBC112.3.9.5 Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

RBC112.3.9.6 Rights of Parties. Each party shall have these rights among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called to testify;
5. To rebut the evidence against the party; and
6. To represent the party or to be represented by anyone of the party's choice who is lawfully permitted to do so.

RBC112.3.9.7 Official Notice.

RBC112.3.9.7.1 What May be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact that may be judicially noticed by the courts of the State of Colorado, or of official public records, including, but not limited to records, rules, and regulations of the Board, the Department, or the Jurisdiction and its ordinances, rules, and regulations.

RBC112.3.9.7.2 Parties to be Notified. Parties present at the hearing shall be informed of the facts to be noticed, as shall be noted in the record, referred to therein, or appended thereto.

RBC112.3.9.7.3 Opportunity to Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of refutation to be determined by the Board or hearing examiner(s).

RBC112.3.9.7.4 Inspection of the Premises. The Board or the hearing examiner(s) may inspect any building, structure, or premises involved in the appeal during the course of the hearing provided that:

RBC112.3.9.7.4.1 Notice of the Inspection. Notice shall be given to the parties before the inspection is made.

RBC112.3.9.7.4.2 Opportunity to Be Present. The parties are given an opportunity to be present during the inspection; and

RBC112.3.9.7.4.3 Conclusions, Right to Rebut. The Board or the hearing examiner(s) shall state for the record upon completion of the inspection the material facts observed, and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board or hearing examiner(s).

RBC112.3.10 Method and Form of Decision.

RBC112.3.10.1 Hearing Before Board.

Where a contested case is heard before the Board itself, no member thereof who did not hear the evidence or who has not read the entire record of the proceedings shall vote on or take part in the decision.

RBC112.3.10.2 Hearing Before

Examiner(s). If a contested case is heard by hearing examiner(s) alone, the hearing examiner(s) shall, within a reasonable time (not to exceed ninety (90) calendar days from the date the hearing is closed) submit a written report to the Board. This report shall contain a brief summary of the evidence considered and state the examiner's/examiners' findings, conclusions, and recommendations, if any. The report also shall contain a proposed decision in such form that it may be adopted by the Board as its decision in the case. All examiner's/examiners' reports filed with the Board shall be matters of public record. A copy of each report and proposed decision shall be mailed to each party on the date they are filed with the Board.

RBC112.3.10.3 Consideration of Report by

Board; Notice. The Board shall fix a time, date, and place to consider the examiner's/examiners' report and proposed decision. Notice thereof shall be delivered to each interested party in accordance with the provisions of Section RBC112.3.4 of this Code not less than five (5) calendar days prior to the date fixed, unless it is otherwise stipulated by all of the parties.

RBC112.3.10.4 Exceptions to Report.

Not later than fourteen (14) calendar days before the date set to consider the report, any party to the appeal may file written exception to any part or all of the examiner's/examiners' report and may attach thereto a proposed decision together with written argument in support of the decision. The responding party shall have seven (7) calendar days after the filing of the written exception, or such lesser or greater time as the Board may

allow, in which to respond. The moving party shall have three (3) calendar days after the filing of a response, or such greater time or lesser time as the Board may allow, to file a reply. By leave of the Board, any party may present oral argument(s) to the Board.

RBC112.3.10.5 Disposition of the Board.

The Board may adopt or reject the proposed decision in its entirety or may modify the proposed decision. If the proposed decision is not adopted, the Board may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another hearing examiner(s) to take additional evidence. If the case is reassigned to hearing examiner(s), the examiner(s) shall prepare a report and proposed decision as provided in Section RBC112.3.10.2 of this Code above after any additional evidence is submitted. Consideration of this proposed decision by the Board shall comply with the provisions of this Section.

RBC112.3.10.6 Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant(s) in accordance with the provisions of Section RBC112.3.4 of this Code.

RBC112.3.10.7 Effective Date of Decision. The effective date of the decision shall be as stated therein.

RBC112.4 Enforcement of Order or Decision, as Applicable. After any order (including notice and order in accordance with Section RBC112.2.4 of this Code) of the Building Official or decision of the Board of Appeals made pursuant to this Section becomes final, no person to whom the order or decision is directed shall fail, neglect, or refuse to obey the order or decision, as applicable. Any person who fails to comply with the order or decision shall be deemed guilty of a misdemeanor.

RBC112.4.1 Failure to Obey Order/Decision.

RBC112.4.1.1 Prosecution or Abatement.

If, after any order of the Building Official or decision of the Board of Appeals made pursuant to this Section becomes final, the person to whom the order or decision is directed fails, neglects, or refuses to obey the order or decision, the Building Official may:

1. Cause the person to be prosecuted under Section RBC112.4 of this Code above; or
2. Institute any appropriate action to abate the building or structure in question as a public nuisance. The fees and costs

incurred by the Department or its designee in pursuing such remedies shall be charged against the property or its owner.

RBC112.4.1.2 Timely Action. Whenever the required repair or demolition is not commenced within thirty (30) calendar days after any final order or decision issued under this Section becomes effective:

1. Unless formerly done in accordance with Section RBC112.2.6 of this Code, the Building Official shall cause the building or structure described in the order or decision to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy the building or structure, or to remove or deface this notice.

Building Official

Pikes Peak Regional Building Department

2. No person shall occupy any building or structure that has been posted as specified in this subsection. No person shall remove or deface any notice so posted until the repairs, demolition, or removal ordered by the Building Official or decided by the Board of Appeals have been completed and a certificate of occupancy, if applicable, issued pursuant to the provisions of this Code.
3. The Building Official may, in addition to any other remedy herein provided, cause the building or structure to be repaired to the extent necessary to correct the conditions that render the building or structure dangerous as set forth in the order or decision, or, if the order or decision required demolition, to cause the building or structure to be sold and demolished or demolished and the materials, rubble, and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished, and the cost thereof paid and recovered in the manner hereinafter provided in this Code. Any surplus realized from the sale of the property, or from the demolition of the building or structure thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or

persons lawfully entitled thereto.

RBC112.4.2 Extension of Time. Upon receipt of an application prior to the expiration of any time limitations set forth in this Section from the person required to conform to the notice and order and an agreement in writing by this person that this person comply with the notice and order if allowed additional time, the Building Official may, with discretion, grant an extension of time, not to exceed an additional one hundred twenty (120) calendar days within which to complete ordered repair or demolition, if the Building Official determines that an extension of time will not create or perpetuate a situation imminently dangerous to life, limb, health, property, safety, or welfare of the general public or the building's or structure's occupants. The Building Official's authority to extend time is limited to the physical repair or demolition of the building or structure and will not in any way affect or extend the time to appeal any notice or order.

RBC112.4.3 Work Performance on Repair or Demolition.

RBC112.4.3.1 Procedure. When any work is to be done pursuant to Section RBC112.4.1.2 RBC112.4.1 of this Code, the Building Official shall issue an order to the Jurisdiction's Engineer, and the work shall be accomplished by the Jurisdiction's personnel or in accordance with a third-party contract under the direction of the Jurisdiction's Engineer. Construction documents may be prepared by the Jurisdiction's Engineer, or any design professional. If any part of the work is to be performed by a third-party contractor, standard contractual terms and procedures shall be followed.

RBC112.4.3.2 Cost. The cost of this work shall be paid from the Jurisdiction's general fund and may be made a special assessment against the property involved or may be made a personal obligation of the owner, or both, whichever the governing body of the Jurisdiction shall determine is appropriate.

RBC112.4.4 Interference with Repair or Demolition. No persons shall obstruct, impede, or interfere with any person who owns or holds any estate or interest in any building or structure that has been ordered repaired, vacated, or demolished under the provisions of this Section, or with any person to whom the building or structure has been lawfully sold pursuant to the provisions hereof whenever an officer, employee, contractor, or authorized representative(s) of the Jurisdiction, person having an interest or estate in the building or structure, purchaser, or successor in title is engaged in the work of repairing, vacating, and

repairing, or demolishing the building or structure, pursuant to the provisions of this Section, or in performing any necessary act preliminary to or incidental to any work authorized or directed pursuant to this Section.

RBC112.5 RECOVERY OF COSTS

RBC112.5.1 Report Account of Expenses.

The Jurisdiction's Engineer shall keep an itemized account of the expenses incurred by the Jurisdiction in the repair or demolition of any building or structure done pursuant to the provisions of Section RBC112.4.1.2 Item 3 of this Code. Upon the completion of the work of repair or demolition, the Jurisdiction's Engineer shall prepare and file with the Jurisdiction's Clerk a report specifying the work done, the itemized and total fees and cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section RBC112.2.5 of this Code.

Upon receipt of this report, the Jurisdiction's Clerk shall fix a time, date, and place for hearing the report, and any protests or objections thereto. The Clerk shall cause notice of the hearing to be posted upon the property involved, published once in a newspaper of general circulation in the Jurisdiction, and served by registered mail or by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the assessment roll of the County Assessor, if it so appears or is known to the Clerk. The notice shall be given at least ten (10) calendar days prior to the date set for hearing, and shall specify the day, hour, and place when the governing body of the Jurisdiction will hear and pass upon the Engineer's report, together with any objections or protests that may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

RBC112.5.2 Protests and Objections. Any person interested in or affected by the proposed charge may file written protest or objections with the Jurisdiction's Clerk at any time prior to the time set for the hearing on the report of the Engineer. Each protest or objection shall contain a description of the property in which the signer thereof is interested and the grounds of the protest or objection. The Clerk shall endorse on every protest or objection the date it was received by the Clerk and shall present protests or objections to the governing body of the Jurisdiction at the time set for the hearing. No other protests or objections shall be considered.

RBC112.5.3 Hearing on Report; Protests.

Upon the day and hour fixed for the hearing, the Jurisdiction shall hear and pass upon the report of the Engineer together with any objections or protests. The Jurisdiction may make revisions, corrections, or modifications to the report or the charge as deemed necessary; and when the Jurisdiction is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected, or modified) together with the charge shall be confirmed or rejected. The decision of the Jurisdiction on the report and the charge, and on protests or objections, shall be considered final action for all purposes under Colorado law.

RBC112.5.4 Personal Obligation or Special Assessment. The Jurisdiction may thereupon order that the charge be made a personal obligation of the owner, or assess the charge against the property involved, or both.

RBC112.5.4.1 Personal Obligation. If the Jurisdiction orders that the charge be a personal obligation of the owner, it shall direct the Jurisdiction's attorney to collect the same on behalf of the Jurisdiction by use of all appropriate legal remedies.

RBC112.5.4.2 Special Assessment. If the Jurisdiction orders that the charge be assessed against the property, it shall confirm the assessment roll, and thereafter this assessment shall constitute a special assessment against and a lien upon the property and shall be collected in the same manner as other special assessments of the Jurisdiction.

RBC112.5.4.3 Authority for Installment Payments. Eligible persons who are determined to have a marginal income such that they cannot pay an assessment or personal obligation levied under this Section, either against the property on which they reside or against themselves personally, may be afforded relief as hereinafter provided.

1. Within thirty (30) calendar days after the assessment or the personal obligation is ordered by the Jurisdiction, an application for relief shall be filed with the Jurisdiction's Clerk.
2. The governing body of the Jurisdiction, or a hardship committee, as designated and authorized by the governing body of the Jurisdiction, shall review the application for the requested relief. To determine the applicant's eligibility, the reviewing body shall use criteria established or adopted in the Jurisdiction's code, ordinances, rules, or regulations, except that ownership of real property need not be required.

3. If it is determined that the applicant is eligible and that any person would probably default on the assessment or personal obligation, the reviewing body may authorize the execution with the applicant of an installment note for the payment of the assessment or personal obligation. The note shall be secured by a deed of trust, or if not available, by some other security reasonably available or appropriate. If no security is reasonably available or appropriate, then none may be required. The installment note shall provide that the owner shall make monthly payments to the Jurisdiction's Treasurer; that the payments shall not be less than five dollars (\$5.00) and shall be sufficient to repay the amount within a period of not more than twenty-five (25) years; that interest shall be charged at a rate of three percent (3%) per annum on the unpaid balance; that the entire outstanding balance shall become due and payable upon the death of the obligor or the sale or transfer of the property; that if at any time the Jurisdiction determines that the obligor is financially able to pay the outstanding balance, or that the obligor has willfully misrepresented the obligor's financial condition on the obligor's application, it may upon sixty (60) calendar days' notice declare the entire balance due and payable.

RBC112.5.5 Contest Assessment. The validity of any assessment made under the provisions of this shall not be contested in any action or proceeding unless the same is commenced within thirty (30) calendar days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in the action or proceeding must be perfected within thirty (30) calendar days after the entry of the judgment.

RBC112.5.6 Lien of Assessment.

RBC112.5.6.1 Priority. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessment shall be a lien against the property assessed. The lien shall be subordinate to all existing special assessment liens previously imposed upon and recorded against the same property and shall be priority or superpriority, as applicable, to all other liens except for State, County, and municipal taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid in full.

RBC112.5.6.2 Interest. Any assessments remaining unpaid after thirty (30) calendar days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of one percent (1%) per month from and after this date.

RBC112.5.7 Report to Assessor and Tax Collector. After confirmation of the report, certified copies of the assessment shall be given to the County Treasurer on or before October 15.

RBC112.5.8 Collection of Assessment. The amount of the assessment shall be collected at the same time and in the same manner as general taxes are collected; and shall be subjected to the same penalties and procedures and sale in case of delinquency as provided for general municipal taxes. All laws applicable to the levy, collection,

and enforcement of general municipal taxes shall be applicable to the assessment.

If the Jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as general and municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedures for sale as provided for general municipal taxes.

RBC112.5.9 Repayment of Repair and Demolition Fund. All money recovered by payment of the charge or assessment or from the sale of property at a foreclosure sale or auction shall be paid to the Jurisdiction's Treasurer, who shall credit the same to the Jurisdiction's general fund.

CHAPTER 2 – CONTRACTOR LICENSING

SECTION RBC201 - GENERAL PROVISIONS

RBC201.1 GENERAL. Licensing, registration, and responsibilities of contractors shall be in accordance with the provisions of this Chapter.

RBC201.2 DEFINITIONS.

Contractor. Within the meaning of this Code, a contractor is defined as any person, including, but not limited to individual, company, firm, partnership, corporation, association, other organization, or any combination thereof, who builds, constructs, alters, adds to, repairs, moves, or wrecks any building or structure, on any property as an occupation, avocation, recreation, entertainment, or hobby, having a qualified examinee (licensee or registrant) as an employee or principal. The examinee shall be an authorized agent for the contractor. All licenses or registrations required under this Code shall be issued in the name of the contractor.

Examinee. An individual who:

1. Shall pass the test required by the Building Official evidencing the examinee's satisfactory knowledge of the applicable code or codes; and
2. Shall be found qualified by the appropriate Committee in accordance with SECTION RBC111 - of this Code as to education, training, and experience to perform the type of work permitted under the specific contractor's license granted; and
3. Shall recognize the obligation to comply with all provisions of this Code with regard to any work performed by the examinee; and
4. Shall be employed by only one contractor at any given time; and
5. Is the principal contact between the contractor and the Building Department for plan submittal, permit application, code compliance, inspection requests, license or registration renewal, as applicable, compliance with insurance requirements, and other obligations imposed by this Code; and
6. Shall be responsible for all permits obtained under the license or registration and for all work performed under all permits on a specific project, including, but not limited to, mechanical, plumbing, and electrical permits obtained by subcontractors employed by the contractor; and
7. Shall be the agent for the contractor and shall be responsible for all actions in connection with the license or registration and all permits

obtained under the license or registration; and

8. Shall be subject to the provisions of Sections RBC201.11.3 and RBC201.11.4 of this Code; and
9. Shall have other responsibilities as are defined in this Code.

Principal. Any officer or director of a corporation, any general partner in a general or limited partnership, any member in a limited liability company, any venture partner in a joint venture, or any person with ownership interest and/or decision-making authority for a company or other organization shall be deemed to be a principal.

Licensee. An examinee; an individual, who is licensed by the Building Department, or licensed by the State of Colorado, as noted in the "Registrant" definition below.

Registrant. An examinee; a master plumber, a master electrician, or any other trade required to be licensed in the State of Colorado and registered with the Building Department as provided in Section RBC201.5 of this Code.

Residential Construction Consulting. Advertising, advising, assisting, or participating with unlicensed persons, as provided in Section RBC201.3 of this Code, in the physical construction of buildings or structures.

RBC201.3 LICENSE/REGISTRATION

REQUIRED. A license or registration, as applicable, shall be required to perform any work requiring a permit. It shall be a violation of this Code for any person to contract to perform any work requiring a permit without a license or registration.

Exception: Any person who owns and resides in or intends to reside on a property suitable for a one- or two-family dwelling may:

1. Construct or erect on that property without a license one (1) one- or two-family dwelling and any structures accessory thereto intended for the owner's personal use. The owner is limited to the construction or erection of one (1) one- or two-family dwelling and any structures accessory thereto in any twelve (12) month period and the construction or erection of a total of no more than five (5) one- or two- family dwellings and any structures accessory thereto during the person's lifetime.
2. Enlarge, remodel, alter, repair, maintain,

improve, convert, or demolish without a license or registration any one- or two- family dwelling and structures accessory thereto.

RBC201.4 PROHIBITED WORK.

RBC201.4.1 Owners Not Residing in a Dwelling. Agents of owners or their estate, or owners of any dwellings who do not reside in the building or structure (if habitable) may not perform any work requiring permits in accordance with this Code unless they are licensed or registered in accordance with this Chapter.

RBC201.4.2 Residential Construction Consulting. All persons (including individuals and entities) that engage in the business of residential construction consulting, as defined in Section RBC201.2 of this Code, are prohibited from engaging in this conduct or work unless this person has first met the licensing or registration requirements and obtained the appropriate license or registration to perform the construction work. This provision is not intended to regulate the activities of *registered design professionals*.

RBC201.5 APPLICATION AND

QUALIFICATIONS. Applications for licenses and registrations shall be by electronic means or on forms supplied by the Department and shall require such information as the appropriate committee may request, and shall be accompanied by the required fees as set out in SECTION RBC202 - of this Code. Applicants shall be at least eighteen (18) years of age.

RBC201.6 EXAMINATION OF APPLICANTS; ISSUANCE OF LICENSES; REGISTRATION.

RBC201.6.1 Examination. All applicants for licensing under this Code must have an examinee take, complete, and pass the examination required by the Building Official. The Advisory Committees may deviate from examination requirement(s) when extenuating circumstances are presented, but most importantly evidence of sufficient, continued experience in a certain contractor license category.

Exception: Whenever the laws of the State of Colorado require that a particular trade be licensed by the State, examination and licensing by the Building Department shall be waived. Instead, these contractors shall register with the Building Department. A current State license shall be a prerequisite for registration, which shall be issued upon payment of the annual fee and evidence of insurance, as prescribed in this Code.

RBC201.6.2 Notice; Licensing.

RBC201.6.2.1 Contractor License Applicants. The Building Official shall cause to be

published in a local newspaper with regional coverage a list of all contractor license applicants and solicit commentary from the public at least two (2) weeks prior to consideration of the licenses by the Board of Review.

RBC201.6.2.2 Conditional Licenses. When recommended for approval by the appropriate Advisory Committee, a conditional license, limited to one permit, may be issued by the Building Official, pending review by the Board of Review. Except in cases where fraud or falsification of the application can be shown, the applicant shall be permitted to complete this one permit issued under this conditional license.

RBC201.6.2.3 Provisional Licenses. When approved by the Building Official, a provisional license subject to the appropriate limitations may be issued for the purpose of demonstrating experience. The provisional license shall be limited to six (6) months and subject to release by the Board of Review.

RBC201.6.2.4 Issuance; Fee(s). If, in the opinion of the Board of Review, after recommendation by the appropriate Advisory Committee, the applicant for a license is qualified by knowledge, training, and experience to do the type of work defined under the specific contractor's license applied for, it shall direct the Building Official to issue the applicant a license upon payment of the annual fee prescribed in Table RBC202.6 of this Code, and upon providing evidence of the required insurance. Each annual fee shall be in addition to the application fee. As concerns evidence of knowledge, the successful passing of examination(s) required by the Building Department shall be deemed prima facie evidence of the requisite knowledge of contractor's examinee. Determination and evaluation of experience and training shall be separately reviewed and considered by the respective committee(s) or board(s) under guidelines set forth from time to time by the Building Official.

RBC201.6.3 Special Limited Licenses. Any board or committee referred to in SECTION RBC111 - of this Code may recommend, and the Board of Review shall have the authority to grant to any applicant, a special limited license, for the sole purpose of evaluating the training and experience of an applicant who has otherwise fulfilled all the Code requirements prerequisite to the granting of any contractor's license. This special limited license shall be issued only for work authorized under the specific contractor's license applied for by the applicant. The Advisory Committee shall, after completion of the work authorized by any permits, cause the work to be reviewed and shall report its recommendation(s)

concerning the applicant's qualifications in the license category applied for to the Board of Review for its consideration of the original application for the specific contractor's license requested.

RBC201.6.4 Requirements. No permits shall be issued to any contractor who has not first obtained a license or registration as required in this Code, or who is delinquent in the payment of any fee(s) to the Building Department, or whose license or registration has been suspended or revoked by action of the Board of Review, if required.

RBC201.6.5 Permits Issued to Contractor. For any work requiring a licensed or registered contractor, permits shall be issued only to the contractor or to a representative authorized by the contractor.

RBC201.6.6 Felony; Criminal Fraud. No person or entity convicted or found by a court or an administrative agency or authority having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, or for civil or criminal theft, for work related to any license or registration issued by the Department, or for work related to the building trades in any jurisdiction, shall be granted a license or registration, or serve as an examinee for a contractor in the Department's jurisdiction.

RBC201.7 INSURANCE REQUIREMENTS.

RBC201.7.1 Insurance Certificate. Before a license or registration can be issued, the contractor shall file with the Building Official a certificate signed by a licensed agent of an insurance company stating that the worker's compensation and general liability (including premises/operations and products/completed operations) policies required by this Code have been issued to the contractor. This certification shall include the policy number or numbers, the name of the

insured, the effective and expiration dates, the limits of the policies, and the Building Department as a "Certificate Holder". The name of the insured must match verbatim the name of the contractor on the application for licensing or registration, and the resulting license or registration. The minimum required insurance coverage shall be in accordance with Table RBC201.7 of this Code. The contractor must maintain coverage(s) for all work that is possible under the contractor license category. Workers compensation coverage is required in accordance with State statutes.

A certificate of workers compensation coverage is required if the contractor has any employees. If the contractor has no employees, a rejection of coverage in accordance with the regulations and requirements of the Colorado Department of Labor and Employment Division of Workers Compensation is required.

To obtain re-roofing permits, the certificate must be specific in the description of operations that re-roofing is either included in or not excluded from the coverage.

To obtain wrecking permits, the certificate must be specific in the description of operations that explosion, collapse, demolition, and underground coverage is either included in or not excluded from the coverage.

Exception: If a wrecking contractor, or a building contractor acting as a wrecking contractor, proposes to demolish a building or structure that is, in the opinion of the Building Official, sufficiently removed from other buildings or structures so as not to become a hazard or cause damage to other buildings or structures during the course of demolition, the Building Official, using discretion, may waive the explosion, collapse, demolition, and underground coverage provisions of this Code.

Table RBC201.7 INSURANCE REQUIREMENTS.

General Liability Policy Limits	
<u>License Category</u>	<u>Each Occurrence/General Aggregate</u>
Building Contractor A	1,000,000/2,000,000
Building Contractor B or C	1,000,000/2,000,000
Building Contractor D	1,000,000/2,000,000
1. Single Trade	1,000,000/2,000,000
2. Wrecking Contractor A	1,000,000/2,000,000
3. Wrecking Contractor B	1,000,000/2,000,000
4. Moving Contractor	1,000,000/2,000,000
5. Sign Contractor A	1,000,000/2,000,000
6. Sign Contractor B	1,000,000/2,000,000
7 – 11. Fire Suppression Contractor	1,000,000/2,000,000
Building Contractor E or F	1,000,000/2,000,000
Electrical, Fire Alarm, Mechanical, Plumbing & Water Connected Appliance Contractors	1,000,000/2,000,000

RBC201.7.2 Cancellation; Reduction of Insurance. Each policy of insurance shall contain an endorsement to the effect that the insurance carrier shall notify the Building Department at least ten (10) calendar days in advance of the effective date of any reduction or cancellation of the policy. The lapse, cancellation, or reduction of insurance shall be cause for automatic suspension of the license or registration until the required coverage is timely reinstated.

RBC201.8 RESPONSIBILITY OF CONTRACTORS.

RBC201.8.1 Responsible for All Work. A contractor shall be responsible for the code compliance of all work included in the scope of the permit issued to the contractor whether or not the work is done by the contractor directly or by any subcontractors.

RBC201.8.2 Contact Information. A contractor shall be responsible for providing the Department updated contact information within thirty (30) calendar days of a change. Lack of compliance therewith shall be cause for automatic suspension of the license or registration until the required contact information is timely provided.

RBC201.8.3 Unsafe Conditions. It shall be the responsibility of each licensed mechanical contractor or licensed heating mechanic IV to report unsafe equipment and conditions to the serving gas supplier. Unsafe conditions are defined as those that constitute a fire, explosion, or health

hazard or are otherwise dangerous to human life or limb.

RBC201.8.4 Signature. When required by the serving gas supplier, the signature of the individual actually accomplishing the repairs shall be provided to clear the deficiencies identified on the serving gas supplier’s red tag. The signature shall be that of a licensed mechanical contractor or licensed heating mechanic IV employed by a mechanical contractor duly licensed under other provisions of this Code to perform the work.

RBC201.9 CONTINUATION OF BUSINESS; REEXAMINATION. The respective contractor's rights to do business shall be dependent upon the continued retention of the examinee or registrant as an employee or principal. Whenever the examinee's relationship or employment is terminated, the contractor shall immediately notify the Building Official. Upon termination, there shall be a thirty (30) calendar day grace period in order to acquire a qualified replacement before automatic termination of the license or registration, and re-registration or reexamination and approval by the Board of Review are required.

RBC201.10 EXPIRATION OF LICENSES AND REGISTRATIONS; RENEWALS.

RBC201.10.1 Expiration. All licenses and registrations shall expire on the last day of the twelfth (12th) month following the date of issuance unless otherwise provided. Regardless of the

actual renewal date, the licensing period shall be as established by the original issue date.

RBC201.10.2 Limitations. No permits may be obtained, nor work already under permit be continued, after the expiration date until the license or registration has been renewed as provided for herein.

RBC201.10.3 Standard Renewal. Licenses and registrations may be renewed by the Building Official without re-examination upon the payment of the fees required herein, providing the license or registration has not been suspended or revoked by action of the Board of Review and providing the renewal is accomplished within forty-five (45) calendar days of the expiration date of the license or registration.

RBC201.10.4 Renewal with Fees. Failure to renew a license within this (45) calendar day period after the expiration date of the license or registration will require payment of a penalty at one-half (1/2) of the license or registration fee if renewed within ninety (90) days of the expiration date. After (90) days to (135) days, the penalty will be equal to the license or registration fee. After (135) days up to (180) days, the penalty will be equal to twice the license or registration fee. All requests for renewal(s) after (180) days from the expiration date shall require payment of all fees accrued, re-application, examination, evaluation by the respective Advisory Committee, and approval by the Board of Review, as applicable.

RBC201.10.5 Late Renewal. A late renewal shall not serve to change the licensing period.

RBC201.11 REVOCATION OR SUSPENSION OF LICENSES AND REGISTRATIONS.

RBC201.11.1 Definitions.

Incident Report. As used in Section RBC201.11.2 of this Code, an "incident report" is a written record of less serious though substantial or repeated code violations by a contractor and/or its examinee(s). Incident reports shall be kept in the contractor's and/or examinee's permanent file, with a copy to any party cited, for a period of one (1) to three (3) years, at which time they will be discarded. "Incident reports" may be filed by the Advisory Committees, the Board of Review, or the Building Official.

Letter of Reprimand. As used in Section RBC201.11.2 of this Code, a "letter of reprimand" is a written admonishment issued by either the Advisory Committee or the Board of Review, to be placed and remain in a contractor's and/or examinee's permanent file, with a copy provided to any party cited, evidencing a finding of serious code violations or ordinary negligence related to work performed under this Code.

Ordinary Negligence. As used in Section RBC201.11.3 of this Code, "ordinary negligence" is defined as a failure to do an act that a reasonably careful contractor or other person would do, or the doing of an act that a reasonably careful contractor or other person would not do, under the same or similar circumstances to protect the contractor's client or the public from injury or property damage. An act required to be done under this Code shall be presumed to be an act done to protect the public from injury or property damage.

Revocation. "Revocation" as used in this Section shall be defined as the removal of a contractor's license or registration or the right of a contractor's examinee to serve as an examinee for another contractor for an unlimited time. Upon revocation of a license or registration, the contractor shall immediately stop all work underway that is covered by this Code. This work shall not resume until an appropriately licensed or registered contractor obtains a permit for the work.

Suspension. "Suspension" as used in this Section shall be defined as the temporary removal of a contractor's license or registration or the right of a contractor's examinee to serve as an examinee for another contractor for a period of time to be specified by the Board of Review, but not to exceed six (6) months. Upon suspension of a license or registration, the contractor shall immediately stop all work underway that is covered by this Code. This work shall not resume until an appropriately licensed or registered contractor obtains a permit for the work or until the suspension is lifted, in which case the contractor may resume the work after obtaining a valid permit for the work.

Willful and Wanton Negligence. As used in Section RBC201.11.3 of this Code, "willful and wanton negligence" is the doing of an act, or the failure to do an act that creates a substantial degree of risk of harm to another or another's property, and the contractor or other person doing the act, or failing to act, is aware of the risk and thereafter purposefully does the act, or fails to act, without any reasonable justification, without regard to the consequences or of the rights and safety of the other or the other's property.

Willfully. As used in Section RBC201.11.3 of this Code, "willfully" is defined as designed, intentional, not accidental or involuntary, or proceeding from a conscious motion of the will. A willful act may be described as one done intentionally, knowingly, and purposefully, without justifiable excuse, as distinguished from an act done carelessly, thoughtlessly, heedlessly, or inadvertently.

RBC201.11.2 Complaint Procedures.

RBC201.11.2.1 Notice to Appear. The Building Official shall, upon receipt of a written complaint, sworn to before a notary public, alleging violations of this Code, investigate the complaint. Should reasonable grounds be determined to exist or seem to exist specific to any Code violation(s), the Building Official may require any contractor licensed or registered pursuant to this Code, and/or its examinee(s), to appear before any of the duly appointed Advisory Committees for hearing the complaint. The Building Official may also, with discretion, require any contractor licensed or registered pursuant to this Code, and/or its examinee(s), to appear before the duly appointed Advisory Committee for hearing of a complaint of the Building Official.

RBC201.11.2.2 Form of Notice. The contractor and/or its examinee shall be given a copy of the complaint and written notice (also referred to as "summons") of the time and the place of any contemplated hearing before an Advisory Committee at least twenty (20) calendar days prior to the hearing. The written notice and complaint shall be served personally or posted by registered mail or by certified mail, return receipt requested, to the contractor's and/or its examinee's last known mailing address.

RBC201.11.2.3 Subpoena Power(s). During investigations or for purposes of appearance(s) before the Advisory Committees or Board of Review, the Building Official may issue and serve a subpoena for attendance of witnesses for testimony and/or production of evidence at a date and time designated by the Building Official.

RBC201.11.2.4 Right to Due Process. At any hearing before an Advisory Committee, the contractor and/or the contractor's examinee shall be entitled to have the benefit of legal counsel of their choice and at their expense, and shall have the right to present their case by oral and documentary evidence, to submit rebuttal evidence, and to conduct any cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be in conformity to the conduct of hearing of Section RBC112.3.9 of this Code, as applicable.

RBC201.11.2.5 Advisory Committee Powers. An Advisory Committee, after review of the evidence presented, shall have the power by majority vote to have an incident report or letter of reprimand entered into the contractor's and/or the contractor's files if any of these have been found to have violated provisions of this Code. If the committee finds evidence of any act or omission set out in Section RBC201.11.3 of this Code, it may recommend suspension or revocation

of a license or registration. Further, the committee may recommend that the evidence be heard by the Board of Review. Any such hearing shall be held pursuant to the provisions of this Code.

RBC201.11.2.6 Board of Review Powers. If, in the opinion of three (3) of the five (5) members of the Board of Review, the evidence presented at any hearing before it supports a finding that the contractor and/or its examinee(s) committed one or more of the acts or omissions set out in Section RBC201.11.3 of this Code, the Board of Review shall have the power to:

1. Suspend or revoke the contractor's license.
2. Suspend or revoke the right of the contractor's examinee(s) to be licensed or registered or serve as examinee(s) for another contractor in the future.
3. Issue a letter of reprimand to the contractor and/or its examinee(s).
4. Issue an incident report to the contractor and/or its examinee(s).

RBC201.11.3 Punishable Acts and Omissions. The following actions shall be considered punishable:

1. Willfully violating any provisions of this Code including any codes which are adopted by reference.
2. Failure to comply with any lawful order of the Building Official or of any other authorized representative employed by the Building Department pertaining to the administration of this Code and the codes which have been adopted by reference.
3. Using a contractor's license or registration to obtain permits required under this Code for work that will not be performed by or supervised by the contractor.
4. Misrepresentation by an applicant of a material fact when applying for a contractor's license or registration.
5. Failure to obtain a proper permit for any work for which a permit is required by virtue of this Code.
6. Commitment of any act of willful and wanton negligence in the conduct of the contractor's or other person's specific trade or business on work done by the contractor or other person that is regulated by the provisions of this Code.
7. Ordinary negligence of the contractor or other person, evidenced by letters of reprimand and/or incident reports received by the contractor or its examinee(s) within a

three (3) year time period that are, in the consideration of the Board of Review, sufficient in number and severity to warrant a revocation or suspension of the contractor's license or registration.

RBC201.11.4 Automatic Revocation or Suspension. A license or registration, or the right of an examinee of the contractor to serve as a contractor or as an examinee of a contractor, shall automatically be suspended or revoked by the Building Official as follows:

1. Registrations within this jurisdiction shall be automatically revoked or suspended upon revocation, suspension, or refusal to renew any required Colorado state license.
2. Any license or registration within this jurisdiction shall be automatically suspended upon lapse, cancellation, or reduction of insurance coverage below that required by Section RBC201.7 of this Code. This suspension shall remain in effect until proof of the reinstatement of the required coverage is presented to the Building Department. Failure to present this proof within twelve (12) months from the date of the lapse, cancellation, or reduction shall result in automatic revocation of the license or registration.
3. Conviction or a finding by a court or administrative agency or authority having competent jurisdiction of the contractor and/or its examinee(s), for a felony, or for civil or criminal fraud, constructive or actual, or for civil or criminal theft, for work related to any license or registration under the authority of this Code, or for work related to the building trades in any jurisdiction, shall result in automatic revocation of the license or registration and revocation of the right of the examinee and all authorized persons of the contractor to serve as a contractor or examinee for this or another contractor after notification and exhaustion of due process rights, if any, in accordance with Colorado law. The notification shall be served personally or posted by registered or by certified mail, return receipt requested, to the last known mailing address.

RBC201.11.5 Voluntary Suspension.

1. The Board of Review may suspend licenses or registrations upon the voluntary written request for this action by the contractor. These suspensions shall not exceed a period of twelve (12) months unless a notarized annual certification from an employer is furnished to the Building Department indicating that the contractor is engaged in an active capacity in the field of building codes and construction.
2. While under voluntary suspension, the contractor need not carry insurance, but shall be responsible for all license or registration fees normally due.
3. The voluntary suspension shall be automatically lifted at any point during the twelve (12) month period under the following conditions:
 - 3.1. Written request is made to the Board of Review by the contractor.
 - 3.2. Proof of insurance is provided in accordance with Section RBC201.7 of this Code.
4. In the event the contractor does not terminate the voluntary suspension within the twelve (12) month period as provided in item 3 above, or furnish proof of active engagement in the construction field and building codes, as provided in item 1 above, in order to obtain a new license or registration, the contractor must then meet all requirements of Sections RBC201.5 and RBC201.6 of this Code.

RBC201.11.6 Appeal. Appeals shall be in accordance with Section RBC101.7 of this Code.

RBC201.11.7 Reinstatement of License or Registration. The Board of Review may reinstate a license or registration or the right to serve as a contractor or as the examinee of a contractor to any contractor or examinee, whose license or registration or right to serve has been revoked, provided a minimum of three (3) members of the Board of Review vote in favor of the reinstatement for any reason or reasons as the Board deems sufficient.

For good cause, the Board of Review may condition the reinstatement of the license or registration as it deems fit and appropriate.

SECTION RBC202 - LICENSE AND REGISTRATION FEES

RBC202.1 APPLICATION FEES. All applications for new licenses or new registrations shall be accompanied by a fifty-dollar (\$50.00) application fee. Application fees are charged to pay for some of the actual expenses incurred by the Building Department in processing and reviewing applications for new licenses and new registrations. The application fees shall neither be refundable, nor shall they be applied to nor deducted from required license and registration fees.

RBC202.2 LICENSE, REGISTRATION, OR CERTIFICATION FEES. The license, registration, or certification fee for every license, registration, or certification issued under this Code shall be payable at the time of issuance of the license, registration, or certification. The fee shall be payable to the Building Department. There shall be no refund or prorating of license, registration, or certification fees for any reason.

RBC202.3 PARTIAL PAYMENT; LOST LICENSES. No partial payment of any application fee or of any license, registration, or certification fee shall be accepted. Whenever a license, registration, certification, or identification card is lost, the Building Official is hereby authorized to replace it upon payment of a twenty-dollar (\$20.00) fee to offset actual costs of replacement.

RBC202.4 RECEIPTS FOR PAYMENT OF FEES. The Building Official shall issue a receipt to the applicant for fees paid. This receipt shall not be construed as constituting approval of the Board of Review for the issuance of a license or registration, nor shall it entitle or authorize the applicant to conduct any business or trade contrary to the provisions of this Code.

RBC202.5 UNPAID FEE(S) CONSTITUTES DEBT. The amount of any unpaid fee(s) required, or as imposed, by this Code shall constitute a debt due the Building Department. The attorney for the Building Department shall, at the direction of the Building Official, institute civil suit in the name of the Building Department to recover any unpaid fee(s). This remedy shall be cumulative and in addition to all other remedies and shall neither bar nor abate a prosecution in Municipal Court for any violation of this Code, nor bar or abate any action to suspend or revoke a license or registration for nonpayment of the outstanding and/or required fee(s).

RBC202.6 LICENSE AND REGISTRATION FEES. License and registration fees shall be in accordance with Table RBC202.6 of this Code.

Table RBC202.6. LICENSE AND REGISTRATION FEES.

Building Contractor, A-1 & A-2 (General Commercial)		\$200.00
Building Contractor, B-1 & B-2 (Limited Commercial)		\$175.00
Building Contractor C (Home Builder)		\$150.00
Building Contractor D (Specialty)		
1	Single Trade	\$100.00
2	Wrecking Contractor A	\$125.00
3	Wrecking Contractor B	\$100.00
4	Moving Contractor	\$100.00
5	Sign Contractor A	\$125.00
6	Sign Contractor B	\$75.00
7	Fire Suppression Contractor A	\$125.00
8	Fire Suppression Contractor B	\$100.00
9	Fire Suppression Contractor C and H	\$75.00
10	Fire Suppression Contractor D and M	\$50.00
11	On-Site Installer, Fire Hydrant Technician and Installer Limited	\$10.00
Building Contractor E (Maintenance and Remodeling)		\$75.00
Building Contractor F-1 (Solar Unlimited)		\$100.00
Building Contractor F-2 (Solar Limited)		\$75.00
Electrical Contractor		N.A.
Fire Alarm Contractor A		\$75.00
Fire Alarm Contractor B		\$50.00
Fire Alarm Installer		\$10.00
Mechanical Contractor A, B, C, D or E		\$100.00
Heating Mechanic I or IV		\$10.00
Plumbing Contractor or Water Connected Appliance Contractor		\$100.00

SECTION RBC203 - BUILDING CONTRACTORS

RBC203.1 APPLICATION AND EXAMINATION. In accordance with Sections RBC201.5 and RBC201.6 of this Code, the Licensing Committee shall review applications and examinations, and make appropriate recommendations to the Board of Review for the following classes of contractor licenses.

RBC203.2 BUILDING CONTRACTOR A (GENERAL COMMERCIAL).

RBC203.2.1 BUILDING CONTRACTOR A-1. This license shall entitle the holder to contract for the construction, alteration, and repair of any type or size of structure permitted by this Code.

RBC203.2.2 BUILDING CONTRACTOR A-2. This license shall entitle the holder to contract for the construction, alteration, and repair of any type occupancy classification allowed by this Code, with the exception of Groups A, E, and I occupancies exceeding thirty-thousand (30,000) square feet in total building floor area or any building that requires Type I construction.

RBC203.3 BUILDING CONTRACTOR B (LIMITED COMMERCIAL).

RBC203.3.1 BUILDING CONTRACTOR B-1. This license shall entitle the holder to contract for the construction, alteration, and repair of any type of occupancy classification allowed by this Code, with the exception of Groups A, E, I or H occupancies or any building that requires Type I construction.

RBC203.3.2 BUILDING CONTRACTOR B-2. This license shall entitle the holder to contract for nonstructural remodeling in all occupancies, with the exception of Group A, E, I or H occupancies or any building that requires Type I construction. Further, this license shall entitle the holder to contract for any work authorized under a Building Contractor C license, the construction, alteration, and repair of any Group B, F, M or S occupancies not more than one (1) story in height and not more than seven-thousand five-hundred (7,500) square feet in total building floor area, and the construction, alteration, or repair of any Group R occupancies not more than sixteen (16) units and not more than two (2) stories in height.

RBC203.4 BUILDING CONTRACTOR C (HOME BUILDER). This license shall entitle the holder to contract for the construction, alteration, and repair of one- and two-family dwellings not more than three (3) stories in height and their accessory structures. Further, this license shall entitle the holder to construct, alter, and repair Group R-2 occupancies of not more than eight (8) units and not more than two (2) stories in height. When in

the opinion of the Building Official the work to be performed is minor and does not affect the structure or safety of the building, the holder of this license may also contract for nonstructural repair and remodeling of all buildings with the exception of Groups A, E, I, and H occupancies, or buildings that require Type I construction.

RBC203.5 BUILDING CONTRACTOR D (SPECIALTY). This license shall be issued by the Board of Review to those engaged in contracting as other than a Building Contractor A, B, or C as licensed in this Code for labor or for labor and materials involving only a single trade, to include but not be limited to: foundation repair, masonry, retaining walls, roofing, siding, stucco, glazing, and swimming pools; and also those specifically designated below.

RBC203.5.1 SINGLE TRADE CONTRACTOR D-1. This license limits the licensee to contract for work only in the single trade designated on the license.

RBC203.5.2 WRECKING CONTRACTOR D-2A. The examinee must have a minimum of four (4) years' experience in wrecking. This contractor may wreck any building.

RBC203.5.3 WRECKING CONTRACTOR D-3B. The examinee must have a minimum of two (2) years' experience in wrecking. This contractor may wreck any building up to and including two (2) stories.

Exceptions:

1. The owner of a one- or two- family dwelling or accessory structure thereto may wreck the dwelling or structure without a license, provided the owner shows proof of and maintains for the duration of the work the same property damage, public liability, and explosion, collapse, demolition, and underground insurance as required for a Wrecking Contractor D-3B.
2. A licensed Building Contractor A, B, or C may wreck minor buildings or remove portions of a building at the discretion of the Building Official when the wrecking is associated with an addition, alteration, or repair. When performing wrecking, the licensed building contractor shall show proof of inclusion in the contractor's liability insurance policy of the same explosion, collapse, demolition, and underground provisions as those required of a Wrecking Contractor D-3B.

RBC203.5.4 MOVING CONTRACTOR D-4.

This license shall entitle the holder to contract for the moving of buildings and structures along the roads and streets within the Jurisdiction(s).

RBC203.5.5 SIGN CONTRACTOR D-5A.

This license shall entitle the holder to contract for the erection, enlargement, moving and maintenance, or removal of all signs governed under this Code. A Building Contractor A or B may also perform the functions of a Sign Contractor D-5A.

RBC203.5.6 SIGN CONTRACTOR D-6B.

This license shall entitle the holder to perform all work of a Sign Contractor D-5A except for free-standing signs over twenty (20) feet high and electric signs.

A Sign Contractor D-6B may repaint or maintain any sign. A Building Contractor C may also perform the functions of a Sign Contractor D-6B.

RBC203.5.7 FIRE SUPPRESSION

CONTRACTOR 7 – 11. See SECTION RBC207 - of this Code.

RBC203.6 BUILDING CONTRACTOR E (MAINTENANCE AND REMODELING).

This license shall entitle the holder to contract for the construction, alteration, and repair of structures accessory to one- and two-family dwellings not intended as enclosed habitable space such as decks, fences, sheds, patio covers, detached garages and workshops, and for interior non-structural repair or remodeling of one- or two-family dwellings.

RBC203.7 BUILDING CONTRACTOR F (SOLAR ENERGY).

RBC203.7.1 Building Contractor F-1,

Unlimited. This license shall entitle the holder to contract for the installation of all kinds of active solar heating and cooling systems, and to make the necessary connections to related equipment. The work done under this license shall be limited to the solar collector installation and its connection to the existing gas, plumbing, and heating systems.

RBC203.7.2 Building Contractor F-2,

Limited. This license shall entitle the holder to contract for the installation of all kinds of active solar heating and cooling systems but shall require that all connections and equipment related to the system be connected or installed by contractors properly licensed to do so.

A licensed Building Contractor A, B, or C may act as a Building Contractor F-2, Limited.

SECTION RBC204 - MECHANICAL CONTRACTORS

RBC204.1 APPLICATION AND EXAMINATION. In accordance with Sections RBC201.5 and RBC201.6 of this Code, the Licensing Committee shall review applications and examinations, and make appropriate recommendations to the Board of Review for the classes of contractor's licenses that follow.

Exceptions:

1. An examination is not required for the licensee of a Mechanical Contractor D who must be licensed by the State of Colorado.
2. A person in possession of a current State of Colorado Journeyman Plumbing License is not required to take the examination for a Heating Mechanic I (Fitter) License.

RBC204.2 TYPES OF MECHANICAL LICENSES. A contractor shall be classified as one of the following types:

RBC204.2.1 Mechanical Contractor A (Commercial). This license shall authorize the holder to obtain permits for and perform the installation, replacement or service, and repair of gas piping, heating, ventilating, and air conditioning systems in any type or size of structure permitted by this Code. Employees of the contractor shall also be appropriately licensed to install, replace, service and repair these systems and equipment.

RBC204.2.2 Mechanical Contractor B (Residential). This license shall authorize the holder to obtain permits for and perform the installation, replacement or service, and repair of gas piping, heating, ventilating, and air conditioning systems in one- and two-family dwellings and accessory structures of not more than three (3) stories in height. Employees of the contractor shall also be appropriately licensed to install, replace, service and repair these systems and equipment.

RBC204.2.3 Mechanical Contractor C (Specialty). This license shall be issued by the Board of Review to those engaged in contracting as other than a Mechanical Contractor A or B as licensed in this Code for labor or for labor and materials involving only one trade. These contractors shall be further classified into one of the following specialty categories:

1. **Gas Piping Contractor.** This license shall authorize the contractor to obtain permits for and perform the installation, replacement or service, and repair of gas piping systems and the installation, replacement or service,

and repair of gas appliances not connected to duct systems. Employees of the contractor shall also be appropriately licensed to install, replace, service and repair these systems and equipment.

2. **Commercial Refrigeration Contractor.** This license shall authorize the contractor to obtain permits for and perform the installation, replacement or service, and repair of commercial refrigeration systems. Employees of the contractor shall also be appropriately licensed to install, replace, service, and repair these systems and equipment.
3. **Residential Maintenance/ Repair and Replacement Contractor.** This license shall authorize the contractor to obtain permits for and perform the replacement or service and repair of heating, ventilating, and air conditioning systems on existing systems in one- and two-family dwellings and accessory structures of not more than three (3) stories in height. Employees of the contractor shall also be appropriately licensed to install, replace, service, and repair these systems and equipment.
4. **Residential Remodeling Contractor.** This license shall authorize the contractor to obtain permits for and perform the installation, replacement or service, and repair of duct work serving heating, ventilating, and air conditioning systems in existing one- and two-family dwellings and accessory structures of not more than three (3) stories in height.

RBC204.2.4 Mechanical Contractor D (Manufactured Buildings). This registration shall authorize the contractor to obtain permits for the installation of Manufactured Buildings regulated in accordance with SECTION RBC309 - of this Code as well as perform the installation, replacement or service, and repair of gas piping, heating, ventilating, and air conditioning systems in these structures. Employees of the contractor shall also be appropriately registered to install, replace, service, and repair these systems and equipment.

RBC204.2.5 Mechanical Contractor E (Elevators/ Escalators). This license shall entitle the holder to obtain permits and perform the construction, alteration, or repair of any device governed by SECTION RBC310 - of this Code.

RBC204.3 HEATING MECHANIC. A heating mechanic is a skilled worker qualified to perform

work on mechanical systems and equipment in accordance with the Mechanical and Fuel Gas Codes.

RBC204.4 GRADES OF MECHANICS. The various grades of heating mechanics and their functions and qualifications shall be as set forth in this Section.

- 1. Heating Mechanic I (Fitter).** This license allows the holder to engage in the installation and repair of gas piping systems. An applicant for Heating Mechanic I license shall have one-year experience in gas pipe fitting/installing and servicing. The applicant shall demonstrate proficiency in the use and calibration of a combustible gas indicator. All work must be performed under the direction of a Mechanical Contractor A, B, C (Gas Piping) or D.
- 2. Heating Mechanic II (Reserved).** Not used.
- 3. Heating Mechanic III (Reserved).** Not used.
- 4. Heating Mechanic IV (HVAC Service Technician).** This license allows the holder to engage in the repair and servicing of heating, ventilation and air conditioning equipment and systems when employed by, and under the direction of a Mechanical Contractor A, B, C (except for Residential Remodeling), or D. The equipment and systems upon which the holder may work shall be restricted to only those specifically identified within the employer's Mechanical Contractors license(s). The holder may also repair leaks in gas piping systems that do not entail alteration or the complete replacement of the piping. The applicant for a Heating Mechanic IV license shall demonstrate proficiency in the use and calibration of a

combustible gas indicator and a carbon monoxide detection instrument. At the time of license renewal, the mechanic must provide proof of having satisfactorily completed, within the last year, at least six (6) hours of technical training by an agency approved by the Building Official. Failure to provide this information shall constitute grounds for denying license renewal.

RBC204.5 GENERAL PROVISIONS FOR LICENSED MECHANICS.

RBC204.5.1 Requirement to Carry a License. Any mechanic licensed pursuant to this Section shall be required to carry on his or her person the licensee's current license at all times while he or she is working in the mechanical trade.

RBC204.5.2 Helpers. Any mechanic duly licensed under this Section may have a helper or helpers to assist the mechanic with the mechanic's work, pursuant to the applicable State statutes concerning the mechanic's specific trade, even though the helper or helpers are unlicensed.

RBC204.5.2.1 Supervision. Any unlicensed helper must work under the immediate and direct supervision of the mechanic licensed under this Section, and the licensed mechanic must be physically on the job site at all times that the unlicensed helper is working.

RBC204.5.2.2 Job Site. "Job Site" shall mean the project covered by the building permit, except that in residential construction, it may include any residential construction immediately adjacent thereto.

RBC204.5.2.3 Number. In the event that there is no state statute applicable to the specific trade, then the number of helpers must bear a reasonable relationship to the licensed mechanic.

SECTION RBC205 - PLUMBING & WATER CONDITIONING CONTRACTORS

RBC205.1 Plumbing Contractor A, COLORADO LICENSE REQUIRED No license other than a duly issued Colorado State master plumber's license shall be required. To perform plumbing work within this Jurisdiction, a Colorado State licensed master plumber shall register the contractor with the Department. The contractor is permitted to perform any work as is set out in SECTION RBC306 - of this Code. An annual fee for registration as set out in SECTION RBC202 - of this Code shall be charged to cover the administration of the registration and its functions.

RBC205.2 WATER CONDITIONING CONTRACTOR.

RBC205.2.1 Application and Examination. In accordance with Sections RBC201.5 and RBC201.6 of this Code, the Licensing Committee shall review applications and examinations, and make appropriate recommendations to the Board of Review for water conditioning contractors.

RBC205.2.2 Restrictions. This license shall authorize the holder to obtain permits for and perform the installation, replacement or service and repair of water conditioning equipment. The contractor shall not perform work that requires licensing or registration elsewhere in this Code, to include waste, drain, or vent piping, without holding the applicable license or registration to do such work.

RBC205.2.3 State Master Plumber's License. A plumbing contractor holding a State master plumber's license and registered in this Jurisdiction may obtain permits to install any of the above listed items without a separate license.

SECTION RBC206 - ELECTRICAL CONTRACTORS

RBC206.1 COLORADO LICENSE REQUIRED.

No license other than a duly issued Colorado electrical contractor's license shall be required; however, Colorado licensed electrical contractors shall register with the Department.

RBC206.2 FIRE ALARM CONTRACTORS. See SECTION RBC208 - of this Code.

SECTION RBC207 - FIRE SUPPRESSION CONTRACTORS

RBC207.1 GENERAL. Fire Suppression Contractors shall be licensed and regulated in accordance with this Section.

RBC207.2 DEFINITIONS

DOT. For the purposes of this Section, refers to the United States Department of Transportation.

JOB SITE. The area covered by the system permit, except that in residential construction it may include any residential construction located immediately adjacent thereto.

MULTIPURPOSE FIRE SPRINKLER SYSTEM. For the purposes of this Section, a system intended to serve both domestic and fire protection needs.

NICET. For the purposes of this Section, refers to the National Institute for the Certification in Engineering Technologies.

PORTABLE FIRE EXTINGUISHER REPAIR AND SERVICE FACILITY. A DOT authorized requalification facility.

PRIVATE FIRE HYDRANT. Any fire hydrant located on private property and not owned by a municipality or water district.

RESPONSIBLE MANAGING EMPLOYEE (RME). An exclusive, permanent, full-time employee of a company, corporation, or similar entity who holds a current and valid NICET level III or higher certificate, or who is licensed by the State of Colorado as a Professional Engineer having expertise to the Fire Authority's satisfaction, in the design of fire protection systems or other certifications/licenses acceptable to the Fire Authority. A RME must be active in the day-to-day activities of the company. A RME shall not be listed for multiple (2 or more) contractors.

SPECIAL HAZARD FIRE SUPPRESSION SYSTEM. An automatic or manually activated fire suppression system which delivers a suppression agent through a distribution system onto or into a protected hazard from a specific stored supply and which cannot be construed as an automatic fire sprinkler system. The system may also include auxiliary control, alarm, and detection equipment.

RBC207.3 General. The applicant, if a company, corporation, or similar entity, shall meet all requirements listed in SECTION RBC207 - of this Code in addition to specific requirements under the type of license sought; or Section RBC207.3.7 of this Code if an individual person, as may be applicable. Company, corporation, or similar entity licenses shall be issued jointly in the name of the company, corporation, or similar entity and an employee

serving as president or principal of the company, corporation, or similar entity. This person shall be active in the day-to-day business operations of the entity.

RBC207.3.1 Insurance requirements. The applicant shall meet the insurance requirements under Section RBC201.7 of this Code.

RBC207.3.2 Responsibilities of the RME. The RME shall be named as a qualifying RME when a contractor makes application for this license. The contractor shall retain the services of at least one RME, but may retain the services of any number of RMEs provided these individuals meet the qualifications described above. The RME shall be responsible for the final design and installation of each system and shall indicate approval through inscription of signature and date on each sheet of plans submitted to the appropriate Fire Authority for review.

RBC207.3.3 Certificates and licenses. The required certificates and licenses shall remain current during the licensed year.

RBC207.3.4 Retention of RME/licensee. If the sole RME for a company, corporation, or similar entity leaves employment or the certificate or license for that individual expires, the contractor shall have sixty (60) calendar days from the event to secure a new RME or obtain and present a current certificate or license, as applicable. If a contractor cannot secure a new RME or provide appropriate certification or license, the contractor's license shall immediately become invalid. Contractors whose licenses become invalid may reapply for license under SECTION RBC207 - of this Code.

RBC207.3.5 Expiration of license. Refer to Section RBC201.10 of this Code.

RBC207.3.6 Application and review. The Colorado Springs Fire Board of Appeals, in accordance with Section RBC111.7 of this Code, shall review and approve applications for the contractors addressed in SECTION RBC207 - of this Code.

RBC207.3.7 Individual applicants. Individual persons may apply for a license if they meet the qualifications of a RME. Individual licenses shall be issued in the name of this individual.

RBC207.3.7.1 Retention of RME/licensee. If an individual person's appropriate certificate or license expires, that person shall have sixty (60) calendar days from the expiration of the certificate or license to obtain and present a current certificate or license, as applicable. If

the individual person cannot provide an appropriate certificate or license, the individual's license shall immediately become invalid. Individuals whose licenses become invalid may reapply for license under SECTION RBC207 - . Where the individual is also the person performing field work, that person shall also obtain the appropriate Installer and/or Service Technician registrations.

RBC207.4 Fire Suppression Contractor A.

This license shall authorize the contractor to design, install, add to, alter, service, repair, maintain, test, and inspect water-based fire suppression and standpipe systems of all types, including their necessary control, alarm and detection components, as well as retrofit existing systems with backflow prevention devices. The license shall also authorize the contractor to obtain permits from the Fire Authority for said services. This license does not authorize the contractor to make connection to or alter a building fire alarm system.

RBC207.4.1 Experience. The contractor shall document a minimum of five (5) years' experience in all work areas relating to water-based fire suppression and standpipe systems.

RBC207.4.2 RME employment. The contractor shall provide proof of employment of at least one RME through a letter certifying permanent, exclusive, full-time employment of that individual with the company, corporation or similar entity.

RBC207.4.3 RME qualifications. RME's must hold a current and valid NICET level III or higher certificate in fire sprinkler design or water-based suppression systems, or be licensed by the State of Colorado as a Professional Engineer having expertise to the Fire Authority's satisfaction.

RBC207.4.4 On-site Installer. Refer to Section RBC207.10 of this Code for requirements of On-site Installers.

RBC207.4.5 Suppression Inspector. Refer to Section RBC207.14 of this Code for requirements of Suppression Inspector.

RBC207.5 Fire Suppression Contractor/Dealer B.

This license shall authorize the contractor/dealer to install, add to, alter, service, repair, maintain, test, and inspect portable fire extinguisher appliances, engineered, and pre-engineered special hazard fire suppression systems including their necessary control, alarm, and detection components. The license shall also authorize the contractor/dealer to obtain permits from the Fire Authority for such services.

RBC207.5.1 Experience. The contractor/dealer shall provide documentation of a minimum of three (3) years' work experience in the areas related to

portable fire extinguisher appliances and/or pre-engineered special hazard fire suppression systems.

RBC207.5.2 RME employment. The contractor shall provide proof of employment of at least one RME through a letter certifying permanent, exclusive, full-time employment of that individual with the company, corporation, or similar entity.

RBC207.5.3 RME qualifications. The RME of the company or organization shall provide a detailed explanation of the individual's qualifications as applicable to portable fire extinguisher appliances, engineered, and pre-engineered special hazard suppression systems.

RBC207.5.4 Manufacturer certification. Current certifications from each manufacturer of special hazard systems that the applicant is qualified to install and service shall be provided at the time of application. These certifications must be maintained throughout the license year.

RBC207.5.5 Equipment requirements. The Contractor/dealer shall satisfy the minimum equipment requirements for the specific work to be performed on portable fire extinguisher appliances, engineered, and pre-engineered special hazard suppression systems.

RBC207.5.6 DOT Registration. The Contractor/dealer shall maintain a current DOT registration as an approved cylinder requalification facility or a contract with an outside cylinder requalification facility. At the time of application, the outside facility shall provide the Fire Authority with proof of liability insurance equal to that required of the applicant.

RBC207.5.7 Service Technician. Refer to Section RBC207.13 of this Code for requirements of Service Technicians.

RBC207.6 Fire Suppression Contractor/Dealer C.

This license shall authorize the contractor/dealer to inspect, service, recharge, repair, maintain, install, and hydrostatically test portable fire extinguisher appliances.

RBC207.6.1 Experience. The contractor/dealer shall provide documentation of a minimum of two (2) years' work experience in the service of portable fire extinguisher appliances.

RBC207.6.2 RME employment. The contractor shall provide proof of exclusive employment of at least one RME through a letter certifying exclusive, permanent, full-time employment of such individual with the company, corporation, or similar entity.

RBC207.6.3 RME qualifications. The RME of the company or organization shall provide a

detailed explanation of the individual's qualifications as applicable to portable fire extinguisher appliances.

RBC207.6.4 Equipment requirements. The Contractor/dealer shall satisfy the minimum equipment requirements for the specific work to be performed on portable fire extinguisher appliances.

RBC207.6.5 DOT Registration. The Contractor/dealer shall maintain a current DOT registration as an approved cylinder requalification facility or a current contract with an outside cylinder requalification facility. At the time of application, the outside facility shall provide the Fire Authority with proof of liability insurance equal to that required of the applicant.

RBC207.6.6 Service technician. Refer to Section RBC207.13 of this Code for requirements of Service Technicians.

RBC207.7 Commercial, Industrial or Instructional Facilities Manager D. This license shall authorize the company or organization to inspect, service, recharge, repair, maintain, and install portable fire extinguisher appliances which are the property of or under the care and control of the applicant.

RBC207.7.1 Experience. The facilities manager shall provide documentation of a minimum of two (2) years' work experience in the service of portable fire extinguisher appliances.

RBC207.7.2 Equipment requirements. The company or organization shall satisfy the minimum equipment requirements for the specific work to be performed on portable fire extinguisher appliances.

RBC207.7.3 RME qualifications. The RME of the company or organization shall provide a detailed explanation of his/her qualifications to service portable fire extinguisher appliances and pass the Service Technician examination.

RBC207.7.4 Service Technician. Refer to Section RBC207.13 of this Code for requirements of Service Technicians.

RBC207.8 Fire Suppression Contractor H. This license shall authorize the contractor to perform services associated with the maintenance, testing, and inspection of private fire hydrants.

RBC207.8.1 Experience. The contractor shall provide documentation of a minimum of two (2) years' work experience in the service of private fire hydrants.

RBC207.8.2 RME employment. The contractor shall provide proof of employment of at least one RME through a letter certifying permanent, exclusive, full-time employment of

that individual with the company, corporation, or similar entity.

RBC207.8.3 RME qualifications. The RME of the company or organization shall provide a detailed explanation of his/her qualifications as applicable to private fire hydrants.

RBC207.8.4 Equipment requirements. The Contractor shall satisfy the minimum equipment requirements for specific work to be performed on fire hydrants.

RBC207.8.5 Hydrant Technician. Refer to Section RBC207.12 of this Code for requirements of Hydrant Technicians.

RBC207.9 Fire Suppression Contractor M. This license shall authorize the contractor to install, add to, alter, service, repair, maintain, test, and inspect multipurpose fire sprinkler systems. The license also shall authorize the contractor to obtain permits from the Fire Authority for such services.

RBC207.9.1 Experience. The contractor shall document a minimum of five (5) years' experience in all work areas relating to multipurpose fire sprinkler systems and residential plumbing.

RBC207.9.2 RME employment. The contractor shall provide proof of employment of at least one RME through a letter certifying permanent, exclusive, full-time employment of that individual with the company, corporation, or similar entity.

RBC207.9.3 RME qualifications. The RME of the company or organization shall provide a detailed explanation of his/her qualifications as applicable to multipurpose fire sprinkler systems.

RBC207.9.4 Master Plumber License. The contractor shall provide a current and valid Colorado State Master Plumber License at the time of application.

RBC207.9.5 Factory training. The contractor shall provide a certificate of attendance or completion of factory training for the specific system(s) the contractor wants to install.

RBC207.9.6 On-site Installer Limited. Refer to Section RBC207.11 of this Code for requirements of On-site Installer Limited.

RBC207.10 Suppression On-site Installer. The On-site Installer is a skilled worker employed by a Fire Suppression Contractor A who is qualified to ensure practical installation of water-based fire suppression and standpipe systems according to the standards set by the Fire Authority.

RBC207.10.1 Scope of certification. The On-site Installer Certificate allows a person to install, add to, alter, repair, maintain, test, and inspect water-based suppression systems and standpipe systems of all types. All work must be performed

under the direction of a licensed Fire Suppression Contractor A contractor.

RBC207.10.2 Experience. The applicant for the certificate shall have a minimum of two (2) years' of installation experience in water-based suppression and standpipe systems. The two (2) years' of experience may be a combination of installation and inspection experience with the installation experience entailing sixty percent (60%) or greater of the required experience. References shall be supplied establishing this experience.

RBC207.10.3 Examination. An examination is required for this certificate with a passing score as determined by the approved testing agency.

Exception: A RME holding a current NICET level III or IV Certification in Fire Sprinkler Design, or a Colorado registered Professional Engineer having experience in fire sprinkler design, is exempt from the exam requirement.

RBC207.10.4 Expiration. The On-Site Installer certificate shall be valid for a period of three (3) years. At the expiration of the three (3) year period, the installer shall have ninety (90) calendar days to make application and pass the examination.

RBC207.10.5 Requirement to carry the certification. The installer certified pursuant to this Section shall be required to carry on their person at all times their current Pikes Peak Regional Building Department license identification and third-party certification card while working in the trade.

RBC207.10.6 Helpers. The installer duly certified under this Section may have a helper or helpers to assist in the work. There shall be no more than five (5) helpers per certified installer per job site. A certified installer must be physically located on a job site at all times that work is being performed on the site.

RBC207.11 On-site Installer Limited. The On-Site Installer Limited is at a minimum a State of Colorado Residential Plumber employed by the permit holding Fire Suppression Contractor M who is qualified to ensure practical installation of the multipurpose fire sprinkler system according to the standards set by the Fire Authority.

RBC207.11.1 Scope of certification. The On-site Installer Limited certificate allows a person to install, add to, alter, repair, maintain, test, and inspect single-family multipurpose automatic fire sprinkler systems. All work must be performed under the direction of a licensed Fire Suppression Contractor M contractor.

RBC207.11.2 Experience. The applicant for the certificate shall have a minimum of two (2)

years' work experience in multipurpose fire sprinkler systems. References shall be supplied establishing this experience.

RBC207.11.3 Examination. An examination is required for this certificate with a passing score as determined by the approved testing agency.

RBC207.11.4 Expiration. The On-site Installer Limited Certificate shall be valid for a period of three (3) years. At the expiration of the three (3) year period, the Installer Limited shall have ninety (90) calendar days to make application and pass the examination.

RBC207.11.5 Requirement to carry the certification. The Installer Limited duly certified pursuant to this Section shall be required to carry on their person at all times their current Pikes Peak Regional Building Department license identification and third-party certification card while working in the trade.

RBC207.11.6 Helpers. The Installer Limited duly certified under this Section may have a helper or helpers to assist in the work. There shall be no more than three (3) helpers per certified installer per job site. A certified Installer Limited must be physically located on a job site at all times that work is being performed on the site.

RBC207.12 Fire Hydrant Technician. The fire hydrant technician is a skilled worker employed by a licensed Fire Suppression Contractor H contractor who is qualified to ensure competent testing, maintenance, and inspection of private fire hydrants according to the standards set by the Fire Authority.

RBC207.12.1 Scope of certification. The Fire Hydrant Technician certificate allows a person to service, test, maintain, repair, and inspect private fire hydrants. All work must be performed under the direction of a licensed Fire Suppression Contractor H contractor.

RBC207.12.2 Experience. The applicant for the certificate shall have a minimum of two (2) years' work experience in fire hydrant maintenance. References shall be supplied establishing this experience.

RBC207.12.3 Examination. An examination is required for this certificate with a passing score as determined by the approved testing agency.

RBC207.12.4 Expiration. The Fire Hydrant Technician Certificate shall be valid for a period of three (3) years. At the expiration of the three (3) year period, the Installer Limited shall have ninety (90) calendar days to make application and pass the examination.

RBC207.12.5 Requirement to carry the certification. The Fire Hydrant Technician duly certified pursuant to this Section shall be required

to carry on their person at all times their current Pikes Peak Regional Building Department license identification and third-party certification card while working in the trade.

RBC207.12.6 Helpers. The Fire Hydrant Technician duly certified under this Section may have a helper or helpers to assist in the work. There shall be no more than three (3) helpers per certified installer per job site. A certified Fire Hydrant Technician must be physically located on a job site at all times that work is being performed on the site.

RBC207.13 Service Technician. The service technician is a skilled worker employed by a licensed Fire Suppression Contractor B, C, or D contractor who is qualified to ensure competent service, repair, testing, maintenance, and inspection of portable fire extinguisher appliances, engineered or pre-engineered special hazard systems including commercial kitchen suppression systems according to the standards set by the Fire Authority.

RBC207.13.1 Scope of certification. The Service Technician Certificate allows a person to service, repair, maintain, test, and inspect portable fire extinguisher appliances and/or pre-engineered special hazard systems including commercial kitchen systems. All work must be performed under the direction of a licensed contractor.

RBC207.13.2 Experience. The applicant for the certificate shall have a minimum of two (2) years' work experience in portable fire extinguisher appliances, engineered or pre-engineered special hazard systems including commercial kitchen systems. References shall be supplied establishing this experience.

RBC207.13.3 Examination. A trade specific examination is required for this certificate with a passing score as determined by the approved testing agency.

RBC207.13.4 Expiration. The Service Technician Certificate shall be valid for a period of three (3) years. At the expiration of the three (3) year period, the Service Technician shall have ninety (90) calendar days to make application and pass the examination.

RBC207.13.5 Requirement to carry the certification. The Service Technician duly certified pursuant to this Section shall be required to carry on their person at all times their current Pikes Peak Regional Building Department license identification and third-party certification card while working in the trade.

RBC207.13.6 Helpers. The Service Technician duly certified under this Section may have a helper or helpers to assist in the work. There shall be no more than three (3) helpers per certified Service

Technician per job site. A certified Service Technician must be physically located on a job site at all times that work is being performed on the site.

RBC207.14 Suppression Inspector. The Suppression Inspector is a skilled worker employed by a Fire Suppression Contractor A who is qualified to ensure proper testing and inspection of water-based fire suppression and standpipe systems in accordance with the standards set by the Fire Authority.

RBC207.14.1 Scope of certification. The Suppression Inspector Certificate allows the individual to test and inspect water-based suppression and standpipe systems of all types. This certification does not permit the installation, alteration, or repair of water-based suppression beyond the replacement of gauges and missing sprinkler escutcheons. All work must be performed under the direction of a licensed Fire Suppression Contractor A.

RBC207.14.2 Experience. The applicant for the certificate shall have a minimum of two (2) years' inspection experience in water-based suppression and standpipe systems. References shall be supplied establishing this experience.

RBC207.14.3 Examination. An applicant shall have the option to obtain a minimum NICET Level II certification for the inspection of water-based systems or take an approved exam with a passing score as determined by the approved testing agency.

Exception: A RME holding a current NICET level III or IV certification in fire sprinkler design, or a Professional Engineer licensed in the State of Colorado with experience in fire sprinkler design.

RBC207.14.4 Expiration. The Suppression Inspector Certificate shall be valid for a period of three (3) years. At the expiration of the three (3) year period, the Service Technician shall have ninety (90) calendar days to make application and pass the examination.

RBC207.14.5 Requirement to carry the certification. The Suppression Inspector certified pursuant to this Section shall be required to carry on their person at all times their current Pikes Peak Regional Building Department license identification and third-party certification card while working in the trade.

RBC207.14.6 Helpers. The Suppression Inspector duly certified under this Section may have a helper or helpers to assist in the work. There shall be no more than three (3) helpers per certified Suppression Inspector per job site. A certified Suppression Inspector must be physically

located on a job site at all times that work is being performed on the site.

SECTION RBC208 - FIRE ALARM CONTRACTORS

RBC208.1 GENERAL. Fire Alarm Contractors shall be licensed and regulated in accordance with this Section.

RBC208.2 DEFINITIONS.

FIRE ALARM SYSTEM. A system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

COMBINATION SYSTEM. A fire alarm system in which components are used, in whole or in part, in common with a non-fire signaling system, such as a burglar system, or access control system.

DEDICATED FUNCTION SYSTEM. A system installed specifically to perform fire safety functions (elevator recall, suppression system monitoring, door releasing) where a building fire alarm system is not required.

RELEASING SYSTEM. A system that is part of a fire suppression system and/or provides control inputs to a fire suppression system related to the suppression system's sequence of operations and outputs for other signaling and notification related to that fire suppression system.

JOB SITE. The area covered by the fire alarm system permit, except that in residential construction it may include any residential construction located immediately adjacent thereto.

NICET. For the purposes of this Section, refers to the National Institute for Certification in Engineering Technologies.

RESPONSIBLE MANAGING EMPLOYEE (RME). A permanent, exclusive, full-time employee of a company, corporation, or similar entity who holds a current and valid NICET Level III or higher certificate, or is licensed by the State of Colorado as a Professional Engineer having expertise, to the Fire Authority's satisfaction, in the design of fire protection systems or other certification/licenses acceptable to the Fire Authority. A RME must be active in the day-to-day activities of their company. A RME shall not be listed for multiple (2 or more) Fire Alarm Contractor A or B license holders.

ROUGH IN INSPECTION. Inspection performed on the installation of wiring, conduit, boxes, and other devices necessary for the operation of a Fire Alarm System. This inspection does not include the final/operational test of a completed system nor the placement or function of any fire alarm devices

or components.

RBC208.3 General. The applicant, if a company, corporation, or similar entity, shall meet all requirements listed in SECTION RBC208 - of this Code in addition to specific requirements under the type of license sought; or Section RBC208.3.7 of this Code if an individual, as may be applicable. Company, corporation, or similar entity licenses shall be issued jointly in the name of the company, corporation, or similar entity and an employee serving as president or principal of the company, corporation, or similar entity. This individual shall be active in the day-to-day business operations of the entity.

RBC208.3.1 Insurance requirements. The applicant shall meet the insurance requirements under Section 201.7 of this code.

RBC208.3.2 Responsibilities of the RME. The RME must be named as a qualifying RME when a contractor makes application for this license. The contractor shall retain the services of at least one RME, but may retain the services of any number of RMEs provided any and all of these individuals meet the qualifications described above. The RME shall be responsible for the final design and installation of each system and shall indicate approval through inscription of signature and date on each sheet of plans submitted to the appropriate Fire Authority for review.

RBC208.3.3 Certificates and licenses. The required certificates and licenses shall remain current during the licensed year.

RBC208.3.4 Retention of RME/licensee. If the sole RME for a company, corporation, or similar entity leaves employment or the certificate or license for that individual expires, the contractor shall have sixty (60) calendar days from the event to secure a new RME or obtain and present a current certificate or license, as applicable. If a contractor cannot secure a new RME or provide appropriate certification or license, the contractor's license shall immediately become invalid. Contractors whose licenses become invalid may reapply for license under SECTION RBC208 - of this Code.

RBC208.3.5 Expiration of license. Refer to Section 201.10 of this Code.

RBC208.3.6 Application and review. The Colorado Springs Fire Board of Appeals, in accordance with Section RBC111.7 of this Code, shall review and approve applications for the

contractors addressed in SECTION RBC208 - of this Code.

RBC208.3.7 Individual applicants. Individuals may apply for license if they meet the qualifications of an RME. Individual licenses shall be issued in the name of this individual.

RBC208.3.7.1 Retention of RME/licensee. If an individual's appropriate certificate or license expires, that individual shall have sixty (60) calendar days from the expiration of the certificate or license to obtain and present a current certificate or license, as applicable. If the individual cannot provide an appropriate certificate or license, the individual's certificate or license shall immediately become invalid. Individuals whose certificate or license become invalid may reapply for a certificate or license under SECTION RBC208 - of this Code. Where the individual is also the person performing field work, that individual shall also obtain the appropriate Installer registrations.

RBC208.3.8 Permits. A permit shall be obtained from the Building Department for the rough installation of wiring. Permit fees shall be in accordance with the Building Permit Fee Schedule as adopted by the Jurisdiction. Permits required by the Fire Authority shall be in addition to those required by the Building Department.

RBC208.3.9 Inspections. Rough-in inspections for fire alarm systems shall be scheduled with the Building Department. The placement and function of devices and components and the final/operational inspection shall be performed by the Fire Authority.

RBC208.4 Fire Alarm Contractor A. This license shall authorize the contractor to design, program, install, add to, alter, service, repair, maintain, test, and inspect fire alarm systems, dedicated function systems as well as the necessary control, alarm, and detection components of releasing systems and communications methods. The license shall also authorize the contractor to obtain permits from the Fire Authority and to obtain a rough-in permit from the Building Department.

RBC208.4.1 Experience. The contractor shall document a minimum of five (5) years' experience in all work areas relating to fire alarm systems

RBC208.4.2 RME employment. In addition, the contractor shall provide proof of employment of at least one RME through a letter certifying permanent, exclusive, full-time employment of that individual with the company, corporation, or similar entity.

RBC208.4.3 RME qualifications. The RME must hold a current and valid NICET level III or higher certificate in fire alarm design, or be licensed by the State of Colorado as a Professional Engineer having expertise to the Fire Authority's satisfaction.

RBC208.4.4 On-site Installer. Refer to Section RBC208.6 of this Code for requirements of On-site Installers.

RBC208.5 Fire Alarm Contractor B. This license shall authorize the company, corporation, or similar entity to install, service, repair, test, and inspect fire alarm systems, dedicated function systems as well as the necessary control, alarm, and detection components of releasing systems and communications methods as well as add to or alter non-proprietary fire alarm systems. The license shall also authorize the contractor to obtain permits from the Fire Authority and to obtain a rough-in permit from the Building Department.

RBC208.5.1 Experience. The contractor shall document a minimum of five (5) years' experience. Experience shall be in all work areas relating to fire alarm systems.

RBC208.5.2 RME employment. In addition, the contractor shall provide proof of employment of at least one RME through a letter certifying permanent, exclusive, full-time employment of that individual with the company, corporation, or similar entity.

RBC208.5.3 RME qualifications. The RME must hold a current and valid NICET level II or higher certificate in fire alarm design, or be licensed by the State of Colorado as a Professional Engineer having expertise to the Fire Authority's satisfaction.

RBC208.5.4 On-site Installer. Refer to Section RBC208.6 of this Code for requirements of On-site Installers.

RBC208.5.5 Fire Alarm Inspector. Refer to Section RBC208.7 of this Code for requirements of Fire Alarm Inspector.

RBC208.6 Fire Alarm On-site Installer. The On-site Installer is a skilled worker employed by the permit-holding Fire Alarm Contractor and is qualified to ensure practical installation of the fire alarm system according to the standard set by the Fire Authority.

RBC208.6.1 Scope of Certification. The On-site Installer certificate allows a person to install, add to, alter, repair, test, and inspect fire alarm systems. All work must be performed under the direction of a licensed Fire Alarm Contractor.

RBC208.6.2 Experience. The applicant for the license shall have a minimum of two (2) years' work experience in fire alarm systems. References shall be supplied establishing this experience.

RBC208.6.3 Examination. An examination is required for this certificate. An applicant shall have the option to obtain a minimum of NICET Level II certification in fire alarm systems or take an approved exam with a passing score as determined by the approved testing agency.

Exception: A RME holding a current NICET level III or IV Certification in Fire Alarm Design, or a Colorado registered Professional Engineer having experience in fire alarm design, may be exempt from the exam requirement.

RBC208.6.4 Expiration. The On-site Installer Certificate shall be valid for a period of three (3) years. At the expiration of the three (3) year period, the installer shall have ninety (90) calendar days to make application and pass the examination.

RBC208.6.5 Requirement to carry the certification. The installer certified pursuant to this Section shall be required to carry on their person at all times their current Pikes Peak Regional Building Department license identification and third-party certification card while working in the trade.

RBC208.6.6 Helpers. The installer duly certified under this Section may have a helper or helpers to assist in the work. There shall be no more than five (5) helpers per certified installer per job site. A certified installer must be physically located on a job site at all times that work is being performed on the site.

RBC208.7 Fire Alarm Inspector. The Fire Alarm Inspector is a skilled worker employed by a Fire Alarm Contractor A or B and is qualified to ensure the proper inspection of the fire alarm system according to the standards set by the Fire Authority.

RBC208.7.1 Scope of certification. The inspector certificate allows a person to test and inspect fire alarm systems of all types. This certification does not allow for the installation, addition to, alteration, or repair of fire alarm

systems beyond the replacement of batteries or fire alarm devices that do not require removal or modification of fire alarm wiring. All work must be performed under the direction of a licensed Fire Alarm A or B contractor.

RBC208.7.2 Experience. The applicant for the certificate shall have a minimum of two (2) years' inspection experience in fire alarm systems. References shall be supplied establishing this experience.

RBC208.7.3 Examination. An applicant shall have the option to obtain a minimum of NICET Level II certification in fire alarm systems, NICET Level II certification for the inspection of fire alarm systems, or take an approved exam with a passing score as determined by the approved testing agency.

Exception: A RME holding a current NICET level III or IV certification in Fire Alarm Design, or a Colorado registered Professional Engineer having experience in fire alarm design, is exempt from the exam requirement.

RBC208.7.4 Expiration. The Fire Alarm Inspector certificate shall be valid for a period of three (3) years. At the expiration of the three (3)-year period, the inspector shall have ninety (90) calendar days to make application and pass the examination.

RBC208.7.5 Requirement to carry the certification. The inspector certified pursuant to this Section shall be required to carry on their person at all times their current RBD and third-party certification card while working in the trade.

RBC208.7.6 Helpers. The inspector duly certified under this Section may have a helper or helpers to assist in the work. There shall be no more than three (3) helpers per certified inspector per job site. A certified inspector must be physically located on a job site at all times that work is being performed on the site.

CHAPTER 3 – CONSTRUCTION CODES

SECTION RBC301 - GENERAL

RBC301.1 CODES ADOPTED BY REFERENCE.

Pursuant to Sections 30-15-407, 30-28-201 and 31-16-202 of the Colorado Revised Statutes, as amended, and the Colorado Constitution, Article XX, as applicable, codes in this chapter may be adopted by reference.

RBC301.2 OTHER REFERENCED CODES.

Where other codes or standards are referenced in these adopted codes, these shall be considered to be part of the requirements of this Code unless specifically exempted from adoption by the Jurisdiction.

RBC301.3 APPLICATION. This Chapter shall apply to every building, structure, equipment, or installation within the Jurisdiction in accordance with Section RBC101.3 of this Code.

RBC301.4 INTERPRETATION. The Codes in this Chapter shall be interpreted and construed as to effectuate their general purpose to make uniform the local regulations contained therein. Chapter and section headings of this Code and adopted codes and standards shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or extent of provisions of any chapter or section.

RBC301.5 SALE OF COPIES. The Jurisdiction shall delegate to the Building Department responsibility to maintain a reasonable supply of copies of the primary codes adopted by reference. These shall be available for purchase by the public at a reasonable price.

SECTION RBC302 - COMMERCIAL BUILDING CODE

RBC302.1 SHORT TITLE. This Section will be known and cited as the Commercial Building Code.

RBC302.2 SCOPE. The provisions of the Commercial Building Code shall apply in accordance with Section RBC101.3 of this Code.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the Residential Building Code as provided for in SECTION RBC303 - of this Code.
2. Existing buildings undergoing repair, alteration, addition, or change of occupancy shall be permitted to comply with the Existing Building Code as provided for in SECTION RBC311 - of this Code.

RBC302.3 CODE ADOPTED BY REFERENCE.

There is hereby adopted by reference the International Building Code, 2021 Edition, of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. Three (3) copies of the Code are now filed in the office of the Clerk of the Jurisdiction(s) and may be inspected during regular business hours. The Code is being adopted to include the International Building Code Appendices, save and except the following, which are declared to be non-applicable to the Jurisdiction(s) and are therefore expressly deleted:

1. Chapter 1, Administration.
2. Chapter 27, Electrical.
3. Chapter 28, Mechanical Systems.
4. Chapter 29, Plumbing Systems.
5. Chapter 32, Encroachments into the Public Right-of-Way.
6. Appendix A and B.
7. Appendix D, E, F.
8. Appendix J, K, L, M, N, O.

RBC302.4 ADDITIONS AND

MODIFICATIONS. The adopted Code is subject to the following additions and modifications:

RBC302.4.1 Section 202 DEFINITIONS. Add or replace the following definitions:

CHANGE OF OCCUPANCY. A Change of Occupancy shall comply with Section RBC110.1.2 of this Code.

CRAWLSPACE. An under-floor space not defined as a *basement*, between the bottom of a floor and the earth under any building that is not more than

5 feet (1524 mm) in height measured from the average interior grade to the underside of the floor framing.

SLEEPING ROOM. A *habitable* space used primarily for sleeping purposes and containing a closet 16 inches (406.4 mm) or greater in depth.

STAIRWAY, SPIRAL. A *stairway* having a closed circular form in its plan view with uniform section-shaped treads attached to and radiating from a minimum-diameter supporting column or uniform interior radius wall.

See Appendix D of this Code for additional modifications to Section 202 of the *International Building Code*, 2021 Edition, by the City of Colorado Springs.

RBC302.4.2 Section 310.4.1 Care facilities within a dwelling. Add the following exception.

Exception: Child care facilities within a dwelling shall comply with C.R.S. § 26.5-5-310, as amended, and SECTION RBC303 - of this Code.

RBC302.4.3 Section 310.4.2 Lodging houses. Delete and replace with the following:

310.4.2 Lodging houses. Owner-occupied *lodging houses* with five or fewer *guest rooms* and 10 or fewer total occupants shall be permitted to be constructed in accordance with SECTION RBC303 - of this Code.

RBC302.4.4 Section 402.6.2 Kiosks. Delete.

RBC302.4.5 Section 406.3 Private garages and carports. Delete and replace with the following:

406.3 Private garages and carports. *Private garages* and carports shall comply with Sections 406.2 and 406.3.

RBC302.4.6 Section 502.1 Address identification. Delete and replace with the following:

502.1 Address identification. Street addressing shall be in accordance with SECTION RBC312 - of this Code.

RBC302.4.7 Section 508.4.4 Separation. Add the following after the first sentence:

Footnote b from Table 508.4 shall be applicable to both S-2 and U occupancy classifications for *private garages* that meet the requirements of Section 406.3.

RBC302.4.8 Section 704.2.1 Insert a new Section as follows:

704.2.1 Light-Frame Construction. Built up wood studs or solid wood columns that are

integral elements in *load-bearing walls* of light-frame construction and do not exceed 33 square inches (21,290 mm²) in cross-sectional area shall be permitted to have required *fire-resistance ratings* provided by the membrane protection provided for the *load-bearing wall*.

RBC302.4.9 Section 705.11 Parapets. Exception 5. In the first sentence delete “or both”.

Add the following option after item 5.2:

- 5.3. Buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, and provided with Class A roof covering.

RBC302.4.10 Section 706.2 Structural stability. Delete the exception and replace with the following:

Exception: Where double *fire walls* are used in accordance with NFPA 221, floor and roof sheathing not exceeding $\frac{3}{4}$ inch (19.05 mm) thickness shall be permitted to be continuous through wall assemblies of *light frame construction*.

RBC302.4.11 Section 706.6 Vertical continuity. Add the following exception after exception 4.3:

- 4.4 Where the buildings on each side of the *fire wall* are equipped with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

RBC302.4.12 Section 707.3.11 Insert a new Section as follows:

707.3.11. Protection of fire pump rooms. Fire pumps shall be located in rooms that are separated from all other areas of the building by 2-hour *fire barriers* constructed in accordance with Section 707 or 2-hour *horizontal assemblies* constructed in accordance with Section 711, or both.

Exceptions:

1. In other than high rise buildings, separation by 1-hour *fire barriers* constructed in accordance with Section 707 or 1-hour *horizontal assemblies* constructed in accordance with Section 711, or both, shall be permitted in building equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Separation is not required for fire pumps physically separated in accordance with NFPA 20.

RBC302.4.13 Section 717.5.3 Shaft enclosures. Add the following exception after exception 5:

6. *Penthouse* mechanical rooms in accordance with Section 713.12.1.

RBC302.4.14 Section 901.1 Scope. Add the following after the first sentence:

The Fire Authority shall have the authority to regulate and enforce the provisions of this Chapter in agreement with the *Building Official*.

RBC302.4.15 Section 903.2.7.2 Group M upholstered furniture or mattresses. Delete.

RBC302.4.16 Section 905 STANDPIPE SYSTEMS. Delete and replace with the following:

905.1 General. Standpipe systems shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.17 Section 906 PORTABLE FIRE EXTINGUISHERS. Delete and replace with the following:

906.1 Where required. Portable fire extinguishers shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.18 Section 907 FIRE ALARM AND DETECTION SYSTEMS. Delete and replace with the following:

907.1 General. Fire alarm and detection systems shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.19 Section 908 EMERGENCY ALARM SYSTEMS. Delete and replace with the following:

908.1 General. Emergency alarm systems shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.20 Section 909 SMOKE CONTROL SYSTEMS. Delete and replace with the following:

909.1 General. Smoke control systems shall be provided in occupancies and locations as required by this Code. The design and approval of these systems shall be as required by the Fire Authority.

RBC302.4.21 Section 910 SMOKE AND HEAT REMOVAL. Delete and replace with the following:

910.1 General. Smoke and heat removal systems shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.22 Section 911 FIRE COMMAND CENTER. Delete and replace with the following:

911.1 General. Fire command centers shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.23 Section 912 FIRE DEPARTMENT CONNECTIONS. Delete and replace with the following:

912.1 General. Fire department connections shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.24 Section 913 FIRE PUMPS. Delete and replace with the following:

913.1 General. Fire pumps shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.25 Section 914 EMERGENCY RESPONDER SAFETY FEATURES. Delete and replace with the following:

914.1 General. Emergency responder safety features shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.26 Section 916 GAS DETECTION SYSTEMS. Delete and replace with the following:

916.1 General. Gas detection systems shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.27 Section 917 MASS NOTIFICATION SYSTEMS. Delete and replace with the following:

917.1 General. Mass notification systems shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.28 Section 918 EMERGENCY RESPONDER COMMUNICATION COVERAGE. Delete and replace with the following:

918.1 General. Emergency responder communication coverage shall be provided in occupancies and locations as required by the Fire Authority.

RBC302.4.29 Section 1009.1 Accessible means of egress required. Add the following exception after exception 2:

3. *Accessible means of egress* are not required to be provided in existing buildings.

RBC302.4.30 Section 1009.8 Two-way communication. Delete and replace with the following:

1009.8 Two-way communication. A two-way communication system complying with Sections 1009.8.1, 1009.8.2, or NFPA 72 shall be provided at the landing serving each elevator or bank of elevators on each accessible floor that is one or more stories above or below the *level of exit discharge*.

RBC302.4.31 Section 1009.8.1 System requirements. Delete the second sentence.

RBC302.4.32 Section 1015.3 Height. Add the following exception after exception 6:

7. Required *guards* at private decks and balconies not more than 3 stories above grade and accessed through individual *dwelling units* of Group R-2 and R-3 shall not be less than 36 inches (914 mm) in height measured vertically above the adjacent walking surfaces.

RBC302.4.33 Section 1024.8 Exit passageway exterior walls. Add the following exception:

Exception: Where an *automatic sprinkler system* is provided in accordance with Section 903.3.1.1

RBC302.4.34 Section 1027.5 Location. Delete the exception and replace with the following:

Exception: *Exterior exit stairways* and *ramps* serving individual dwelling units of Group R-2 and R-3 shall have a minimum *fire separation distance* of 5 feet (1525 mm).

RBC302.4.35 Section 1031.7 Insert a new Section as follows:

1031.7. Emergency escape and rescue openings below horizontal projections.

Emergency escape and rescue openings may be located below decks, porches, cantilevers, and similar horizontal projections provided one of the following:

1. The location of the projection allows the *emergency escape and rescue opening* to be fully opened and provides a path not less than 36 inches (914.4 mm) in height and width to a yard or court.
2. The minimum horizontal area of 9 square feet (0.84 m²) is provided clear of the projection and the horizontal projection of the operable portion of the egress window and ladder, if required, remain clear of the projection.

RBC302.4.36 Section 1104.1 Site arrival points. Delete and replace with the following:

1104.1 Site arrival points. *Accessible routes* within the *site* shall be provided from a point 5 feet (1,524 mm) from the accessible building entrance to the accessible building entrance served.

RBC302.4.37 Section 1104.4 Multistory buildings and facilities. Delete item 1.5 and replace with the following:

- 1.5 *Stories* or *mezzanines* with four or more *dwelling units*.

RBC302.4.38 Section 1108.6.2 Group R-2.

Add the following:

See also C.R.S. § 9-5-105, as applicable. The most stringent requirement shall apply.

RBC302.4.39 Section 1206 SOUND TRANSMISSION. Delete.

RBC302.4.40 Table 1404.3(2) VAPOR RETARDER OPTIONS. In the third row of the table add *climate zone 5* and delete *climate zone 5* from the fourth row. Delete footnote "a".

RBC302.4.41 Section 1501.2 Insert a new Section as follows:

1501.2 Cold climates. Where this Chapter refers to "areas where the average daily temperature in January is 25 °F (-4 °C) or less" or "where there has been a history of ice forming along the eaves causing a backup of water", this shall be construed to mean areas with a grade plane elevation of greater than 7,000 feet (2,134 m).

See Appendix D of this Code for additional modifications to Section 1505.1 of the *International Building Code*, 2021 Edition, by the City of Colorado Springs.

RBC302.4.42 Section 1507.1.1

Underlayment. Add the following exception after exception 3:

4. A single layer of self-adhering polymer-modified bitumen underlayment complying with ASTM D1970 shall be an alternative to the underlayment requirements of Table 1507.1.1(2) for roof coverings installed in accordance with Section 1507.2.

RBC302.4.43 Section 1507.2.6.1 Insert a new Section as follows:

1507.2.6.1 Face nailing. Face nailing of asphalt shingles shall only be permitted in the following locations:

1. The ridge cap as per manufacturer's specifications;
2. Flashing at clearstory, low side of skylights, and roof jacks provided the nail heads are covered with mastic.

RBC302.4.44 Section 1507.8.6.1 Insert a new Section as follows:

1507.8.6.1 Face nailing. Face nailing of wood shingles shall only be permitted in the following locations:

1. The ridge cap as per manufacturer's specifications;
2. Flashing at clearstory, low side of skylights, and roof jacks provided a soldier

course is provided over the flashing to nail through.

RBC302.4.45 Section 1512.2 Roof replacement. Renumber "Exception" to "Exception 1" and add the following:

Exceptions:

2. 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 do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
3. Metal panel, metal shingle, and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs where applied in accordance with Section 1512.3.

RBC302.4.46 Section 1512.2.1 Roof recover. Delete.

RBC302.4.47 Section 1512.6 Insert a new Section as follows:

1512.6 Structural and construction loads. Structural roof components shall be capable of supporting the *roof-covering* and the material and equipment loads that will be encountered during installation of the system.

1512.6.1. Roof dead load. Where the total weight of the new and/or existing roof covering materials exceeds 6.6 pounds per square foot (316 N/m²) calculations sealed by a design professional licensed by the State of Colorado shall be submitted demonstrating that the structure will accommodate the increased total roof dead load.

RBC302.4.48 Section 1608 SNOW LOADS Delete and replace with the following:

**SECTION 1608
SNOW LOADS**

1608.1 General. Design snow loads shall be determined in accordance with this Section and Chapter 7 of ASCE 7.

Buildings, structures, and portions thereof shall be designed and constructed to sustain, within the stress limitations of this Code, all dead loads plus the most critical effect resulting from snow load distributions on roofs and decks.

When using Chapter 7 of ASCE 7, as applicable, the **Exposure Factor, C_e**, **Thermal Factor, C_t**, and **Importance Factor, I**, shall all be set to a minimum value of 1.0 unless a higher value is required by ASCE 7.

1608.2 Ground snow load below 7000 feet. For all buildings and structures with a grade plane below 7,000 feet (2,134 m) elevation, the ground snow load (p_g) shall not be less than 43 pounds per square foot (2,059 N/m²) and the flat roof snow load (p_f) shall not be less than 30 pounds per square foot (1,436 N/m²) of horizontal projected area. The flat roof snow load may be reduced for roof slope using Section 7.4 of ASCE 7.

1608.3 Ground snow load at or above 7000 feet. For all buildings and structures with a grade plane at or above 7,000 feet (2,134 m) elevation, the ground snow load (p_g) shall not be less than 57 pounds per square foot (2,729 N/m²) and the flat roof snow load (p_f) shall not be less than 40 pounds per square foot (1,915 N/m²) of horizontal projected area. The flat roof snow load may be reduced for roof slope using Section 7.4 of ASCE 7.

1608.4 Ponding instability. *Susceptible bays* of roofs shall be evaluated for ponding instability in accordance with Chapter 7 and 8 of ASCE 7.

RBC302.4.49 Section 1609.1.1 Determination of wind loads. Add the following exception:

7. Solid freestanding walls and solid signs a maximum of 10 feet (304.8 cm) above the highest adjacent grade and designed using the provisions of ASCE 7 Section 29.3.1 need only consider CASE A of Figure 29.34-1 with a C_f factor equal to 1.40 and the resultant load applied at the mid-height of the wall.

RBC302.4.50 Section 1609.3 Basic design wind speed. Delete and replace with the following:

1609.3 Basic design wind speed. The basic design *wind speed*, V , in mph, for determination of wind *loads* shall be as follows:

Risk Category per Table 1604.5	Basic Design Wind Speed, V mph ¹
Category I / II	130 mph
Category III	135 mph
Category IV	140 mph

¹ Refer to Section 1609.3.1 for basic design wind speed conversions to *allowable stress design* wind speeds, V_{asd} , as required.

RBC302.4.51 Section 1609.4.3 Exposure categories. Delete Exposure B.

RBC302.4.52 Section 1610.1 Lateral pressures. Delete and replace with the following:

1610.1 Lateral pressures. Basement, foundation, and retaining walls shall be designed to resist lateral soil loads. The soil lateral load shall be provided in the soil investigation, report and the design loads shall be listed on the foundation plan. If the soil report does not provide lateral earth loads, the assumed lateral loads used for design must be shown on the foundation plan.

If the floor diaphragm is used to resist lateral loads, the foundation design must include: blocking and bracing details, anchor bolt size and spacing, and lateral force at the diaphragm. If a wall is designed to cantilever or span horizontally, the design must so indicate.

RBC302.4.53 Section 1612.3 Establishment of flood hazard areas. Delete and replace with the following:

1612.3 Establishment of flood hazard areas. Buildings and structures constructed in whole or in part in flood hazard area (as defined by Section RBC313.6) shall comply with Section RBC313 of this Code.

RBC302.4.54 Section 1613.2.1 Mapped acceleration parameters. Delete and replace with the following:

1613.2.1 Seismic acceleration parameters. The maximum considered earthquake spectral response acceleration shall be 18.5 at 0.2 second period (S_s) and 5.9 at 1.0 second period (S_1). These numbers are expressed as a percent of gravity.

RBC302.4.55 Section 1703.1 Approved Agency. Delete and replace with the following:

1703.1 Approved agency. An approved agency shall provide all information as necessary for the registered design professional in responsible charge to determine that the agency meets the applicable requirements specified in Sections 1703.1.1 through 1703.1.3.

RBC302.4.56 Section 1704.4 Contractor responsibility. Delete.

RBC302.4.57 Section 1803.2 Investigations required. Delete the exception.

RBC302.4.58 Section 1804.3 Placement of backfill. Add the following to the end of the first paragraph:

Expansive soil shall not be used as backfill materials except at the upper 12 inches (304.8 mm) of backfill.

RBC302.4.59 Section 1805.1 General. Delete the first sentence and replace with the following:

Unless otherwise specified in the soil report, walls or portions thereof that retain earth and enclose interior spaces and floors below grade shall be waterproofed and *dampproofed* in accordance with this Section.

RBC302.4.60 Section 1806. PRESUMPTIVE LOAD-BEARING VALUES OF SOILS Delete.

RBC302.4.61 Section 1807.2 Retaining walls. Delete and replace with the following:

1807.2 Retaining walls. Retaining walls shall be designed in accordance Section 1807.2.1 through 1807.2.5.

RBC302.4.62 Section 1807.2.5 Insert a new Section as follows:

1807.2.5 Subsurface drainage. All retaining walls shall be provided with 1½ inch (38.1 mm) weep holes spaced not more than 10 feet (3,048 mm) apart unless alternate means of subsurface drainage is provided.

RBC302.4.63 Section 1809.5 Frost protection. Delete method number 1 and replace with the following:

1. Extending 30 inches (762 mm) or greater below the undisturbed ground surface.

Delete the last paragraph and replace with the following:

Structures meeting all of the above exceptions shall not require a soil test or engineered foundation design provided the foundation consists of a thickened edge monolithic slab extending a minimum of 12 inches (304.8 mm) below grade and not retaining any soil.

RBC302.4.64 Section 2113.9.2 Spark arrestors. Delete the first sentence and replace with the following:

Spark arrestors shall be installed on all masonry chimneys and meet all of the following requirements:

RBC302.4.65 Section 2303.4.1.4.1 Truss design drawings. Delete the first sentence and replace with the following:

2303.4.1.4.1 Truss design drawings. Truss construction documents shall bear the seal of a *registered design professional* licensed by the State of Colorado.

RBC302.4.66 Section 2304.12.1.2 Wood supported by exterior foundation walls. Delete and replace with the following:

2304.12.1.2 Wood supported by exterior foundation walls. Wood framing members, including wood sheathing, that are in contact

with exterior foundations and are less than 6 inches (152.4 mm) from exposed ground or less than 2 inches (51 mm) from a concrete slab or similar surface shall be of naturally durable or *preservative-treated wood*.

RBC302.4.67 Section 2308.3.1 Foundation plates or sills. After the first paragraph insert the following:

Wood sole and sill plates supporting floors shall be installed in accordance with this Section and shall not be stacked more than two plates high for nominal 2 x 4 plates nor more than three plates high for nominal 2 x 6 or larger plates including the sole plate unless a specific design is provided by a *registered design professional* licensed by the State of Colorado.

RBC302.4.68 Section 2308.5.9 Cutting and notching. Add the following at the end of the paragraph:

Studs having holes or notches larger than required to accommodate the piping shall be replaced or satisfactorily repaired. Where holes larger than indicated above are required to accommodate the piping in nonbearing studs, the studs may be reinforced by the addition of 0.1046 inch thick (2.657 mm) (12 ga.) x 1½ inch wide (38.1 mm) steel straps fastened to each side of the stud with four (4) 16d nails. Where holes or notches larger than allowed above are required to accommodate the piping in bearing studs, engineering calculations shall be submitted to show that the stresses allowed by this Section are not exceeded under the design loads.

RBC302.4.69 Section 2308.7.5 Wind uplift. Add the following at the end of the paragraph:

Truss uplift values shall be in accordance with the engineered truss report or as determined by the engineer of record.

RBC302.4.70 Section 3004.1 General. Delete the following:

"conveyors, personnel hoists and material hoists"

RBC302.4.71 Section 3004.3 Conveyors. Delete.

RBC302.4.72 Section 3004.4 Personal and material hoists. Delete.

RBC302.4.73 Section 3103 TEMPORARY STRUCTURES. Delete.

RBC302.4.74 Section 3105.2 Design and construction. Add the following exception:

Exception: Retractable, folding, sail, collapsible, and fixed canopies need not comply with live load nor wind load requirements where

the covered area is not more than 60 square feet (5.57 m²).

RBC302.4.75 Section 3109.1 General. Delete and replace with the following:

3109.1 General. The design and construction of pools and spas shall comply with SECTION RBC314 - of this Code.

RBC302.4.76 Section 3114.2 Flood resistance. Add the following criteria:

9. Constructed in accordance with SECTION RBC313 - of this Code.

RBC302.4.77 Section 3303.8 Insert a new Section as follows:

3303.8 Demolition by incendiary means. Demolition by means of explosives or by burning is not permitted except when specifically *approved* by the *Building Official* and the Fire Authority as applicable.

RBC302.4.78 Section 3306.2 Walkways.

Add the following exception:

Exception: Where the demolition and or construction time is so short that walkways and fences are not justified, the applicant may, upon prior approval from the Building Official, provide twenty-four (24) hour continuous guard service adequate for the protection of the public.

RBC302.4.79 Section E108 BUS STOPS. Delete.

RBC302.4.80 Section I101.1 General. At the end of the first paragraph, add the following:

Enclosed patios shall not be conditioned by any heating or cooling means.

RBC302.4.81 Section I105.2 Footings. Delete the following:

“In areas with a frost depth of zero,”

SECTION RBC303 - RESIDENTIAL BUILDING CODE

RBC303.1 SHORT TITLE. This Section will be known and cited as the Residential Building Code.

RBC303.2 SCOPE. The provisions of the Residential Building Code shall apply in accordance with Section RBC101.3 of this Code specifically to detached one- and two-family dwellings and *townhouses* not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures.

RBC303.3 CODE ADOPTED BY REFERENCE. There is hereby adopted by reference the International Residential Code, 2021 Edition, for One-and Two-Family Dwellings of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. Three (3) copies of the Code are now filed in the office of the Clerk of the Jurisdiction(s) and may be inspected during regular business hours. The Code is being adopted as if set out at length, to include the International Residential Code Appendices, save and except the following, which are declared to be non-applicable to the Jurisdiction(s) and are therefore expressly deleted:

1. Chapter 1, Administration.
2. Chapter 11, 12 and 25.
3. Chapter 34 through 43.
4. Appendix AA through Appendix AG.
5. Appendix AI through AP.
6. Appendix AR through AW.

RBC303.4 ADDITIONS AND MODIFICATIONS. The adopted Code is subject to the following additions and modifications:

RBC303.4.1 Section R202 DEFINITIONS. Delete the definition of BASEMENT and replace with the following:

BASEMENT. That portion of a building that is partly or completely below grade plane, having a permanent floor of approved materials and not defined as a crawlspace. (See the definitions of "Story above grade plane" and "Crawl space" below.)

Delete the definition of CRAWL SPACE and replace with the following:

CRAWL SPACE. An under-floor space between the bottom of a floor and the earth under any building that is not more than 5 feet (1,524 mm) in height measured from the average interior grade to the underside of the floor framing. (See Section R408.)

Add the following definitions:

GARAGE. An attached or detached, finished or unfinished structure or portion thereof provided with a vehicular access door and intended for storage of one or more motor vehicles.

SLEEPING ROOM. A habitable space used primarily for sleeping purposes and containing a closet 16 inches (406.4 mm) or greater in depth.

Delete the definition of STAIRWAY, SPIRAL and replace with the following:

STAIRWAY, SPIRAL. A *stairway* having a closed circular form in its plan view with uniform section-shaped treads attached to and radiating from a minimum-diameter supporting column or uniform interior radius wall.

See Appendix D of this Code for additional modifications to Section 202 of the *International Residential Code*, 2021 Edition, by the City of Colorado Springs.

RBC303.4.2 Table R301.2 Climatic and geographic design criteria. Delete and replace with the following:

TABLE R301.2

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

FLAT ROOF SNOW LOAD ^{a,b}	WIND DESIGN (V_{ult})				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDER-LAYMENT REQUIRED ^d	FLOOD HAZARDS ^f	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed ^c (mph)	Topographic effects	Special Wind Region	Wind-borne debris zone		Weathering	Frost line Depth	Termite					
30/40	130 Exp. C (min)	NO	YES	NO	B	Severe	30 inches (762 mm)	Slight to moderate	0°F (-18°C)	YES	12/18/1986	1,000	45°F (7°C)
MANUAL J DESIGN CRITERIA													
Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature	Design temperature cooling	Heating temperature difference						
Varies ^e	38°N	0°F (-18°C)	90°F (32°C)	0.8	72°F (22°C)	75°F (24°C)	72°F (22°C)						
	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity	Cooling temperature difference						
	15 mph	7.5 mph	60°F (16°F)	H	30%	30%	15°F (-9°C)						

- a. For buildings or structures with a *grade plane* below 7,000 ft (2,134 m) elevation, *the ground snow load* (p_g) shall be 43 pounds per square foot and the *flat roof snow load* (p_f) shall be 30 pounds per square foot (1,436 N/m²) of horizontal projected area.
- b. For buildings or structures with a *grade plane* at or above 7,000 ft (2,134 m) elevation, *the ground snow load* (p_g) shall be 57 pounds per square foot and the *flat roof snow load* (p_f) shall be 40 pounds per square foot (1,436 N/m²) of horizontal projected area.
- c. *Ultimate design wind speed* (V_{ult}) per ASCE 7-16, refer to Table R301.2.1.3 of the *International Residential Code*, 2021 Edition for conversion to nominal design wind speed (V_{asd}) as used in previous version of ASCE 7.
- d. Required only for buildings and structures with a *grade plane* at or above 7,000 ft (2,134 m) elevation.
- e. Based on elevation of specific construction site.
- f. See SECTION RBC313 - of this Code for additional information.

RBC303.4.3 Section R301.2.1.4 Exposure category. Delete category "1. Exposure B".

RBC303.4.4 Section R302.1 Exterior walls. Add the following exceptions:

6. Where a fire resistance rated projection is provided, soffit vents shall be of fire resistance construction and approved for use.
7. Vent terminations including but not limited to dryer vents, bath exhaust, and appliance vents may be unprotected.

RBC303.4.5 TABLE R302.1(1) EXTERIOR WALLS Under the column "MINIMUM FIRE SEPARATION DISTANCE" DELETE "0 feet" and replace with "0 feet to < 5 feet".

RBC303.4.6 Section R302.5.1 Opening protection. Delete the third sentence.

RBC303.4.7 Table R302.6 Dwelling/garage fire separation. Delete and replace with the following:

TABLE R302.6.

DWELLING/GARAGE SEPARATION

SEPARATION ^{a, b}	MATERIAL
From dwelling unit and attics.	Not less than ½-inch gypsum board or equivalent applied to the garage side.
From habitable space above the garage.	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side.
Structure(s) supporting floor-ceiling assemblies required by this Section.	Not less than ½-inch gypsum board or equivalent applied to the garage side.
Detached garages located less than 3 feet from a dwelling unit on the same lot	Not less than ½-inch gypsum board or equivalent applied to the interior side of the accessory structure.

- a. In lieu of these requirements, any wall or floor-ceiling assembly with a fire resistance rating of one hour or greater from the garage side may be used.
- b. Garages attached to the residence by means of a covered breezeway where not more than 50 percent of the perimeter of the breezeway is enclosed may be considered detached.

RBC303.4.8 Section R302.13 Fire protection of floors. Delete exception 2 and replace with the following:

2. Floor assemblies located directly over a crawl space.

RBC303.4.9 Section R305.1 Minimum height. Add the following exception:

5. *Habitable spaces* created in existing dwellings shall have ceiling heights of not less than 6 feet, 8 inches (2032 mm), except that the ceiling height at obstructions shall not be less than 6 feet, 4 inches (1930 mm) from the finished floor. Existing finished ceiling heights in non-habitable spaces in *basements* shall not be reduced.

RBC303.4.10 Section R305.1.1 Basements. Delete and replace with the following:

Minimum height in unfinished basements. Unfinished basements shall have a ceiling height of not less than 7 feet, 1½ inches (2,171.7 mm). The required ceiling height shall be measured from the unfinished floor to the underside of floor joists.

Exception: Beams, girders, ducts or other obstructions may project up to 8 inches

(203.2 mm) below the required ceiling height.

RBC303.4.11 Section R309.1 Floor surface. Add the following exception after the second paragraph:

Exception: The floor surface shall not be required to slope when the foundation is in accordance with exception 2 of Section RBC303.4.34 of this Code.

RBC303.4.12 Section R310.1 Emergency escape and rescue required. Add the following after the first paragraph:

Unfinished portions of basements exceeding 500 square feet (46.5 m²) in gross area but less than 1000 square feet (92.9 m²) in gross area shall be provided with one *emergency escape and rescue opening*. For each additional 500 square feet (46.5 m²) in gross floor area or fraction thereof, one additional *emergency escape and rescue opening* shall be provided.

RBC303.4.13 Section R310.4.2 Ladder and steps. Add the following exception:

Exception: Window wells with a depth exceeding 44 inches in unfinished basements and portions thereof need only be equipped with one permanently affixed ladder at final

inspection regardless of the number of emergency escape and rescue openings.

RBC303.4.14 Section R310.4.3 Drainage.

Delete and replace with the following:

R310.4.3 Drainage. Where required by the soil test, window wells shall be designed for proper drainage by connecting to the building foundation drain.

RBC303.4.15 Section R310.7.1.1 Existing sill height. Insert a new Section as follows:

R310.7.1.1 Existing window sill height. Sill height for existing *emergency escape and rescue openings* shall not be greater than 44 inches above the floor for *dwellings* issued a building permit prior to adoption of this Code.

RBC303.4.16 Section R310.7.1.2 Existing area wells. Insert a new Section as follows:

R310.7.1.2 Existing area wells. Existing window wells with a minimum horizontal projection of 30 inches (762 mm) are permitted to remain as a component of the *emergency escape and rescue openings* in *dwellings* issued a building permit prior to January 1, 2000.

RBC303.4.17 Section R311.3.2 Floor elevations for other exterior doors. Revise the exception to "Exception 1."

Add the following exception:

2. When more than two risers are required, landing length at the exterior side of the door may be reduced to 18 inches (457.2 mm), provided the door does not swing over the stairway. Maximum height of the reduced landing shall not exceed 30 inches (762 mm) above adjacent grade.

RBC303.4.18 Section R311.7.1 Width. Revise the exception to "Exception 1."

Add the following exception:

2. Existing stairs and *handrails* not otherwise being altered or modified shall be permitted to maintain their current clear width at, above, and below existing handrails but shall not be less than 30 inches (762 mm) in width at any point.

RBC303.4.19 Section R311.7.2 Headroom. Add the following exception:

3. Headroom height on existing stairs being altered or modified shall not be reduced below the existing *stairway* finished headroom. Existing stairs not otherwise being altered shall be permitted to maintain the current finished headroom but not less than 6 feet 4 inches (1930 mm) at any point.

RBC303.4.20 Section R311.7.6 Landings for stairways. Revise the exception to "Exception 1."

Add the following exception:

2. Landings serving existing stairs being altered or modified shall not be reduced below the existing stairway landing depth and width. Existing stairs not otherwise being altered shall be permitted to maintain the current landing depth and width but not less than 30 inches (762 mm) at any point.

RBC303.4.21 Section R311.7.8.4 Continuity. Add the following exception:

3. Where a handrail supported by a wall terminates and a new handrail along the same stairway is then supported by a guard, continuity is not required provided the terminus of the handrail supported by the wall is flush with or overlaps the vertical wall surface in which the handrail supported by the guard terminates.

RBC303.4.22 Section R312.2 Window fall protection. Delete.

RBC303.4.23 Section R313.1 Townhouse automatic fire sprinkler systems. Revise the exception to "Exception 1."

Add the following exception:

2. An automatic residential fire sprinkler system shall not be required in townhouses with four or less attached units when separated in accordance with Section R302.2.2, Item 2.

RBC303.4.24 Section R313.2 One- and two-family dwellings automatic fire systems. Delete.

RBC303.4.25 Section R315.2.2 Alterations, repairs and additions. Delete Exception 2 and 3.

RBC303.4.26 Section R317.1 Location required.

2. At the end of the last sentence add the following: "or less than 2" (51 mm) from a concrete slab or similar surface".
7. Modify as follows:
Delete "Wood furring strips or other wood" and replace with "Structural wood".
8. Delete.

RBC303.4.27 Section R318 PROTECTION AGAINST SUBTERRANEAN TERMITES. Add the following under the heading of this Section:

This Section is to be used for reference only.

RBC303.4.28 Section R319.1 Address numbers. Delete and replace with the following:

R319.1. Premises identification. Street addressing shall be in accordance with SECTION RBC312 - of this Code.

RBC303.4.29 Section R320.1 Scope. Add the following after the first sentence:

See also C.R.S § 9-5-105, as amended.

RBC303.4.30 Section R321.1 Elevators. Delete and replace with the following:

R321.1. Elevators. Where provided, passenger elevators, limited-use/limited-applications elevators, or private residence elevators shall comply with SECTION RBC310 - of this Code.

RBC303.4.31 Section R322 FLOOD-RESISTANT CONSTRUCTION. Delete and replace with the following:

R322.1 General. Buildings and structures constructed in whole or in part in flood hazard area (as defined by Section RBC313.6) shall comply with SECTION RBC313 - of this Code.

RBC303.4.32 Section R327.1 General. Delete and replace with the following:

R327.1 General. The design and construction of pools and spas shall comply with SECTION RBC314 - of this Code.

RBC303.4.33 Section R329.2 Installation. Delete and replace with the following:

R329.2 Installation. The installation of stationary engine generators shall be in an *approved* location and in accordance with the listing, the manufacturer's installation instructions, and SECTION RBC307 - of this Code.

RBC303.4.34 Section R401.1.1 Insert a new Section as follows:

R401.1.1. Design professional required. Construction documents for foundation systems and/or components regulated by this Section shall be sealed by a *registered design professional* licensed by the State of Colorado.

Exceptions:

1. One-story, enclosed, non-habitable, detached *accessory structures of light-frame construction*, with an area of 400 square feet (37.2 m²) or less;
2. One-story, enclosed, non-habitable, detached *accessory structures of light-frame construction*, not more than 750 square feet (69.7 m²) in area with a thickened edge monolithic slab

extending a minimum of 12 inches (304.8 mm) below grade not retaining any soil;

3. Decks, open patio covers, gazebos, carports, and similar structures set on unreinforced concrete piers; and
4. Patio cover enclosures built in accordance with Appendix AH of the *International Residential Code*, 2021 Edition.

RBC303.4.35 Section R401.4 Soil tests. Delete and replace with the following:

R401.4. Soil tests. A soil test shall be required to determine the soil's characteristics for each building or structure regulated by this Code. This test shall be made and a subsequent report produced by a *registered design professional* licensed by the State of Colorado.

Exception: A soil test is not required for buildings or structures whose foundation system construction documents are not required to be sealed by a *registered design professional* in accordance with Section RBC303.4.34 of this Code.

RBC303.4.36 Section R401.4.2 Compressible or shifting soil. Delete.

RBC303.4.37 Table R402.2 Minimum specified compressive strength of concrete. Delete footnote d and replace with the following:

- d. Concrete shall be air entrained as required by either the soil test or the foundation design.

RBC303.4.38 Section R403.1.4.1 Frost protection. Delete the two (2) exceptions and replace with the following:

Exceptions:

1. One-story, enclosed, non-habitable, detached *accessory structures of light-frame construction*, with an area of 400 square feet (37.2 m²) or less shall be permitted to be supported directly on grade or by an approved method.
2. Ramps, stairs, and detached, uncovered decks with a walking surface no greater than 24 inches (609.6 mm) above grade at any point within 36 inches (1,067 mm) horizontally from the edge of the walking surface may be supported directly on grade or by an approved method.
3. Detached landings in conjunction with a temporary set modular or manufactured home less than 32 square feet (2.97 m²) and a walking surface no higher than 42 inches at any point within 36 inches (1,067

mm) horizontally from the edge of the deck may be supported directly on grade by or an approved method.

4. One-story, enclosed, non-habitable, detached *accessory structures of light-frame construction*, not more than 750 square feet (69.7 m²) in area with a thickened edge monolithic slab extending a minimum of 12 inches (304.8 mm) below grade not retaining any soil.

RBC303.4.39 Section R403.1.8 Foundations on expansive soils. Delete "Section 1808.6 of the *International Building Code*" and replace with "the soil test recommendations as required per Section RBC303.4.35 of this Code".

RBC303.4.40 Section R404.1.1 Design required. Delete and replace with the following:

R404.1.1. Design professional required. Construction documents for concrete or masonry foundation walls and/or components regulated by this Section shall be sealed by a *registered design professional* licensed by the State of Colorado.

RBC303.4.41 Section R405.1 Concrete or masonry foundation walls. Insert the following before the first sentence:

Unless otherwise specified by the soil test,

RBC303.4.42 Section R405.2.3 Drainage system. Delete.

RBC303.4.43 Section R405.3 Insert a new Section as follows:

R405.3 Foundation drainage systems. When a foundation peripheral drain is required by the soil test report and the system is not capable of positive gravity drainage to daylight, a collection sump shall be provided on the interior or exterior of the building. The sump shall be at least 24 inches (609.6 mm) in diameter or 20 inches square (0.0129 m²), shall extend at least 24 inches (609.6 mm) below the bottom of the basement floor, and shall be capable of mechanical drainage to remove any accumulated water. The drainage system shall discharge into an approved underdrain system or to daylight. An electrical receptacle installed in accordance with SECTION RBC307 - of this Code shall be provided within 24 inches (609.6 mm) of the sump pit. When provided on the interior, discharge piping installed in accordance with SECTION RBC306 - of this Code shall be provided to discharge a minimum of 6 inches (152.4 mm) from the exterior of the foundation wall above grade.

RBC303.4.44 Section R408.7 Flood resistance. Delete and replace with the following:

R408.7 Flood resistance. Buildings located in flood hazard areas shall be designed in accordance with SECTION RBC313 - of this Code.

RBC303.4.45 Section R505.1.1 Applicability limits. Delete and replace with the following:

R505.1.1. Application and design professional required. The provisions of this Section shall control the construction of steel floor framing. Construction documents shall be sealed by a *registered design professional* licensed by the State of Colorado.

RBC303.4.46 Section R506.1 General. Delete the second sentence and replace with the following:

Concrete slab-on-ground floors shall be a minimum 3.5 inches (88.9 mm) thick and in accordance with the soil test per Section RBC303.4.35 of this Code.

RBC303.4.47 Section R506.2.2 Base. Delete the exception and replace the following:

Exception: A base course is not required unless specified by the soil test per RBC303.4.35 of this Code.

RBC303.4.48 Section R506.2.3 Vapor retarder. Delete exceptions 1 through 4 and replace with the following:

Exception: The vapor retarder is not required for the following:

1. Detached, non-habitable, accessory structures.
2. Driveways, walks, patios, carports, and other similar flatwork.
3. Unless specifically required by the soil test.

RBC303.4.49 Section R507.1 Decks. Delete the second sentence and replace with the following:

Decks shall be designed for the *live load* required in Section R301.5.

RBC303.4.50 Section R507.9 Deck ledger connection to band joist. Delete and replace with the following:

R507.9 Deck ledger connection to structure. Decks supporting a total design load of 50 pounds per square foot (2,394 Pa) [40 pounds per square foot (1915 Pa) live load plus 10 pounds per square foot (479 Pa) dead load] shall be in accordance with this Section, Tables R507.9.1.3(1) and R507.9.1.3(2), and Figures R507.9.1.3(1) and R507.9.1.3(2). The ledger shall be a minimum 2-inch by 8-inch (51 mm by 203mm) nominal, pressure-preservative-treated southern yellow pine, or

pressure-preservative-treated hem fir, or approved naturally durable, No 2 grade lumber. For other grades, species, connection details, and loading conditions the ledger connection shall be designed in accordance with Section R301.

RBC303.4.51 Table R507.9.1.3(1) Deck Ledger Connection to Band Joist. Delete and replace with the following:

TABLE R507.9.1.3(1)

DECK LEDGER TO STRUCTURE CONNECTION
(Deck live load = 40 psf, deck dead load = 10psf)^e

JOIST SPAN	MINIMUM NUMBER OF FASTENER(S) AND SIZE ^{b, c, d, f, g, h}				
	STUD		RIM JOIST ^a		
	16" o.c.	24" o.c.	12" o.c.	16" o.c.	24" o.c.
6' and less	(1) 7/16"	(2) 5/16"	(1) 3/8"	(1) 3/8"	(2) 3/8"
6'-1" to 8'	(2) 5/16"	(2) 7/16"	(1) 3/8"	(2) 3/8"	(2) 3/8"
8'-1" to 10'	(2) 3/8"	(2) 7/16"	(2) 3/8"	(2) 3/8"	(3) 3/8"
10'-1" to 12'	(2) 7/16"	(3) 7/16"	(2) 3/8"	(2) 3/8"	(3) 3/8"
12'-1" to 14'	(2) 7/16"	(3) 7/16"	(2) 3/8"	(3) 3/8"	(4) 3/8"
14'-1" to 16'	(3) 3/8"	(4) 3/8"	(2) 3/8"	(3) 3/8"	(4) 3/8"

- a. The tip of the lag screw shall extend beyond the inside face of the rim joist. Through bolts shall be provided with a plate washer at the inside face of the rim joist.
- b. Ledger shall be tight to exterior face the exterior the wall. Ledgers may be spaced with an approved product or a connection designed in accordance with accepted engineering practice.
- c. Ledgers shall be flashed and or sealed at the top to prevent water from contacting the rim joist.
- d. Alternative ledger connections shall be sized for 120% of live and dead loads.
- e. Deck ledger shall not be attached to an un-supported rim unless such connection is designed in accordance with accepted engineering practice.
- f. Rim joist material shall be 2" nominal lumber or minimum 1 1/8" engineered wood product. When solid sawn deck ledgers are attached to a 1 inch thick or less engineered wood product, the ledger attachment shall be designed in accordance with accepted engineering practice.
- g. Wood structural panel sheathing, gypsum board sheathing, and approved siding materials shall be permitted between the ledger and rim joist provided distance between the face of the rim and face of the ledger does not exceed 1 inch.
- h. Deck ledgers shall not be supported on stone or masonry veneer.

RBC303.4.52 Section R507.10 Exterior guards. Delete.

RBC303.4.53 Section R602.3 Design and construction. Delete the exception.

RBC303.4.54 Table R602.3.1 Stud size, height and spacing.

Exceptions:

- 2. In the first sentence, delete "Where ground snow loads are less than or equal to 25 pounds per square foot" and replace with "Where flat roof snow loads are less than or equal to 40 pounds per square foot".
- 3. Delete the third sentence.

RBC303.4.55 Table R602.3(5) Stud size, height and spacing. Add the following footnote applicable to Table R602.3(5).

- d. This table is invalid for structures with cementitious toppings exceeding 13 pounds per square foot (622 N/m²).

RBC303.4.56 Table R602.3(6) Alternate wood bearing wall stud size, height, and spacing. Add the following footnote applicable to Table R602.3(6).

- d. This table is invalid for structures with cementitious toppings exceeding 13 pounds per square foot (622 N/m²).

RBC303.4.57 Section R602.3.4 Bottom (sole) plate. Add the following after the first paragraph:

Wood sole and sill plates supporting floors shall be installed in accordance with this Section and shall not be stacked more than two plates high for nominal 2 x 4 plates nor more than three plates high for nominal 2 x 6 or larger plates including the sole plate unless a specific design is provided by a *registered design professional* licensed by the State of Colorado.

RBC303.4.58 Section R602.5.1 Insert a new Section as follows:

Section R602.5.1 Interior nonbearing walls on slab. Interior nonbearing walls on

non-structural concrete slabs shall be constructed to accommodate slab movement in accordance with the soil test.

Exception: In the absence of a soil test, walls shall be constructed in a manner to allow for a minimum of 1½ inch (38.1 mm) vertical movement.

RBC303.4.59 Section R603.1.1 Applicability limits. Delete and replace with the following:

R603.1.1. Application and design professional required. The provisions of this Section shall control the construction of exterior wall framing and interior load bearing steel wall framing. Construction documents shall be sealed by a *registered design professional* licensed by the State of Colorado.

RBC303.4.60 Section R606.1.1 Professional registration not required. Delete and replace with the following:

R606.1.1. Application and design professional required. The provisions of this Section shall control the construction of exterior masonry wall construction and interior load bearing masonry wall construction. Construction documents shall be sealed by a *registered design professional* licensed by the State of Colorado.

RBC303.4.61 Section R608.1 General. Delete the last sentence and replace with the following:

Construction documents shall be sealed by a *registered design professional* licensed by the State of Colorado.

RBC303.4.62 Section R610.1 General. Delete and replace with the following:

R610.1. Application and design professional required. The provisions of this Section shall control the construction of exterior structural insulated panel walls and interior load-bearing structural insulated panel walls. Construction documents shall be sealed by a *registered design professional* licensed by the State of Colorado.

RBC303.4.63 Table R702.7(2) VAPOR RETARDER OPTIONS. In the third row of the table add *climate zone 5* and delete *climate zone 5* from the fourth row.

RBC303.4.64 Section R704.1 General wind limitations. Delete and replace with the following:

R704.1 General wind limitations. Soffits shall comply with Section R704.2.

RBC303.4.65 Section R801.3 Roof drainage. Delete and replace with the following:

R801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge roof drainage to the ground surface or approved drainage system at least 3 feet (914.4 mm) from foundation walls or greater if required by the soil report.

RBC303.4.66 Section R804.1.1 Applicability limits. Delete and replace with the following:

R804.1.1 Application and design professional required. The provisions of this Section shall control the construction of steel roof framing. Construction documents shall be sealed by a *registered design professional* licensed by the State of Colorado.

See Appendix D of this Code for additional modifications to Section 902.1 of the *International Residential Code*, 2021 Edition, by the City of Colorado Springs.

RBC303.4.67 Section R905.1.1

Underlayment. Delete exception 1 and replace with the following:

Exceptions:

1. A single layer of self-adhering polymer-modified bitumen underlayment bearing a label indicating compliance with ASTM D1970 shall be an alternative to the underlayment requirements of Table R905.1.1(2) for roof covering installed in accordance with Section R905.2.

RBC303.4.68 Section R905.2.9 Insert a new Section as follows:

R905.2.9. Face nailing. Face nailing of asphalt shingles shall only be permitted in the following locations:

1. The ridge cap as per manufacturer's specifications;
2. Flashing at clearstory, low side of skylights, and roof jacks provided the nail heads are covered with mastic.

RBC303.4.69 Section R905.7.5 Application. Add the following after the first paragraph:

Face nailing of wood shingles shall only be permitted in the following locations:

1. The ridge cap as per manufacturer's specifications;
2. Flashing at clearstory, low side of skylights, and roof jacks provided a soldier course is provided over the flashing to nail through.

RBC303.4.70 Section R905.8.6 Application. Add the following after the first paragraph:

Face nailing of wood shakes shall be as permitted for wood shingles.

RBC303.4.71 Section R908.2.1 Insert a new Section as follows:

R908.2.1 Roof dead load. Where the total weight of the new and/or existing roof covering materials exceeds 6.6 pounds per square foot (316 N/m²), calculations sealed by a *registered design professional* licensed by the State of Colorado shall be submitted demonstrating that the structure will accommodate the increased total roof dead load.

RBC303.4.72 Section R908.3 Roof Replacement. Renumber "Exception" to "Exception 1" and add the following:

Exceptions:

2. 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 do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
3. Metal panel, metal shingle, and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs where applied in accordance with Section 908.4.

RBC303.4.73 Section R908.3.1 Roof-recover. Delete.

RBC303.4.74 Section R1003.9.2 Spark arrestors. Delete the first sentence and replace with the following:

Spark arrestors shall be installed on all masonry chimneys and meet all of the following requirements:

RBC303.4.75 Section M1305.1.3 Appliances under floors. At the end of the first paragraph add the following:

Access to *appliances* in under floor spaces shall not be through a garage unless the access is provided with a solid weather-stripped door equipped with an approved self-closing device, and all combustion air is outdoor combustion air.

RBC303.4.76 Section M1305.1.3.2.1 Existing dwellings and structures. Insert a new Section as follows:

M1305.1.3.2.1 Existing dwellings and structures. Where a new pit is required in existing dwellings for replacement *appliances* and the depth of the pit is not more than 48 inches (1219 mm) below adjoining grade, pit

walls may be constructed in accordance with Section R404.2 unless supporting a surcharge or grade slope greater than 2 units horizontal to 1 unit vertical.

RBC303.4.77 Section M1408 VENTED FLOOR FURNACES. Delete and replace with the following:

M1408 Vented floor furnaces. Vented floor furnaces are prohibited.

RBC303.4.78 Section M1411.9 Locking access port caps. Delete.

RBC303.4.79 Section M1413 EVAPORATIVE COOLING EQUIPMENT. Delete.

RBC303.4.80 Section M1502.4.2 Duct installation. Add the following exception:

Exception: Exhaust ducts installed in accordance with Section 504.9.2 of the *International Mechanical Code*, 2021 Edition.

RBC303.4.81 Section M1503.6 Make up air required. In the first sentence, delete "400 cubic feet per minute (0.19m³/s)" and replace with "800 cubic feet per minute (0.38m³/s)".

Renumber "Exception" to "Exception 1" and add the following:

Exception:

2. Exhaust hood systems located within a dwelling in which all fuel fired appliances contained within the dwelling's thermal envelope are direct vent (sealed combustion).

RBC303.4.82 Section M1504.3 Exhaust openings. Add the following:

4. Bath exhaust openings may terminate not less than 3 feet (914 mm) from mechanical air intake openings.

RBC303.4.83 Section M1601.1.1 Above-ground duct systems. Delete item 7.

RBC303.4.84 Section M2101.10 Tests. In the first sentence, delete "100 pounds per square inch (689 kPa)" and replace with "50 pounds per square inch (345 kPa)".

RBC303.4.85 Section M2103.4 Testing. Delete and replace with the following:

M2103.4 Testing. Piping or tubing to be embedded shall be tested with liquid or air to at least 50 pounds per square inch (345 kPa).

RBC303.4.86 Section M2105.28 Testing. Add the following after the last sentence:

Testing results from an approved third party shall be provided at time of inspection.

RBC303.4.87 Section G2406.2 Prohibited locations. Delete items 3 and 4.

Item 5, add the following after the end of the second sentence:

“or other adjacent spaces meeting indoor combustion air requirements of Section G2407.5”

Add the following item:

- 7. The appliance is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose, the door to the bedroom or bathroom is fully louvered, the door to the appliance room is fully louvered, all combustion air may be taken from indoors in accordance with Section G2407.5.

RBC303.4.88 Section G2412.5.1 Insert a new Section as follows:

G2412.5.1 Elevated gas pressure pipe identification. Gas piping systems on the discharge side of the Gas Purveyors regulator/meter with pressures exceeding ½ (psi) shall be identified with labels marked Medium Pressure. Pressures exceeding 5 (psi) shall be identified with labels marked High Pressure. Piping shall be labeled every 10 feet.

RBC303.4.89 Section G2414.4.3 Copper or copper-alloy tubing. Delete and replace with the following:

G2414.4.3 Copper or copper-alloy tubing. Copper and copper alloy tubing shall not be used on natural gas systems.

RBC303.4.90 Section G2415.11 Protection against corrosion. Add the following at the end of the first paragraph:

Underground piping systems shall be installed using only listed Polyethylene Plastic or Corrugated Stainless Steel.

Exception:

Metallic tubing (type L copper) may be used in underground LP gas systems.

RBC303.4.91 Section G2415.12 Minimum burial depth. Delete “12 inches (304.8 mm)” and replace with “18 inches (457.2 mm)”.

RBC303.4.92 Section G2417.4.1 Test pressure. Delete and replace with the following:

G2417.4.1 Test pressure and duration. Test pressure shall be observed by the code official. Necessary apparatus for conducting tests shall be furnished by the permit holder. Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than five

times the test pressure and shall be in accordance with the following:

Pipe Type	Test pressure	Duration of test in minutes	Testing method
Threaded Pipe	10 psi (69 kPa)	15	Air, CO2, Nitrogen
Welded Pipe	60 psi (414 kPa)	30	Air, CO2, Nitrogen
Corrugated Stainless Steel Pipe	10 psi (69 kPa)	15	Air, CO2, Nitrogen

RBC303.4.93 Section G2417.4.2 Test duration. Delete.

RBC303.4.94 Section G2417.7.4 Interruption of service. Insert a new Section as follows:

G2417.7.4 Interruption of service. In the event that existing service is shut off or the meter is removed for more than one (1) calendar year, the piping shall be retested in accordance Section G2417.4.1 of this Code.

RBC303.4.95 Section G2419 Drips and Sloped Piping. Delete.

RBC303.4.96 Section G2425.7 Connection to fireplace. Delete and replace with the following:

G2425.7 Connection to fireplace. Connection of *appliances* to chimney flues serving fireplaces shall not be permitted.

RBC303.4.97 Table G2427.4 Type of venting system to be used. Delete “single wall metal pipe” throughout the Table.

RBC303.4.98 Section G2427.7 Single-wall metal pipe. Delete and replace with the following:

G2427.7 Single-wall metal pipe. Single-wall metal pipe vents are prohibited.

RBC303.4.99 Section G2432.4 Insert a new Section as follows:

G2432.4 Fireplace doors. Fireplace openings containing decorative gas appliances shall be equipped with glass doors or automatic dampers.

RBC303.4.100 Section G2437 FLOOR FURNACES. Delete and replace with the following:

G2437 Floor furnaces. Floor furnaces are prohibited.

RBC303.4.101 Section G2445 UNVENTED ROOM HEATERS. Delete and replace with the following:

G2445 Unvented room heaters. Unvented room heaters are prohibited.

RBC303.4.102 Section AH101.2 Permitted uses. Add the following after the second sentence:

Enclosed patios shall not be conditioned by any heating or cooling means.

RBC303.4.103 Section AH105.2 Footings. Delete and replace with the following:

AH105.2 Footings. Patio covers shall be permitted to be supported on a slab on grade without footings, provided the slab conforms to the provisions of Section R506 of this Code and columns spaced a minimum of 6 feet on center do not support live and dead loads in excess of 750 pounds (3.34 kN) per column.

SECTION RBC304 - MECHANICAL CODE

RBC304.1 SHORT TITLE. This Section will be known and cited as the Mechanical Code.

RBC304.2 SCOPE. The Mechanical Code shall regulate the design, installation, maintenance and alteration of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This Code shall also regulate those mechanical systems, system components, equipment, and appliances specifically addressed therein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by SECTION RBC305 - of this Code.

RBC304.3 CODES ADOPTED BY REFERENCE. There is hereby adopted by reference the International Mechanical Code, 2021 Edition, of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. Three (3) copies of the Code are now filed in the office of the Clerk of the Jurisdiction(s) and may be inspected during regular business hours. The above Code is being adopted as if set out at length, to include Appendix A, except the following Sections which are declared to be non-applicable to the Jurisdiction(s) and are therefore expressly deleted:

1. Chapter 1, Administration.
2. Appendix B, Recommended Permit Fee Schedule.
3. Appendix C, Board of Appeals.

RBC304.4 ADDITIONS AND MODIFICATIONS. The adopted Code is subject to the following additions and modifications:

RBC304.4.1 Section 303.3 Prohibited locations. Delete exceptions 1, 2, and 3 and replace with the following:

Exceptions:

1. *Direct-vent appliances* installed in accordance with the conditions of its listing and the manufacturer's instructions.
2. Vented room heaters, wall furnaces, vented gas fireplaces, vented gas fireplace heaters, and vented decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section 304.5 of the *International Fuel Gas Code*, 2021 Edition.
3. All combustion air shall be taken directly from the outdoors in accordance with Section 304.6 of the *International Fuel Gas Code*, 2021 Edition, or other adjacent spaces meeting indoor combustion air

requirements in Section 304.5 of the *International Fuel Gas Code*, 2021 Edition.

RBC304.4.2 Section 401.4 Intake opening location. Add the following:

5. Bath exhaust openings may terminate not less than 3 feet (914 mm) from mechanical air intake openings.

RBC304.4.3 Section 501.3 Exhaust discharge. Add the following exception:

4. The *Building Official* may approve an alternative design for environmental air exhaust discharge that accounts for factors such as height above adjoining grade, horizontal distance from walkways, horizontal distance from property lines and/or the public right of way, filtering of exhaust air, or other elements of the design or the site conditions that affect the exhaust air quality.

RBC304.4.4 Section 501.3.1 Location of exhaust outlets. Add the following exception to item number 3:

Exception: Bath exhaust openings may terminate not less than 3 feet (914 mm) from mechanical air intake openings.

RBC304.4.5 Section 512.1 General. Add the following exception:

Exception: Radon Systems.

RBC304.4.6 Section 601.5 Return air openings. Delete item 1 and replace with the following:

1. Openings shall not be located less than 10 feet (3048 mm) measured in any direction from an open combustion chamber or draft hood of any *appliance* or Type I hood located in the same room or space.

RBC304.4.7 Section 801.10 Connection to fireplace. Delete and replace with the following:

801.10 Connection to fireplace. Connection of *appliances* to *chimney* flues serving fireplaces shall not be permitted.

RBC304.4.8 Section 901.1 Scope. Delete "and factory-built fireplaces" from the first sentence.

RBC304.4.9 Section 910 FLOOR FURNACES. Delete and replace with the following:

910 Floor furnaces. Floor furnaces are prohibited.

RBC304.4.10 Section 1001.1 Scope. Delete Exception 7.

RBC304.4.11 Section 1101.9 Locking access port caps. Delete.

RBC304.4.12 Section 1110.1 General. Renumber "Exception" to "Exception 1" and add the following:

Exceptions:

2. Refrigeration systems serving dwelling units, not exceeding 5 tons of refrigeration capacity, field piped using approved factory-charged line sets without joints concealed within building construction, and terminating within 5 feet (1,524 mm) of the coil/condenser.

RBC304.4.13 Section 1208.1 General. In the first sentence, delete "100 pounds per square inch (689 kPa)" and replace with "50 pounds per square inch (345 kPa)".

RBC304.4.14 Section 1210.10 Tests. Add the following after the last sentence:

Testing results from an approved third party shall be provided at time of inspection.

SECTION RBC305 - FUEL GAS CODE

RBC305.1 SHORT TITLE. This Section will be known and cited as the Fuel Gas Code.

RBC305.2 SCOPE. The Fuel Gas Code shall apply to the installation of fuel-gas *pipng* systems, fuel-gas utilization equipment, and related accessories in accordance with Sections RBC305.2.1 through RBC305.2.3 of this Code.

RBC305.2.1 Piping systems. These regulations cover *pipng* systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 pounds per square inch (psig) (140 kPa gauge) or less, except as provided in Section 402.7.1 of the *International Fuel Gas Code*, 2021 Edition. Coverage shall extend from the *point of delivery* to the outlet of the equipment shutoff valves. *Pipng* systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance.

RBC305.2.2 Gas utilization equipment. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air, and venting and connections to *pipng* systems.

RBC305.2.3 Systems and equipment outside the Scope. This Code shall not apply to the following:

1. Portable LP-gas *appliances* and *equipment* of all types that is not connected to a fixed fuel *pipng* system.
2. Installation of farm *appliances* and *equipment* such as brooders, dehydrators, dryers, and irrigation *equipment*.
3. Raw material (feedstock) applications, except for *pipng* to special atmosphere generators.
4. Oxygen-fuel gas cutting and welding systems.
5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen, and nitrogen.
6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms, and natural gas processing plants.
7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by, or used in, chemical reactions.
8. LP-gas installations at utility gas plants.
9. Liquefied natural gas (LNG) installations.
10. Fuel gas *pipng* in power and atomic energy plants.
11. Proprietary items of *equipment*, apparatus or instruments such as gas-generating sets, compressors, and calorimeters.
12. LP-gas *equipment* for vaporization, gas mixing, and gas manufacturing.
13. Installation of LP-gas systems for railroad switch heating.
14. Installation of hydrogen gas, LP-gas, and compressed natural gas (CNG) systems on vehicles.
15. Except as provided in Section 401.1, gas *pipng*, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.
16. Building design and construction, except as specified herein.
17. *Pipng* systems for mixtures of gas and air within the flammable range with an operating pressure greater than 10 psig (69 kPa gauge).
18. Portable fuel cell appliances that are neither connected to a fixed *pipng* system nor interconnected to a power grid.

RBC305.3 CODE ADOPTED BY REFERENCE.

There is hereby adopted by reference the International Fuel Gas Code, 2021 Edition, of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. Three (3) copies of the Code are now filed in the office of the Clerk of the Jurisdiction(s) and may be inspected during regular business hours. The Code is being adopted as if set out at length, to include the International Fuel Gas Code Appendices, save and except the following, which are declared to be non-applicable to the Jurisdiction(s) and are therefore expressly deleted:

1. Chapter 1, Administration.
2. Appendix E, Board of Appeals.

RBC305.4 ADDITIONS AND MODIFICATIONS. The adopted Code is subject to the following additions and modifications:

RBC305.4.1 Section 303.3 Prohibited locations. Delete items 3 and 4.

Item 5, add the following after the end of the second sentence:

“or other adjacent spaces meeting indoor combustion air requirements of Section 304.5”.

RBC305.4.2 Section 401.5.1 Insert a new Section as follows:

401.5.1 Elevated gas pressure pipe identification. Gas piping systems on the discharge side of the Gas Purveyors regulator/meter with pressures exceeding ½ (psi) shall be identified with labels marked Medium Pressure. Pressures exceeding 5 (psi) shall be identified with labels marked High Pressure. Piping shall be labeled every 10 feet.

RBC305.4.3 Section 403.3.3 Copper and copper alloy. Delete and replace with the following:

403.3.3 Copper and copper alloy. Copper and copper alloy pipe shall not be used on natural gas systems.

RBC305.4.4 Section 403.4.3 Copper and copper alloy tubing. Delete and replace with the following:

403.4.3 Copper and copper alloy tubing. Copper and copper alloy tubing shall not be used on natural gas systems.

RBC305.4.5 Section 404.11 Protection against corrosion. Add the following at the end of the first paragraph:

Underground *pipng* systems shall be installed using only listed Polyethylene Plastic or Corrugated Stainless Steel.

Exceptions:

1. Metallic tubing (type L copper) may be used in underground LP gas systems

RBC305.4.6 Section 404.12 Minimum burial depth. Delete “12 inches (304.8 mm)” and replace with “18 inches (457.2 mm)”.

RBC305.4.7 Section 406.4.1 Test pressure. Delete and replace with the following:

406.4.1 Test pressure and duration. Test pressure shall be observed by the code official. Necessary apparatus for conducting tests shall be furnished by the permit holder. Mechanical gauges used to measure test pressure shall have a range such that the

highest end of the scale is not greater than five times the test pressure and shall be in accordance with the following:

Pipe Type	Test pressure	Duration of test in minutes	Testing method
Threaded Pipe	10 psi (69 kPa)	15	Air, CO ₂ , Nitrogen
Welded Pipe	60 psi (414 kPa)	30	Air, CO ₂ , Nitrogen
Corrugated Stainless Steel Pipe	10 psi (69 kPa)	15	Air, CO ₂ , Nitrogen

RBC305.4.8 Section 406.4.2 Test duration. Delete.

RBC305.4.9 Section 406.7.4 Insert a new Section as follows:

406.7.4 Interruption of service. In the event that existing service is shut off or the meter is removed for more than six (6) months, the *pipng* shall be retested in accordance Section 406.4.1 of the *International Fuel Gas Code*, 2021 Edition.

RBC305.4.10 Section 408 Drips and Sloped Piping. Delete.

RBC305.4.11 Section 416.1 Where required. Add the following exception.

Exception: Where overpressure protection devices are provided by the serving gas supplier.

RBC305.4.12 Section 501.7 Connection to fireplace. Delete and replace with the following:

501.7 Connection to fireplace. Connection of *appliances* to chimney flues serving fireplaces shall not be permitted.

RBC305.4.13 Table 503.4 Type of venting system to be used. Delete “single-wall metal pipe” throughout the Table.

RBC305.4.14 Section 503.7 Single-wall metal pipe. Delete and replace with the following:

503.7 Single-wall metal pipe. Single-wall metal pipe vents are prohibited.

RBC305.4.15 Section 503.10.2.2 Vent connectors located in unconditioned areas. Delete the exception.

RBC305.4.16 Section 504.2.9 Chimney and vent location. Delete the second paragraph and items 1 through 6.

RBC305.4.17 Section 504.3.20 Chimney and vent location. Delete the second paragraph and items 1 through 5.

RBC305.4.18 Section 602.4. Insert a new Section as follows:

602.4 Fireplace Doors. Fireplace openings containing decorative gas appliances shall be equipped with glass doors or automatic dampers.

RBC305.4.19 Section 609 FLOOR FURNACES. Delete and replace with the following:

609 Floor furnaces. Floor furnaces are prohibited.

RBC305.4.20 Section 621.2 Prohibited use. Delete and replace with the following:

621.2 Prohibited use. Unvented room heaters shall be prohibited within a dwelling unit.

SECTION RBC306 - PLUMBING CODE

RBC306.1 SHORT TITLE. This Section will be known and cited as the Plumbing Code.

RBC306.2 CODE ADOPTED BY REFERENCE.

There is hereby adopted by reference the Colorado Plumbing Code of the Department of Regulatory Agencies, 1560 Broadway, Suite 1360, Denver Colorado, 80202, current edition within twelve (12) months after adoption by the Colorado State Plumbing Board along with all revisions, modifications, and exceptions thereto made by such Board. Three (3) copies of the Code are now filed in the office of the Clerk of the Jurisdiction(s) and may be inspected during regular business hours. The Code is being adopted in its entirety.

SECTION RBC307 - ELECTRICAL CODE

RBC307.1 SHORT TITLE. This Section will be known and cited as the Electrical Code.

RBC307.2 CODES ADOPTED BY REFERENCE. There is hereby adopted by reference the National Electrical Code of the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, current edition within twelve (12) months after adoption by the Colorado

State Electrical Board along with all revisions, modifications, and exceptions thereto made by such Board. Three (3) copies of the Code are now filed in the office of the Clerk of the Jurisdiction(s) and may be inspected during regular business hours. The Code is being adopted in its entirety.

SECTION RBC308 - ENERGY CONSERVATION CODE

RBC308.1 SHORT TITLE. This Section will be known and cited as the Energy Conservation Code.

RBC308.2 SCOPE. The Energy Conservation Code shall apply in accordance with Section 101.2 of the International Energy Conservation Code, 2021 Edition, as follows:

1. Section C101.2 for *commercial buildings*
2. Section R101.2 for *residential buildings*

RBC308.3 CODE ADOPTED BY REFERENCE. There is hereby adopted by reference the International Energy Conservation Code, 2021 Edition, of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. Three (3) copies of the Code are now filed in the office of the Clerk of the Jurisdiction(s) and may be inspected during regular business hours. The Code is being adopted as if set out at length, to include the International Energy Conservation Code Appendices, save and except the following which are declared to be non-applicable to the Jurisdiction(s) and are therefore expressly deleted.

1. Appendix CA, CB, CC.
2. Appendix RA, RB, RC.

RBC308.4 ADDITIONS AND MODIFICATIONS. The adopted Code is subject to the following additions and modifications:

RBC308.4.1 Section C103.1 General. Delete and replace with the following:

C103.1. General. Construction documents and other supporting data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a design professional licensed in the State of Colorado or by qualified persons as approved by the Building Official.

Exception: The Building Official is authorized to waive the requirements for construction documents or other supporting data if the Building Official determines they are not necessary to confirm compliance with this Code.

RBC308.4.2 Section C104 FEES. Delete.

RBC308.4.3 Section C109 STOP WORK ORDER. Delete.

RBC308.4.4 Section C110 BOARD OF APPEALS. Delete.

RBC308.4.5 Section C202 GENERAL DEFINITIONS Delete the definition of CHANGE OF OCCUPANCY and replace with the following:

CHANGE OF OCCUPANCY. A Change of Occupancy shall comply with Section RBC110.1.2 of this Code.

RBC308.4.6 Table C402.1.3 OPAQUE THERMAL ENVELOPE INSULATION COMPONENT MINIMUM REQUIREMENTS, R-VALUE METHOD. Delete and replace with the following:

Table C402.1.3 OPAQUE THERMAL ENVELOPE INSULATION COMPONENT MINIMUM REQUIREMENTS, R-VALUE METHOD^{a,i}

	CLIMATE ZONE 5	
	All other	Group R
Roofs		
Insulation entirely above roof deck	R-30ci	R-30ci
Metal buildings ^b	R-19 + R-11 LS	R-19 + R-11 LS
Attic and other	R-38	R-49
Walls, above grade		
Mass ^g	R-11.4ci	R-13.3ci
Metal building	R-13 + R-13ci	R-13 + R-13ci
Metal framed	R-13 + R-7.5ci	R-13 + R-7.5ci
Wood framed and other	R-13 + R-3.8ci or R-20	R-13 + R-7.5ci or R- 20 + R-3.8ci
Walls, below grade		
Below-grade wall ^d	R-7.5ci	R-7.5ci
Floors		
Mass ^e	R-10ci	R-12.5ci
Joist/framing	R-30	R-30
Slab-on-grade floors		
Unheated slabs	R-10 for 24" below	R-10 for 24" below
Heated slabs ^h	R-15 for 36" below + R-5 full slab	R-15 for 36" below + R-5 full slab

For SI: 1 inch = 25.4 mm.

ci = Continuous Insulation, LS = Linear System.

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA 90.1 Appendix A.
- b. Where using R-value compliance method, a thermal spacer block shall be provided, otherwise use the U-factor compliance method in Table C402.1.4.
- c. Not applicable.
- d. Where heated slabs are below grade, below-grade walls shall comply with the exterior insulation requirements for heated slabs.
- e. "Mass floors" shall be in accordance with Section C402.2.3.
- f. Not applicable.
- g. "Mass walls" shall be in accordance with Section C402.2.2.
- h. The first value is for the perimeter insulation, and the second value is for the slab insulation. Perimeter insulation is not required to extend below the bottom of the slab.
- i. Not applicable to garage doors. See Table C402.1.4.

RBC308.4.7 Table C402.1.4 OPAQUE THERMAL ENVELOPE ASSEMBLY MAXIMUM REQUIREMENTS, U-FACTOR METHOD. Delete and replace with the following:

Table C402.1.4

OPAQUE THERMAL ENVELOPE ASSEMBLY MAXIMUM REQUIREMENTS, U-FACTOR METHOD^{a,b}

	CLIMATE ZONE 5	
	All other	Group R
Roofs		
Insulation entirely above roof deck	U-0.032	U-0.032
Metal buildings	U-0.035	U-0.035
Attic and other	U-0.027	U-0.021
Walls, above grade		
Mass ^g	U-0.090	U-0.080
Metal building	U-0.052	U-0.052
Metal framed	U-0.064	U-0.064
Wood framed and other ^c	U-0.064	U-0.064
Walls, below grade		
Below-grade wall ^c	C-0.119	C-0.119
Floors		
Mass ^d	U-0.074	U-0.064
Joist/framing	U-0.033	U-0.033
Slab-on-grade floors		
Unheated slabs	F-0.54	F-0.54
Heated slabs ^f	F-0.79 0.64	F-0.79 0.64
Opaque doors		
Swinging door ^h	U-0.37	U-0.37
Garage door <14% glazing ⁱ	U-0.31	U-0.31

For SI: 1 inch = 25.4 mm.

ci = Continuous Insulation, LS = Linear System.

- a. Where assembly C-, F- and U-factors are established in ANSI/ASHRAE/IESNA 90.1 Appendix A, such opaque assemblies shall be a compliance alternative where those values meet the criteria of this table, and provided that the cladding system on walls complies with the appropriate construction details from ANSI/ASHRAE/IESNA 90.1 Appendix A.
- b. Where U-factors have been established by testing in accordance with ASTM C1363, such opaque assemblies shall be a compliance alternative where those values meet the criteria of this table. The R-value of continuous insulation shall be permitted to be added to or subtracted from the original tested design.
- c. Where heated slabs are below grade, below-grade walls shall comply with the exterior insulation requirements for heated slabs.
- d. "Mass floors" shall be in accordance with Section C402.2.3.
- e. Not applicable.
- f. The first value is for the perimeter insulation, and the second value is for the full slab insulation.
- g. "Mass walls" shall be in accordance with Section C402.2.4.
- h. Swinging door U-factors shall be determined in accordance with NFRC-100.
- i. Garage doors having a single row of fenestration shall have an assembly U-factor less than or equal to 0.44, provided that the fenestration area is not less than 14 percent and not more than 25 percent of the total door area.

RBC308.4.8 Table C402.4 BUILDING ENVELOPE FENESTRATION MAXIMUM U-FACTOR AND SHGC REQUIREMENTS. Delete and replace with the following:

Table C402.4

BUILDING ENVELOPE FENESTRATION MAXIMUM U-FACTOR AND SHGC REQUIREMENTS

CLIMATE ZONE 5		
Vertical fenestration		
U-factor		
Fixed fenestration	0.38	
Operable fenestration	0.45	
Entrance doors	0.77	
SHGC		
	Fixed	Operable
PF < 0.2	0.38	0.33
0.2 ≤ PF < 0.5	0.46	0.40
PF ≥ 0.5	0.61	0.53
Skylights		
U-factor	0.50	
SHGC	0.40	

PF = Projection Factor.

RBC308.4.9 Section C406.1 Additional energy efficiency credit requirements. In the first sentence, delete "10 credits" and replace with "5 credits".

RBC308.4.10 Section C406.1.1 Tenant Spaces. In the first sentence, delete "5 credits" and replace with "2 credits".

RBC308.4.11 Section C503.1 General Delete Exception 5 and replace with the following:

5. Roof replacement.

RBC308.4.12 SECTION C505 CHANGE OF OCCUPANCY OR USE. Delete the title and replace with "CHANGE OF OCCUPANCY".

RBC308.4.13 Section R103.1 General. Delete and replace with the following:

R103.1. General. Construction documents and other supporting data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a *registered design professional* licensed in the State of Colorado or by qualified persons as approved by the Building Official.

Exception: The Building Official is authorized to waive the requirements for construction documents or other supporting data if the Building Official determines they are not necessary to confirm compliance with this code.

- RBC308.4.14 Section R104 FEES.** Delete.
- RBC308.4.15 Section R109 STOP WORK ORDER.** Delete.
- RBC308.4.16 Section R110 MEANS OF APPEALS.** Delete.

RBC308.4.17 Table R402.1.2 MAXIMUM ASSEMBLY U-FACTORS AND FENESTRATION REQUIREMENTS. Delete and replace with the following:

RBC308.4.18 Table R402.1.3 INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT. Delete and replace with the following:

**TABLE R402.1.2
MAXIMUM ASSEMBLY U-FACTORS^a AND FENESTRATION REQUIREMENTS**

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC ^c	CEILING U-FACTOR	WOOD FRAME WALL U-FACTOR	MASS WALL U-FACTOR ^b	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
5	0.32	0.55	NR	0.026	0.06	0.082	0.033	0.050	0.055

NR = Not Required.

- a. Non-fenestration U-factors shall be obtained from measurement, calculation, or an approved method.
- b. Mass walls shall be in accordance with R402.2.5. Where more than half the insulation is on the interior, the mass wall U-factor shall not exceed 0.065.
- c. The SHGC column applies to all glazed fenestration.

**TABLE R402.1.3
INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT^a**

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT U-FACTOR ^b	GLAZED FENESTRATION SHGC ^b	CEILING R-VALUE	WOOD FRAME WALL R-VALUE ^c	MASS WALL R-VALUE ^d	FLOOR R-VALUE ^e	BASEMENT WALL R-VALUE ^f	SLAB R-VALUE & DEPTH ^g	CRAWL SPACE WALL U-FACTOR ^f
5	0.32	0.55	NR	49	20 or 13+5ci	13/17	30	19 or 15ci or 13+5ci	10, 2 ft	19 or 15ci or 13+5ci

For SI: 1 foot = 304.8 mm.

NR = Not Required

- a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value shall not be less than the R-value specified in this table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- c. The first value is the cavity insulation, the second value is the continuous insulation, so "20 or 13+5ci" means R-20 cavity insulation or R-13 cavity insulation plus R-5 continuous insulation.
- d. Mass walls shall be in accordance with Section R402.2.5. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- e. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- f. "19 or 15ci or 13+5ci" means R-19 cavity insulation on the interior of the wall, or R-15 continuous insulation on the interior or exterior of the wall, or R-13 cavity insulation plus R-5 continuous insulation.
- g. R-5 shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs, as indicated in the table. The slab-edge insulation for heated slabs shall not be required to extend below the slab.

RBC308.4.19 Section R402.4.6 Electrical and communication outlet boxes. Delete.

RBC308.4.20 Section R404.1 Lighting equipment. Delete and replace with the following:

R404.1 Lighting equipment. Not less than 90% off all permanently installed lighting fixtures, excluding kitchen appliance lighting fixtures, shall contain high-efficacy lighting sources.

RBC308.4.21 Section R404.2 Interior lighting controls. Add the following exception:

- 5. High-efficacy lighting fixtures.

RBC308.4.22 Section R503.1.1 Building envelope. Delete Exception 4 and replace with the following:

- 4. Roof replacement.

SECTION RBC309 - MANUFACTURED BUILDING CODE

RBC309.1 SHORT TITLE. This Section will be known and cited as the Manufactured Building Code.

RBC309.2 SCOPE. This Section shall regulate the installation, relocation, placement, additions, alterations, remodeling, and repairs of manufactured homes (HUD code units), factory built home (UBC/IRC code units), and factory built commercial buildings (UBC/IBC code units).

Exception: Construction trailers set for the sole purpose of sheltering construction management activity on a future or active construction site.

RBC309.3 AUTHORITY. The Building Official shall have the authority to declare the Jurisdiction a Participating Jurisdiction under the state of Colorado Manufactured Housing Installation Program.

RBC309.4 PROHIBITED STRUCTURES. Mobile homes and units manufactured prior to 1976 shall not be installed or relocated within the Jurisdiction(s).

See Appendix C of this Code for an exception to this Section within the unincorporated areas of El Paso County by the Board of County Commissioners of El Paso County, Colorado.

RBC309.5 IDENTIFICATION.

RBC309.5.1 Manufactured Homes (HUD). Each section of each home manufactured under the federal manufactured home construction and safety standard shall contain a label issued by the inspection agency. The label shall indicate that the manufacturer has certified that the home meets the applicable standards and that the construction process has been monitored by a third party inspection agency.

Manufactured homes bearing an approved HUD label shall be accepted in all localities as meeting the requirements of C.R.S. § 24-32-3301, *et seq.*, as amended, which supersede the building codes of counties, municipalities, and state agencies for the original installation only.

RBC309.5.2 Factory-built Residential and Commercial Units. Each factory built unit is constructed to the International series of codes and the National Electrical Code. The unit shall bear an insignia issued by the State of Colorado Division of Housing. The insignia indicates that the manufacturer has certified that the unit is built in compliance with Colorado standards and that the construction process has been monitored by a third party inspection agency.

RBC309.6 PERMITS.

RBC309.6.1 Mobile Home Parks. Manufactured homes certified by the U.S.

Department of Housing and Urban Development (HUD certified manufactured home) located in a mobile home park as permitted by the Zoning Code of the Jurisdiction, as applicable, shall be issued permits by the Building Official, subject to the requirements of this Code. The permit shall apply only to the HUD certified manufactured home for which it was obtained and shall not run with the land as a permitted use. Prior to the occupation of any HUD certified manufactured home in a mobile home park, the manufactured home shall be inspected by the Building Official and shall be in conformance with the requirements of this Code.

RBC309.6.2 Private Land. HUD certified manufactured homes, factory-built units as defined in C.R.S. 31-23-301(5)(a)(1), as amended, certified by the State of Colorado Division of Housing in accord with C.R.S. § 24-32-3301, *et seq.*, as amended, and 8 CCR 1302-14 (Non-residential and residential factory-built structures; sellers of manufactured homes; manufactured home installations; and hotels, motels, and multi-family structures in those areas of the State where no standards exist) may be located on private land as permitted by the Jurisdiction(s), as applicable. Prior to placement of these structures, a building permit shall be issued by the Building Official, subject to the requirements of this Code.

RBC309.6.3 Other Forms of Land. Manufactured buildings may be located on any other form of land not addressed in Sections RBC309.6.1 or RBC309.6.2 of this Code as permitted by the Zoning Code of the Jurisdiction, as applicable. Prior to placement of these structures, a building permit shall be issued by the Building Official, subject to the requirements of this Code.

RBC309.7 CONSTRUCTION DOCUMENTS.

Construction documents shall be submitted for review and approval in accordance with SECTION RBC106 - of this Code for all manufactured buildings prior to the issuance of permits.

RBC309.8 DESIGN.

RBC309.8.1 Manufactured Homes. Each manufactured home (HUD) shall bear a data plate affixed in a permanent manner in a location as required by the State of Colorado Division of Housing. The data plate shall contain the name of the manufacturer, the design/approval agency, factory-installed equipment, and the wind, roof load, and thermal zones for which the unit was constructed.

Data plates of manufactured homes (HUD) installed in the State of Colorado shall indicate the following minimum design criteria:

WIND ZONE:	ZONE 1
THERMAL:	ZONE 3
ROOF LOADS:	MIDDLE (30 PSF)

No manufactured home (HUD) shall be installed if any criteria do not meet these minimum requirements.

Special snow load conditions: Homes installed in heavy snow fall areas shall comply with one of the following requirements:

1. The home shall be shown to have been constructed for the proven snow load;
2. The owner shall show proof of having an approved snow removal maintenance program;
3. A protective shelter built in accordance with the Building Code shall be provided over the home, not connected to the home.

RBC309.8.2 Factory-Built Units. Factory built units bearing a factory seal shall be accepted in all locations, as meeting the requirements of C.R.S. § 24-32-3301, *et seq.*, as amended. Factory-built units shall meet the snow and wind load requirements for the specific home site.

RBC309.9 FOUNDATIONS AND SETS.

RBC309.9.1 Permanent Foundations. A permanent foundation (permanent set) is a foundation system designed to support the unit and comply with all applicable provisions of the Building Code. This system shall be designed by a design professional licensed by the State of Colorado.

RBC309.9.2 Non-permanent Foundations. A non-permanent foundation (temporary set) is a foundation system designed to support the unit in accordance with the manufacturer's installation instructions or, if manufacturer's installation instructions are not available, the installation shall be in accordance with 8 CCR 1302 – 14, as amended.

Exception. Factory-built commercial buildings qualifying as a temporary building in accordance with SECTION RBC107 - of this Code shall have a support layout designed by a *registered design professional* licensed by the State of Colorado. The foundation is not required to meet the frost depth requirements of the Building Code.

RBC309.10 INSTALLATIONS.

RBC309.10.1 Unit Installations.

RBC309.10.1.1 Permanent Foundations. All units placed on a permanent foundation shall comply with the requirements of this Code.

RBC309.10.1.2 Non-Permanent

Foundations. Manufactured homes (HUD) placed on a non-permanent foundation shall be installed in accordance with the manufacturer's installation instructions. If manufacturer's installation instructions are not available, the installation shall be in accordance with 8 CCR 1302 – 14, as amended.

RBC309.10.2 Systems.

RBC309.10.2.1 Electrical. All electrical connections shall be compatible with the services provided. Any modifications shall be performed by properly licensed and registered persons and inspected prior to connection. All field installed electrical systems shall conform to the requirements of SECTION RBC307 - of this Code.

RBC309.10.2.2 Heating. All field installed mechanical systems, to include gas appliances and piping, shall conform to the requirements of SECTION RBC304 - and SECTION RBC305 - of this Code.

RBC309.10.2.3 Plumbing. All plumbing connections shall be compatible with the services provided. Any modifications shall be performed by properly licensed and registered persons and inspected prior to connection. All field installed plumbing systems shall conform to the requirements of SECTION RBC306 - of this Code.

RBC309.10.3 Utilities.

RBC309.10.3.1 Utilities Connected. All units shall be supplied with appropriate utilities, including but not limited to gas, sewer, water, and electrical.

Exception: Units used for storage only.

RBC309.10.3.2 Public Utilities. All units connected to a public utility shall conform to the requirements of the utility purveyor.

RBC309.10.3.3 Private Utilities. All units connected to private sewage disposal systems shall comply with the requirements of the El Paso County Health Department.

RBC309.10.4 Drainage of Non-permanent Foundations. Site grading and drainage shall provide diversion of any surface water away from the unit and prevent water accumulation under the unit. The installation shall not pass inspection unless the unit is properly drained. The installation seal shall not be placed on the unit until the drainage is found to be acceptable.

RBC309.11 INSPECTIONS. Appropriate inspections shall be made in accordance with SECTION RBC109 - of this Code.

RBC309.12 ADDITIONS AND MODIFICATIONS.

RBC309.12.1 Permanent Foundations. Additions and alterations to manufactured buildings installed on permanent foundations shall be in accordance with this Code.

Exception: No additions shall be made to a manufactured home (HUD) unless the addition is an approved manufactured system designed for the specific addition to the building, an independently supported structure meeting the requirements of the Residential Code, or unless the entire building has been certified by a *registered design professional* licensed by the State Colorado to meet the requirements of the Residential Code.

RBC309.12.2 Non-permanent Foundations. Alterations to manufactured buildings installed on

non-permanent foundations shall be in accordance with this Code and shall be certified by a *registered design professional* licensed by the State Colorado. Additions to manufactured buildings installed on non-permanent foundations shall be in accordance with this Code, independently supported, and certified by a *registered design professional* licensed by the State Colorado.

RBC309.13 LOCATION ON PROPERTY. Manufactured homes and factory-built units placed on a permanent foundation shall be located in accordance with the applicable provisions of the this Code and the Zoning Code of the Jurisdictions, as applicable.

RBC309.14 PLACEMENT OF INSTALLATION INSIGNIA. Upon completion of the building tie down inspection of any residential manufactured building, an insignia shall be attached to the unit that certifies the installation. No permanent utilities shall be released to the unit prior to the installation of the insignia. Temporary utility connections are permitted for temporary construction purposes when pertinent testing has been completed.

RBC309.15 CERTIFICATES OF OCCUPANCY. A Certificate of Occupancy shall be issued in accordance with SECTION RBC110 - of this Code for the installation of any manufactured building placed on a permanent foundation.

SECTION RBC310 - CONVEYANCE SAFETY CODE

RBC310.1 SHORT TITLE. This Section will be known and cited as the Conveyance Safety Code.

RBC310.2 CODES ADOPTED BY REFERENCE.

There is hereby adopted by reference the Safety Code for Elevators and Escalators, ASME A17.1, and all amendments thereto; the Safety Code for Existing Elevators and Escalators, ASME A17.3, and all amendments thereto; the Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1, and all amendments thereto; and the Standard for Elevator Suspension, Compensation, and Governor Systems, ASME A17.6, of the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016-5990, as incorporated into current editions within twelve (12) months after adoption by the State of Colorado Department of Labor and Employment, Division of Oil and Public Safety, 633 17th Street, Suite 500 Denver Colorado, 80202, along with all revisions, modifications, and exceptions thereto appearing in 7 CCR 1101-8. Three (3) copies of these Codes are now filed in the office of the Regional Building Official and may be inspected during regular business hours.

SECTION RBC311 - EXISTING BUILDING CODE

RBC311.1 SHORT TITLE. This Section will be known and cited as the Existing Building Code.

RBC311.2 SCOPE. The Existing Building Code shall be permitted to apply to the repair, alteration, change of occupancy, and addition of existing buildings. A building or portion of a building that has not been previously occupied or used for its intended purpose shall comply with the provisions of the Building Code for new construction. Repairs, alterations, change of occupancy, existing buildings to which additions are made, and historic buildings complying with the provisions of the Commercial Building Code, the Mechanical Code, the Plumbing Code, and the Residential Building Code, as applicable, shall be considered in compliance with the provisions of the Existing Building Code.

RBC311.3 CODE ADOPTED BY REFERENCE. There is hereby adopted by reference the International Existing Building Code, 2021 Edition, of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. Three (3) copies of the Code are now filed in the office of the Clerk of the Jurisdiction(s) and may be inspected during regular business hours. The Code is being adopted as if set out at length, to include the International Existing Building Code Appendices, save and except the following, which are declared to be non-applicable to the Jurisdiction(s) and are therefore expressly deleted:

1. Chapter 1, Administration.
2. Appendix B, Supplementary Accessibility Requirements for Existing Buildings and Facilities.
3. Appendix D, Board of Appeals.

RBC311.4 ADDITIONS AND MODIFICATIONS. The adopted Code is subject to the following additions and modifications:

RBC311.4.1 Section 202 GENERAL DEFINITIONS Delete the definitions of CHANGE OF OCCUPANCY and CHANGE OF USE and replace with the following:

CHANGE OF OCCUPANCY. A Change of Occupancy shall comply with Section RBC110.1.2 of this Code.

RBC311.4.2 Section 302.6 Insert a new Section as follows:

302.6 Party walls in existing buildings. Party walls in existing buildings may comply with the requirements of Section 706.1.1 of the *International Building Code*, 2021 Edition.

RBC311.4.3 Section 306.7.2 Accessible means of egress. Delete and replace with the following:

306.7.2 Accessible means of egress. Accessible means of egress required by Chapter 10 of the *International Building Code*, 2021 Edition, are not required to be added in *existing buildings*.

RBC311.4.4 Section 309.2 Additions and replacements. Delete and replace with the following:

309.2 Additions and replacements. Where an *exterior wall covering* or *exterior wall envelope* is added or replaced, the materials and methods used shall comply with the requirements for new construction in Chapter 14 and Chapter 26 of the *International Building Code*, 2021 Edition.

RBC311.4.5 Section 705 REROOFING. Delete.

RBC311.4.6 Section 706 STRUCTURAL. Delete.

RBC311.4.7 Section 804.5.4 Panic hardware. Delete "100" and replace with "50".

RBC311.4.8 Section 1011.2.1 Fire sprinkler system. Delete items 1,3, and 4.

RBC311.4.9 Section 1301.4.1 Structural analysis. Delete and replace the first sentence with the following:

The owner shall have a structural analysis of the *existing building* made by a *registered design professional* licensed by the State Colorado to determine adequacy of structural systems for the proposed alteration, addition, or change of occupancy.

RBC311.4.10 Section 1301.6 Evaluation process. Before the first sentence add the following:

The evaluation process specified in this Section shall be performed by a *registered design professional* licensed by the State Colorado.

RBC311.4.11 Section 1501.6.1 Walkways. Add the following exception:

Exception: Where the demolition and/or construction time is so short that walkways and fences are not justified, the applicant may, upon prior approval from the Building Official, provide twenty-four (24) hour continuous guard service adequate for the protection of the public.

RBC311.4.12 Section 1501.8 Insert a new Section as follows:

1501.8 Demolition by incendiary means.
Demolition by means of explosives or by burning is not permitted, except when specifically approved by the Building Official and the Fire Authority, as applicable.

SECTION RBC312 - ENUMERATION CODE

RBC312.1 SHORT TITLE. This Section will be known and cited as the Enumeration Code.

RBC312.2 DECLARATION OF INTENT, PURPOSE AND SCOPE. The Jurisdiction(s) declare that the intent and purpose of SECTION RBC312 - of this Code is to protect and promote the health, safety, and general welfare of the people and their property, to provide for the continuing assignment of property addresses in a logical and orderly manner, and to ensure the efficient, timely, and convenient delivery of services and goods, public or private, to the people and their property. To this end, therefore, this Section shall be applicable to the following:

1. All property including buildings and structures, that are now in existence or hereinafter constructed within the Jurisdiction(s);
2. All equipment within the Jurisdiction(s) requiring separate utility service and not attached to an enumerated lot, building, or structure already possessing an address.

RBC312.3 AUTHORITY. The Building Official shall have the authority to carry out the duties and responsibilities of SECTION RBC312 - of this Code for all properties within the Jurisdiction(s).

RBC312.3.1 Authority to Assign Numeric Address. The Building Official shall have the authority to assign numeric addresses to property, structures, and services in compliance with this Section. In order to duly exercise this authority, the Building Official shall have the authority to:

1. Enter upon any premises at any reasonable time for the purpose of making inspection of any premises necessary to determine the assignment of any numeric address;
2. Require site plans, building plans, listings of property owners, maps, or any other information deemed necessary to determine the assignment of any numeric address;
3. Determine the approval or disapproval of any application requesting an assignment of or change to the assignment of a numeric address;
4. Determine the existence of a significant interest on the part of any person, organization, group, governmental entity, or agency that may request a change in the assignment of a numeric address for property not owned by that person, organization, group, governmental entity,

or agency;

5. In designating a numeric address, determine the direction of a street;
6. Designate numeric addresses on final plats and replats prior to the recording of such plats with the El Paso County Clerk and Recorder's Office.

RBC312.3.2 Authority to Require a Street.

The Building Official shall have the authority to require a street and/or a street name when deemed necessary by the Building Official and the Jurisdiction(s) to provide effective delivery of private and public services, including, but not limited to, emergency services and assistance, utilities, and required inspections.

RBC312.3.3 Authority to Disapprove Building Permit Issuance.

The Building Official shall have the authority to disapprove the issuance of a building permit until such time that all requirements of this Section are met.

Exception. The Building Official may issue a building permit prior to platting of property when waiver of such requirement has been approved in accordance with the Jurisdiction(s). The assigned numeric address for such property shall be assigned at time the building permit is issued and designated on the final plat or replat.

RBC312.3.4 Authority to Issue Change.

The Building Official shall have the authority to issue official notice, including effective date, of an address change.

RBC312.3.5 Authority to Adopt Rules of Procedure.

The Building Official shall have the authority to adopt such rules and regulations of procedure that are necessary to implement this Section.

RBC312.3.6 Authority to Act.

The Building Official shall have the authority to determine or otherwise act upon the assignment of or a change to a numeric address, or any matter related thereto.

RBC312.3.7 Authority to Require Fee.

In addition to any fees, the Building Official shall have the authority to require payment in advance of any cost associated with a change to or assignment of a numeric address, including the recording of any necessary documents.

RBC312.3.8 Authority to Enforce. The Building Official shall have the authority to require compliance with the requirements of SECTION RBC312 - of this Code. It shall be the responsibility of the property owner(s) to meet or cause to be met all applicable requirements. Upon due notification of noncompliance and failing to meet or cause to be met all applicable requirements, the property owner(s) shall be responsible for any and all incurred expenditures on the part of the Jurisdiction(s) or any authorized agency in the enforcement of and compliance with applicable requirements.

RBC312.3.9 Authority to assign temporary addresses. The Building Official shall have the authority to assign temporary address(es) to construction documents prior to platting of property. The assigned numeric address for such property shall be assigned at time the building permit is issued and designated on the final plat or replat.

RBC312.4 GENERAL REGULATIONS FOR ASSIGNMENT OF NUMERIC ADDRESS.

RBC312.4.1 Reference Point. Except for properties that have been historically distinguished by an independent numeric system prior to the adoption of this Section, unless determined by the Building Official that any duplication of numeric address constitutes a hazard to the public health, safety, or welfare, all numeric addresses for property within the Jurisdiction(s) shall be determined by the intersection of Pikes Peak Avenue and Cascade Avenue located within the City of Colorado Springs, Colorado. At this reference point, all numeric addresses are the zero hundred block (00) series. From this reference point, all numeric addresses shall project in an outward direction. There shall be no more than one thousand (1000) numeric addresses assigned to any one (1) mile.

RBC312.4.2 Frontage Interval of Standard Block. The frontage interval of a standard block is five hundred-fifty (550) feet. This interval shall be used in determining where hundred block (00) series numbers will be changed from one hundred to the next higher or lower one hundred block series. The existence of an intersection shall generally require a new hundred block series for numeric addresses. Variation from the frontage interval of a standard block shall be allowed to standardize the numeric addresses of parallel blocks at the same distance from the reference point.

RBC312.4.3 Numeric Address Interval of Lots. Numeric addressing of property contained in any one hundred (100) block series shall be determined by the number of platted lots within

that block; for example, but not by way of limitation, nine (9) lots equal numeric addresses in increments of ten (10), such as 2010, 2020, 2030, etc.; twelve (12) lots equal numeric addresses in increments of eight (8), such as 2008, 2016, 2024, etc.; fourteen (14) lots equal numeric addresses in increments of six (6), such as 2006, 2012, 2018, etc.

RBC312.4.4 Determination of Even and Odd Numeric Addresses. Odd numeric addresses shall be assigned to property located on the south or east side of a street. Even numeric addresses shall be assigned to property located on the north or west side of a street. Numeric addresses shall not be changed to opposite sides of the street regardless of the direction the street may take; for example, but not by way of limitation, on a west-east loop street, the even numeric addresses shall be located on the west side of the west half of the loop street and on the east side of the east half of the loop street.

RBC312.4.5 Determination of Direction of a Street. A street shall be determined to be either an east-west street or a north-south street based upon the longest linear distance, in feet, of the major orientation of that street. For example, but not by way of limitation, a north-south street of many blocks in length may have a small portion of the street running in an east-west direction; this street shall be determined to be a north-south street.

RBC312.4.6 Determination of Numeric Address. Numeric addresses shall be assigned consecutively. When a determination of the direction of the street has been made, property shall be assigned a numeric address that is consistent with the hundred block series for all parallel blocks equidistant from the reference point. All property located on the same street shall be addressed in either a north-south block series or in an east-west block series; in no event shall there be a combination of the two-block series.

RBC312.4.7 Determination of Secondary Addresses. The use of alphabetical or numeric suffixes, such as Suite A, B, C, or 1, 2, 3, etc., is permitted only when the whole numeric addresses are not available.

RBC312.4.8 Determination of Approved Numeric Address. The approved numeric address is that which is determined by the Building Official at the time of issuance of a building permit. Any numeric address assigned for any particular premises based upon a preliminary plat or development plan shall not be construed to be the approved numeric address and shall be subject to change, without prior notice, by the Building Official. Any numeric address designated for any

particular premises based upon a final plat or replat that has been recommended for approval shall be subject to change, with notice to the Clerk and Recorder's Office, by the Building Official when such a designated numeric address, as it appears on the recorded final plat or replat, does not conform to the approved numeric address as finally determined by the Building Official at the time of issuance of a building permit for that premises.

RBC312.5 REGULATIONS FOR RESIDENTIAL USES.

RBC312.5.1 Detached Single-Unit Residential. Except as hereinafter set forth, a single, unique numeric addresses shall be assigned to each detached single-unit residential premises from the hundred block series of the street that abuts the premises.

EXCEPTION: Detached accessory structures in conjunction with one- and two-family dwellings.

RBC312.5.2 Attached Multi-Unit Residential. Numeric addresses shall be assigned to any multi-unit residential premises based upon a review by the Building Official of the following facts:

1. Location of development, especially with regard to proximity and access to public streets;
2. Density of development;
3. Lotting pattern of development;
4. Internal access of development;
5. Layout and type of structures, especially with regard to orientation and the type and number of entrances;
6. Availability of numeric addresses that are assignable;
7. Any other factor(s) deemed relevant by the Building Official.

RBC312.5.3 Mobile Home Park or Mobile Home Subdivision. Numeric addresses may be assigned to properties in a mobile home park or a mobile home subdivision as specified in Section RBC312.5.2 of this Code.

RBC312.5.4 Through Lots or Corner Lots. Preliminary numeric addresses from both streets may be assigned to a through lot or corner lot. This preliminary assignment of a dual address shall not be construed as approval for access, curb cut(s), or driveway entrance(s) for such a lot. The approved numeric address of a through lot or corner lot shall be determined at the time of issuance of a building permit. This approved numeric address shall be determined as follows:

RBC312.5.4.1 Detached Single-unit Residential Structure. The numeric address shall be assigned from the block series of the street that is located parallel to the exterior face of the structure that contains, regardless of angle, the main, or commonly known front door, entrance into the structure.

RBC312.5.4.2 Multi-unit Residential Structure The numeric address(es) shall be assigned upon a review of the factors specified in Section RBC312.5.2 of this Code.

RBC312.5.4.3 Mobile Home Park or Mobile Home Subdivision. The numeric addresses may be assigned upon a review of the factors specified in Section RBC312.5.2 of this Code.

RBC312.5.5 Alternative Numeric Assignment. In the event that there can be no determination of a street that is clearly parallel to the exterior face of the structure that contains, regardless of angle, the main, or commonly known front door, entrance(s) into a structure, a numeric address shall be assigned from the block series of the street that would most reasonably and readily be identified as the street upon which the structure fronts. Factors that may be considered, but not limited to, include: lineal feet of property on each street; points of access into the lot; layout of structures on the lot; design of the structure(s) with regard to entrance(s); lineal feet of principal structure facing each street.

RBC312.6 REGULATIONS FOR COMMERCIAL AND INDUSTRIAL USES.

RBC312.6.1 Detached Single-unit Commercial or Industrial Use. Except as hereinafter set forth, a single, unique numeric addresses shall be assigned to each detached single-unit commercial or industrial premises from the hundred block series of the street that abuts the premises.

RBC312.6.2 Attached Multi-unit Commercial or Industrial Use. Numeric addresses shall be assigned to multi-unit commercial or industrial premises in the following order of determination:

1. In the event that only one street abuts the premises, numeric addresses shall be assigned from the block series of that abutting street. This shall pertain to property containing any number of freestanding structures.
2. In the event that two streets abut the premises, numeric addresses shall be assigned based upon a review by the Building Official of the following facts:
 - 2.1. Location and lotting pattern of development;

- 2.2. Access to development;
- 2.3. Lineal feet of frontage of lot(s) on each street;
- 2.4. Orientation of structure(s) and lineal feet of structural frontage;
- 2.5. Any other factor(s) deemed relevant by the Building Official.

Numeric secondary addresses shall be assigned for the potential maximum usage of the development. Unused numeric addresses shall be retained and reserved for future use.

RBC312.6.3 Corner Lots or Through Lots.

Preliminary numeric addresses from both streets may be assigned to corner or through lots. This preliminary assignment of a dual address shall not be construed as approval for access, curb cut(s), or driveway entrance(s) for such a lot. The approved numeric address of the property shall be determined at the time of issuance of a building permit.

The approved numeric address shall be determined as follows:

- 1. **Detached Single-unit Commercial or Industrial Structure.** The numeric address shall be assigned from the block series of the street that is located parallel to the exterior face of the structure that contains, regardless of angle, the main or commonly known front door, entrance into the structure. Should no street parallel the face, then the numeric address shall be assigned from the block series of the street that most reasonably and readily identifies the location and situation of that structure. Factors that may be considered, but not limited to, include: lineal feet of property on each street; points of access into the lot; design of the structure(s), including orientation and entrance(s); lineal feet of structure facing each street.
- 2. **Multi-unit Commercial or Industrial Use.** The numeric address(es) shall be assigned upon a review of the factors specified in Section RBC312.6.2 of this Code.

RBC312.7 NUMERIC ADDRESS CHANGE.

RBC312.7.1 Procedure. A request for a change of numeric address shall be submitted in writing to the Building Official. The applicant shall clearly state the specific reason for the change and shall submit any other information deemed necessary by the Building Official. No change of numeric address shall be granted by the Building Official unless or until the requirements of this Section have been met.

RBC312.7.2 Notification. An official notice of assignment of numeric address shall be completed by the Building Official on any approved numeric address changes. This notice shall be sent to the property owner as well as other persons, organizations, groups, or governmental agencies that provide a public service to the property and that request such notice. The notice of assignment of numeric address shall be mailed or otherwise distributed within seven (7) calendar days of the change of numeric address. It shall be the responsibility of each person, organization, group, or governmental agency to alter or modify appropriate records. Any conflict or dispute regarding a numeric address change shall be referred for resolution per Section RBC101.7 of this Code.

RBC312.7.3 Initiation of Request. A request for a numeric address change may be submitted by a property owner or any other party with a determined significant interest, including, but not limited to, providers of emergency services or utilities, the United States Postal Service or the Building Official under any one of the following conditions:

- 1. Current numeric address is not in proper sequence.
- 2. Current numeric address is incorrect, confusing, or misleading.
- 3. Current numeric address is on the wrong side of the street.
- 4. Main, or commonly known front door, entrance does not face that street as named in the address.
- 5. Realignment of a street or change in street pattern invalidates current numeric address.
- 6. New street intersection makes current numeric address incorrect, confusing, or misleading.
- 7. A change in street name or street designation makes current numeric address incorrect.
- 8. The correct numeric address is not being used.
- 9. A numeric address has not been assigned.
- 10. Any other justification in furtherance of the purpose and intent of this Section or any other pertinent ordinance, regulation, or rule pertaining to property addressing.

RBC312.7.4 Reassignment of Street Name.

A request for a numeric address change may also necessitate a corresponding change in the street name that will be used as part of a premises' address for, but not limited to, corner or through

lots. In such cases, the Building Official shall have the authority to concurrently approve a reassigned street name upon determination that a numeric address change is appropriate. When such a numeric address change and street name reassignment is approved, the Building Official shall issue official notice, including effective date, of both the numeric change and street name reassignment.

RBC312.8 NUMERIC ADDRESS REQUIRED ON PLATS. The Building Official shall designate assigned numeric addresses in a legible manner on final plats and replats. All corner lots or through lots shall be designated at the discretion of the Building Official.

RBC312.9 TEMPORARY POSTING OF NUMERIC ADDRESS. In order to ensure the timely and effective delivery of private and public services, including, but not limited to, emergency services and assistance, utilities provision, and required inspections, it shall be the responsibility of that person, company, firm, business, agency, or corporation in whose name the building permit is issued to ensure the temporary posting of the approved numeric address. Such temporary posting of this address shall occur prior to the making of any required inspection. Such a numeric address posting shall be of any material that is weather resistant, shall be plainly visible and legible from the street, road, fire lane or other right-of-way, or easement fronting the structure, and shall be maintained until such time as the approved numeric address is permanently displayed.

RBC312.10 REPORTING OF SECONDARY ADDRESSES. The reporting of any secondary address is required for any unit, but not by way of limitation, in a multi-unit residential, commercial, office, or industrial structure, or any combination thereof, or a space or lot in a mobile home park as follows:

1. Upon any change to a secondary address in existence at the time of this requirement; or
2. Upon the assignment of any secondary address for any such unit constructed subsequent to this requirement; or
3. Upon determination by the Building Official that there exists a hazard to the public health, safety, or welfare. It shall be unlawful to fail to meet this requirement within fifteen (15) calendar days of such change, assignment, or determination. Such reporting shall be made to other departments of the Jurisdiction, in writing, and shall include, for any change, the original identifier and the new identifier. The Building Official may require the submittal of a floor plan for each floor of the structure upon

which shall be designated a sub-numeric and/or letter identifier for each unit of the floor.

RBC312.11 ADDRESS NUMBERS ON BUILDINGS.

RBC312.11.1 Placement and Location. The property owner(s) shall cause approved numeric addresses to be placed on all new and existing structures, including single-unit and multi-unit residential structures, in such a location and position as to be plainly visible and legible from the street, road, fire lane or other right-of-way, or easement fronting the structure.

RBC312.11.2 Minimum Dimensions for residential properties. Except as hereinafter set forth, such approved numeric addresses for residential properties shall be represented by numbers that are a minimum of five (5) inches in height with no less than one half (1/2) inch stroke so as to be plainly visible and legible from a distance of at least one hundred (100) feet from the structure.

RBC312.11.2.1 Pre-Existing Numeric Addresses. Numeric addresses that do not conform with regards to size that lawfully existed upon a single-unit or multi-unit residential structure at the time this dimensional requirement became effective may be continued in use.

Exceptions:

1. When a determination is made by the Building Official that the requirements of this Section are not met; that is, the approved numeric address is not plainly visible and legible from the street, road, fire lane or other right-of-way, or easement fronting the structure or is not plainly visible and legible from a distance of at least one hundred (100) feet from the structure; or
2. When a determination is made by any enforcement officer that a change in use, either in whole or in part, has occurred in a single-unit or multi-unit residential structure such that the use of such structure is no longer exclusively residential.

RBC312.11.2.2 Minimum Dimensions for Commercial Tenants. Any area occupied by tenants of a mall or shopping center, the main entrance to which is from the inside of the mall or shopping center, or any area used for other than single-unit or multi-unit residential occupancy that abuts a public courtyard or other public space, shall be identified by numbers that are a minimum of four (4) inches in height with no less than one

half (1/2) inch stroke so as to be plainly visible and legible from a distance of at least fifty (50) feet from the main entrance to the area.

RBC312.11.2.3 Posting of Numeric at a Private Drive or Easement. If access to a premises is provided by a private drive or easement; or if a structure or portion of a structure is obscured by another structure or other feature, either natural or manmade; or a premises is located on the interior of a lot or block, then the numeric address shall, in addition to meeting the requirements of this Section, be posted in a permanent manner and forever maintained at a location in the nearby vicinity of the intersection of the private driveway or easement with a public street, or at a location such that the numbers are plainly visible and legible and the existence of the premises or structure is reasonably indicated. The numbers shall be on a sign that is attached to a ground stake that does not exceed thirty (30) inches in height or shall be on a portion of a permanent structure designed and used to house the mailbox. Numbers painted or stenciled on a curb shall not serve to meet this requirement.

RBC312.11.3 Visibility. Such approved numeric addresses shall be represented by numbers that are contrasting in color with their background, face the street named in the address, and are plain block numerals.

RBC312.11.4 Prohibited Placement. Such approved numeric addresses shall not, in any event, be represented by numbers that are affixed to any tree or obscured by vegetation or any other feature, natural, or manmade.

RBC312.11.5 Responsibility. It shall be the responsibility of the property owner(s) to meet or cause to be met all of the requirements of this Section. All numbers shall be forever maintained in such a manner as to comply with the requirements of this Section.

RBC312.11.6 Change of Address. A numeric address change shall be requested and may be approved by the Building Official in accordance with Section RBC312.7 of this Code. It shall be the responsibility of the property owner(s) to ensure that within fifteen (15) calendar days of the official notice of determination of numeric address as issued by the Building Official, the approved numeric address is posted in accordance with the requirements of Section RBC312.11 of this Code.

RBC312.11.7 Altering, Defacing or Removing a Numeric Address. It shall be unlawful for any person to alter, deface, or remove any number placed on any premises in accordance with the requirements of SECTION RBC312 - of this Code, except for repair or replacement of such number. Upon notice, actual or otherwise, repair or replacement of any number shall be completed within a twenty-four (24) -hour time period.

SECTION RBC313 - FLOODPLAIN CODE

RBC313.1 SHORT TITLE. This Section will be known and cited as the Floodplain Code.

RBC313.2 STATUTORY AUTHORIZATION. The general assembly of the State of Colorado has delegated in Sections 31-23-301, 30-28-111 and 30-28-115(1), Colorado Revised Statutes, as amended, the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the adopting Jurisdiction does ordain as set out in this Section.

RBC313.3 LEGISLATIVE DECLARATION.

RBC313.3.1 The flood hazard areas of the Pikes Peak Region are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which could adversely affect the public health, safety, and general welfare.

RBC313.3.2 These flood losses could be caused by the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

RBC313.3.3 It is in the interest of the public health, safety, and welfare to designate a floodplain management program, which provides for the protection of identified floodways as well as flood fringe areas, all of which have been established through the base flood elevation maps which have been submitted to the Jurisdiction(s) by FEMA.

RBC313.4 STATEMENT OF PURPOSE. It is the purpose of this Section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard;
7. To ensure that potential buyers are notified that the property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

RBC313.5 METHODS OF REDUCING FLOOD LOSSES. In order to accomplish these purposes, this Section includes methods and provisions for:

1. Restricting or prohibiting uses, which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers that help accommodate or channel floodwaters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage;
5. Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters or which may increase flood hazards in other areas;
6. Prohibiting any development in regulatory floodway if any increase in flood levels during the base flood discharge would result.

RBC313.6 DEFINITIONS. Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

ALLUVIAL FAN FLOODING. Flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport and deposition; and, unpredictable flow paths.

APPURTENANT STRUCTURE. A structure which is on the same parcel of property as the principle structure to be insured, and the use of it is incidental to the use of the principle structure.

AREA OF SHALLOW FLOODING. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's FIRM with a one (1) percent or greater

chance of flooding to an average depth of one to three (1-3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD. Land in a floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FIRM. After detailed ratemaking has been completed in the preparation for publication of the FIRM, Zone A usually is redefined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH or AR/A. For purposes of SECTION RBC313 - of this Code, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

ATTENDANT FACILITIES. HVAC duct work, HVAC units, water heaters, boilers, AC compressors, electrical breaker panels and meters, and any other such devices and connections required for habitable and sanitary use of a structure. It does not include the main underground stub to the property for electrical, sewer, water, gas, etc.

BASE FLOOD. A flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDABLE LOT. The area of land required in coordination with all applicable codes adopted by the Jurisdiction(s) that enables the construction of a building, access, and all utilities for habitability.

CHANGE OF OCCUPANCY. When a current structure changes occupancy as defined in Section RBC110.1.2 of this Code and is required to meet all current building codes for the new use including being brought into compliance with current floodplain ordinances.

CLOMR. Conditional Letter of Map Revision processed through FEMA.

COMPENSATORY STORAGE. The providing of equal or greater amount of storage to compensate for that which was destroyed.

CRITICAL FACILITIES. Facilities required for the safety and/or continued occupation by the public as a whole. Examples of these facilities are as follows but not limited to hospitals, fire stations, police stations, jails, water treatment plants, wastewater treatment plants, gas / electric utility facilities, fall out and Red Cross shelters, schools, etc.

CRITICAL FEATURE. An integral and readily identifiable part of a flood protection system,

without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment, and/or materials located within the area of special flood hazard.

DEVELOPMENT PERMIT. The permit issued by the *FPA* before a development occurs within any area of special flood hazard.

DRAINAGE BOARD. The Review Board for appeals and variance requests in the City of Colorado Springs and/or unincorporated El Paso County.

ELEVATED BUILDING. For insurance purposes, a building without a basement that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION OR EXISTING STRUCTURE. For the purpose of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of the floodplain management regulations adopted by the Jurisdiction(s).

EXPANSION TO EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. The Federal Emergency Management Agency.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid

accumulation or runoff of surface waters from any source.

100-YEAR FLOOD. A flood event having a one (1) percent chance of occurring in any given year.

500-YEAR FLOOD. A flood event having a zero point two (0.2) percent chance of occurring in any given year.

FLOOD FRINGE. Areas denoted on the floodway map that are adjacent to the floodway and within the 100- year floodplain.

FIRM. Flood Insurance Rate Map. The official map on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the Jurisdiction(s).

FIS. Flood Insurance Study. The official report provided by FEMA that includes flood profiles, the flood boundary-floodway map, and the water surface elevations of the base flood.

FLOOD PROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FPA. Floodplain Administrator. The Regional Building Department designee who administers the Pikes Peak Regional Building Department floodplain program.

FREEBOARD. A factor of safety usually expressed in feet above the base flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effects of urbanization of the watershed.

GOVERNING BODY. A board of township trustees, city council, or board of county commissioners as determined and elected by the Jurisdiction(s).

JURISDICTION. Any of the signatory entities that established the Pikes Peak Regional Building Department. Jurisdiction in context means the government entity with Jurisdiction.

LEVEE. A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water to provide protection from flooding.

LEVEE SYSTEM. A flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices,

which are constructed and operated in accordance with sound engineering practices.

LIVING SPACE. Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and/or sanitary purposes, and associated accessory use areas.

LOMR. Letter of Map Revision processed through FEMA.

LOMR-F. Letter of Map Revision Based on Fill processed through FEMA.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered as a building's lowest floor, provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section RBC313.18 of this Code.

MANUFACTURED HOME. A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. For purposes of these regulations, manufactured home also includes recreational vehicles or travel trailers placed on a site for more than six (6) months.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL. The National Geodetic Vertical Datum (NGVD) of 1988 or other datum, (where specified) to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION. Structures for which the "start of construction" commences on or after the effective date of initial floodplain management regulations adopted by the *Jurisdiction*; and is applicable to subsequent improvements to such structures.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projections; designed to be self-propelled or towed by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional

registration laws of the state or Jurisdiction in which the project is to be constructed.

REGULATORY FLOODWAY. The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). LOMR to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

REVIEW BOARD. The board designated or established by the Jurisdiction to decide appeals and variance requests within the specific Jurisdiction, including the Drainage Board for the City of Colorado Springs and/or unincorporated El Paso County. Each Jurisdiction should establish its own Review Board or enter into an agreement with another member Jurisdiction to use the same Review Board. It is recommended that any Review Board be comprised of five (5) members as follows:

1. Professional Civil Engineer licensed by the State of Colorado
2. Realtor or Appraiser
3. Officer of a Financial Institution or Insurance Industry representative
4. Citizen Advocate – No ties to the construction community
5. Architect licensed by the State of Colorado

START OF CONSTRUCTION. The first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of pilings, construction of columns, or any work beyond the stage of excavation. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of a structure or any part thereof on its pilings or foundation. For manufactured homes, "start of construction" means the date of placement of the manufactured home on its permanent site.

STRUCTURE. A walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home. This term also applies to anything built or constructed that may impede the flow of water.

SUBSTANTIAL DAMAGE. Damage from any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%)

of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement is started. The term does not, however, include either: Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the state Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as an "historic structure".

VARIANCE. A grant of relief from the requirements of this Section, which permits construction in a manner that would otherwise be prohibited by this Section.

VIOLATION. A failure of a structure or other development to be fully compliant with the Jurisdiction's floodplain management regulations. A structure or other development without an elevation certificate, other certifications, or other evidence of compliance required by this Code is presumed to be in violation until such documentation is provided.

WATER SURFACE ELEVATION. The height in relation to the National Geodetic Vertical Datum (NGVD) of 1988 or other datum (where specified) of floods of various magnitudes and frequencies in the floodplains of riparian areas.

RBC313.7 APPLICATION. This Section shall apply to all areas of special flood hazard and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the Jurisdiction(s).

RBC313.8 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the FEMA in a scientific and engineering report entitled "The Flood Insurance Study El Paso County, Colorado and Incorporated Areas" effective as of December 7, 2018, with accompanying FIRM and any amendments or revisions, is adopted by reference without further action by each Jurisdiction and declared to be a part of this Section. The FIS is part of this Section. Amendments or revisions to any FIRM or FIS reports, adopted in the Code by reference, as promulgated by FEMA, are adopted by reference, as if fully set forth herein, without further

action by each Jurisdiction and declared to be a part of the adopting resolution or ordinance.

RBC313.9 COMPLIANCE. No land shall hereafter be converted or altered nor structure shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Section and other applicable regulations.

RBC313.10 PENALTIES FOR NONCOMPLIANCE. Refer to local Jurisdiction's penalties for noncompliance, as stated within the Jurisdiction's ordinances or regulations.

RBC313.11 ABROGATION AND GREATER RESTRICTIONS. This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where SECTION RBC313 - of this Code and any other ordinance, regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

RBC313.12 INTERPRETATION. In the interpretation and application of this Section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the Governing Body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

RBC313.13 WARNING OF DISCLAIMER OF LIABILITY. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Section shall not create liability on the part of any local Jurisdiction, any officer or employee thereof, or FEMA, for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

RBC313.14 ESTABLISHMENT OF DEVELOPMENT PERMIT. A floodplain development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section RBC313.8 of this Code.

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA LOMR-F, with a lowest floor elevation placed below the base flood elevation with one foot of freeboard that existed prior to the placement of fill.

RBC313.14.1 The permit shall expire at the end of twelve (12) months from the date of issuance.

Application for a floodplain development permit shall be made on forms furnished by the FPA and may include, but not be limited to:

1. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;
2. Existing or proposed structures, fill, storage of materials, drainage facilities; and
3. The location and control of the foregoing.

RBC313.14.2 Specifically, the following information is required and is to be certified by a registered design professional licensed by the State of Colorado. (Elevations may be certified by a professional surveyor licensed by the State of Colorado.):

1. Elevation in relation to mean sea level or the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Evidence that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section RBC313.20.2 of this Code; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

RBC313.14.3 If the proposed development activity is located within an identified regulatory floodway, a certification by a registered design professional licensed by the State of Colorado that the proposed development will result in no rise in the base flood elevation, or satisfies the requirements of Section RBC313.20 of this Code.

RBC313.15 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR. The FPA is appointed to administer and implement SECTION RBC313 - of this Code by granting or denying development permit applications in accordance with its provisions.

RBC313.16 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR. Duties of the FPA shall include, but not be limited to the following:

RBC313.16.1 Permit Review. Review all development permits to determine that the permit requirements of this Section have been satisfied;

1. Review all development permits to determine if the proposed development is located in the flood fringe. If located in the flood fringe, ensure that the provisions of Section RBC313.20 of this Code are met; and
2. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, ensure that the encroachment provisions of Section RBC313.20.1 of this Code are met.

RBC313.16.2 Use of Other Flood Data. When base flood elevation data has not been provided in accordance with Section RBC313.8 of this Code, the FPA shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer Sections RBC313.19.1 and RBC313.19.2 of this Code.

RBC313.16.3 Obtain and Maintain Information. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

1. For all new or substantially improved flood proofed structures.
2. Verify and record the actual elevation (in relation to mean sea level). and
3. Maintain the flood proofing certifications required by Section RBC313.14.2 of this Code.
4. Maintain for public inspection all records pertaining to the provisions of this Section.

RBC313.16.4 Alteration of Watercourses. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA; and

Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

RBC313.16.5 Interpretation of Flood Boundaries. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section RBC313.17 of this Code.

RBC313.16.6 Rules and Regulations. The FPA is empowered to make such rules and regulations and to establish such criteria and

methodologies as are necessary and consistent with the requirements for sound floodplain management pursuant to the guidelines and regulations promulgated by FEMA.

RBC313.17 Appeals and Review Procedures.

RBC313.17.1 Appeals. The Review Board or the Governing Body of the Jurisdiction, if no Review Board is established, shall hear and decide appeals of decisions by the FPA when it is alleged there is an error in any requirement, decision, determination or interpretation made by the FPA in the enforcement or administration of this Section.

Any person aggrieved by a decision of the FPA may appeal to the Review Board or the Governing Body of the Jurisdiction, if no Review Board is established, provided a written notice of appeal, stating the grounds for appeal, is filed with the FPA within thirty (30) days of the date of the FPA's decision. The Review Board shall hear the appeal at the next available meeting, but not less than fourteen (14) days after receipt of the notice of appeal.

The Review Board or the Governing Body of the Jurisdiction, if no Review Board is established, shall conduct a public hearing on the appeal and shall consider the factors set forth in items 1 through 11, below. At the conclusion of the hearing, the Review Board or the Governing Body of the Jurisdiction, if no Review Board is established, shall make appropriate findings and determine whether the FPA's decision shall stand, be overturned, or modified.

Those aggrieved by the decision of the Review Board may appeal the decision to the Governing Body of the Jurisdiction, provided that a notice of appeal, stating the grounds for appeal, is filed with the FPA within ten (10) days of the date of Review Board's decision. Upon receiving a perfected appeal, the matter shall be set for a public hearing according to the established procedures of the Governing Body of the Jurisdiction. At the conclusion of the public hearing, the Governing Body of the Jurisdiction shall determine whether there is some competent evidence in the record to support the Review Board's decision, and if so, then the decision must be affirmed. If there is no competent evidence in the record to support the Board's decision, the Governing Body of the Jurisdiction may overturn the decision or modify it.

In passing upon appeals of the FPA's decision, the Review Board or the Governing Body of the Jurisdiction, if no Review Board is established, shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Code, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the Governing Body of the Jurisdiction;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternate locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of use, and sediment transport of the flood waters and the effects of wave action, if applicable, and expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Upon consideration of the factors listed in items 1 through 11 above, the Review Board, or the Governing Body of the Jurisdiction, if no Review Board is established, may impose conditions on the FPA's decision as the Review Board or the Governing Body of the Jurisdiction, if no Review Board is established, deems necessary to further the purposes of this Section.

Appeals to the District Court. Any person who has exhausted all administrative remedies established herein and is aggrieved by a decision of the Governing Body of the Jurisdiction, may appeal that decision to the El Paso County District Court pursuant to Rule 106 of Colorado Rules of Civil Procedure.

RBC313.17.2 Conditions for Pre-Construction Variances. Variances may be issued by the FPA for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or part of the local Historic Preservation District or a locally designated historic landmark, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and

the variance is the minimum necessary to preserve the historic character and design of the structure.

All other variances shall be reviewed and approved by the Review Board or the Governing Body of the Jurisdiction, if no Review Board has been established; no application for variances shall be accepted or considered for an existing structure.

The Review Board or Governing Body of the Jurisdiction, if no Review Board has been established, shall conduct a public hearing on all applications for variance. The FPA shall be given an opportunity to comment on the application and make a recommendation to the Review Board or Governing Body of the Jurisdiction. The applicant shall be given an opportunity to support the request for variance and respond to any comments by the FPA. The public shall be given an opportunity to comment on the variance application.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

Variances shall only be issued upon the Review Board's or the Governing Body of the Jurisdiction, if no Review Board has been established, finding that the application substantially complies with the following:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public as identified in Section RBC313.17.1 of this Code, or conflict with existing local laws, ordinances, rules, and regulations.

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

RBC313.18 GENERAL STANDARDS. In all areas of special flood hazards, the following standards are required:

RBC313.18.1 Base Flood Elevations. If base flood elevation data has not been provided per Section RBC313.8 of this Code, this data is required to be established and provided by a registered design professional licensed by the State of Colorado .

RBC313.18.2 Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure, as required by Section 1612 and Appendix G of the International Building Code, 2021 Edition.

RBC313.18.3 Construction Materials and Methods. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage, as required by Section 1612 and Appendix G of the International Building Code, 2021 Edition;

All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage, as required by Section 1612 and Appendix G of the International Building Code, 2021 Edition;

All new mechanical and utility equipment shall be designed and/or elevated to prevent water from entering or accumulating in components, as required by Section 1612 and Appendix G of the International Building Code, 2021 Edition; and

All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered design professional licensed by the State of Colorado, or must meet or exceed the minimum criteria as required by Section RBC313.19.3 of this Code and Appendix G of the International Building Code, 2021 Edition.

RBC313.18.4 Utilities. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration into the systems and discharge from the systems into flood waters; and

On-site wastewater treatment systems and private sewage disposal systems shall be located to avoid impairment or contamination from during flooding.

RBC313.18.5 Subdivision Proposals. All subdivision proposals shall be consistent with the need to minimize flood damage;

All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

FEMA approved base flood elevation data and 100-year floodplain boundaries shall be provided and shown on plats for subdivision proposals and other proposed developments that contain at least fifty lots or five (5) acres, whichever is less;

All buildable lots less than two and one half (2½) acres in size are required to be located entirely outside of the 100-year floodplain. Lands within the 100-year floodplain shall be established in a tract and require that the owner maintain the tract. Buildable lots two and one half (2½) acres and larger are required to have the 100-year floodplain contained in a drainage easement dedicated by plat in the name of the Governing Body with the restrictions of "No Build" and "No Storage of any Materials"; and

If subdivision proposals are located within three hundred (300) feet of a Zone A floodplain, FEMA approved base flood elevations and boundaries are required to be determined and shown on the plat, or provide a Floodplain Certification Letter by a registered design professional licensed by the State of Colorado, stating that "Based on field verified characteristics of the property, the property is reasonably safe from flooding and to the best of the registered design professional's knowledge if the 100-year floodplain were studied it would not enter the property in question".

RBC313.18.6 Prohibit all activities in a special flood hazard area that may be hazardous to public health and water quality; activities include but are not limited to landfills, disabled vehicles, etc.

RBC313.18.7 All fill placed within the 100-year floodplain must be properly designed and compacted to ninety-five percent (95%) (ASTM D-698 equivalent or higher standard) with appropriate protection from erosion and scour. If other than ASTM D-698 is used, it must be certified by a registered design professional licensed by the State of Colorado.

RBC313.19 SPECIFIC STANDARDS. In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section RBC313.18 of this Code (basis for

establishing the special flood hazard area) the following provisions are required:

RBC313.19.1 Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with attendant utility and sanitary facilities, elevated one (1) foot or more above base flood elevation.

For locations within an A zone, for which no flood depth information has been documented on the FIRM, the base flood elevation may be deemed to be twenty-four (24) inches above the highest adjacent grade.

For locations within an AO zone, for which no flood depth information has been documented on the FIRM, the base flood elevation may be deemed to be thirty six (36) inches above the highest adjacent grade.

Flood depth may also be determined using the methods outlined in FEMA 265 "**MANAGING FLOODPLAIN DEVELOPMENT IN APPROXIMATE ZONE A AREAS , A GUIDE FOR OBTAINING AND DEVELOPING BASE (100-YEAR) FLOOD ELEVATIONS**".

RBC313.19.2 Nonresidential Construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement together with attendant utility and sanitary facilities, elevated to one (1) foot or more above the level of the base flood elevation; or together with attendant utility and sanitary facilities, or shall:

1. Be dry flood proofed, as required by the Building Code to a point of one (1) foot above the base flood level, so the structure is watertight with walls substantially impermeable to the passage of water.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified by a registered design professional licensed by the State of Colorado, verifying the standards of this subsection are satisfied after construction is complete and prior to the Certificate of Occupancy being issued. Such certifications shall be provided to the FPA as set forth in Section RBC313.16.3 of this Code.
4. New critical facilities shall be located outside the special flood hazard area or,
5. Shall have lowest finished floor elevated to 2 ft above the base flood level, and shall have continuous non-inundated access (ingress

and egress for evacuation and emergency services) during a 100-year flood event

RBC313.19.3 Openings in Enclosures below the Lowest Floor. Crawlspace are prohibited in residential construction below the base flood elevation. For all other new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered design professional licensed by the State of Colorado, or must meet or exceed the following criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than one foot above grade;
3. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

RBC313.19.4 Manufactured Homes. Manufactured homes shall be anchored in accordance with Section RBC313.18.2 of this Code and installed in accordance with FEMA 85 (Manufactured Home Installation in Flood Hazard Areas). All manufactured homes or those to be substantially improved shall conform to the following requirements:

1. Require that manufactured homes that are placed or substantially improved within Zones A1-30, A, AO, AH, and AE on the community's FIRM be elevated on a permanent foundation, such that the lowest floor of the manufactured home is elevated a minimum of one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement when located within any of the following areas:
 - 1.1 Outside of an existing manufactured home park or subdivision, or
 - 1.2 In a new manufactured home park or subdivision, or
 - 1.3 In an expansion to an existing manufactured home park or subdivision, or,
 - 1.4 In an existing manufactured home park or subdivision on which a manufactured

home has incurred substantial damage as the result of a flood.

2. Require that manufactured homes not subject to the provisions of paragraph 1 of this Section be elevated so that either

- 2.1 The lowest floor of the manufactured home is elevated one (1) foot above the *base flood* elevation, or

- 2.2 The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and is securely anchored to an adequate foundation system to resist floatation, collapse, and lateral movement.

RBC313.19.5 Recreational Vehicles. A recreational vehicle shall meet the permit requirements and elevation and anchoring requirements of this Code unless:

1. It is on the site for fewer than six (6) months; and
2. It is fully licensed and ready for highway use; or

If the above two conditions are not met, the recreational vehicle shall meet the requirements of Section RBC313.19.4 of this Code.

RBC313.20 FLOODWAYS. Located within special flood hazard areas established in Section RBC313.8 of this Code are areas designated as floodways. Because the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

RBC313.20.1 Prohibited encroachments, including fill and other development, unless certification by a Professional Engineer licensed by the State of Colorado is provided demonstrating that encroachments shall not result in any increase in 100-year flood height or 100-year flood discharge.

RBC313.20.2 All substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections RBC313.18 through RBC313.21 of this Code.

RBC313.20.3 Prohibit the placement of any manufactured homes except in an existing manufactured home park or subdivision.

RBC313.20.4 When a proposed floodway improvement will cause an increase in the base flood elevation (BFE), the following conditions must be met as a condition of approval:

1. No existing insurable structure(s) shall be located in the impacted area unless the

applicant has an enforceable agreement with the owner of the structure(s) to purchase the structure(s) for the purpose of razing or removing same. Applicant shall produce proof of ownership prior to issuance of a floodplain permit;

2. No existing structure(s) located outside the currently designated 100-year floodplain area shall be placed inside the 100-year floodplain as a result of the proposed floodway development, unless the applicant shows proof of razing or removing same;
3. The applicant shall demonstrate that all reasonable and practicable engineering alternatives that would not result in a rise in the base flood elevation have been considered and determined to be impractical;
4. The project must demonstrate a net reduction in flood loss potential and/or result in a net public benefit to the community as a whole;
5. A written statement from each owner of property impacted by the proposed development shall be submitted, stating the potential impacts on the property, acceptance of those impacts by the property owner, and that the property owner agrees to hold the Governing Body and FEMA harmless for any future flood losses attributable in whole or in part to the increased flooding;
6. Applicant shall provide documentation of individual notice to all impacted property owners, explaining the impact of the proposed action on their property. Documentation shall include, as a minimum, evidence of service by certified mail, return receipt requested, or written evidence of service by sheriff or other process server. When deemed necessary by the Governing Body, the applicant may be required to execute indemnification agreements by which the Governing Body, FEMA, or individual property owners are held harmless for any future flood losses attributable in whole or in part to the increased flooding;
7. All impacted governmental agencies must be notified of the proposed increase and given an opportunity to comment;

8. The applicant shall apply for and receive a CLOMR from FEMA prior to issuance of a floodplain development permit. The applicant shall provide written acceptance of all conditions placed on the project by FEMA. A financial guarantee may be required to ensure completion of all proposed improvements;
9. No building shall be occupied for its intended use until all conditions have been met and the applicant has obtained a final LOMR from FEMA; further, the applicant shall provide written assurance that any altered watercourse shall be maintained as appropriate.

RBC313.21 FLOOD FRINGE. Located within areas of flood hazard established in Section RBC313.8 of this Code are areas identified as flood fringe areas. Since flood fringe areas are important to floodplain management for the reasons that they provide natural storage of floodwaters, control drainage patterns, and are an integral part of the floodplain system, the following provisions, in addition to any other applicable requirements of this Section, shall apply:

RBC313.21.1 Provide that all new construction and substantial improvements are elevated on adequately anchored pilings or columns, and securely anchored to such pilings or columns so that the lowest floor, together with attendant utility and sanitary facilities, (excluding the pilings or columns), is elevated to one (1) foot or more above the base flood level;

RBC313.21.2 A Professional Engineer licensed by the State of Colorado shall certify that the structure is securely anchored to adequately anchored pilings or columns in order to withstand the velocity of floodwaters prior to issuance of a Certificate of Occupancy;

RBC313.21.3 Prohibit all new construction and substantial improvements of nonresidential structures, unless the lowest floor (including basement) together with attendant facilities, elevated or dry flood proofed one (1) foot or more above the base flood level.

RBC313.22 A-ZONES WITH NO FLOODWAY DESIGNATED. For waterways with *base flood* elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half ($1/2$) foot at any point within the community.

Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half ($1/2$) foot, provided that the community first applies for a conditional FIRM revision through FEMA CLOMR, fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

RBC313.23 In accordance with Colorado State Rule 12 H, whenever a stream alteration activity is shown by hydraulic modeling to increase or decrease the established base flood elevation (BFE) in excess of 0.30 vertical feet between the pre-project and post-project conditions, a LOMR showing such changes shall be obtained from FEMA in order to accurately reflect the proposed changes on FEMA's regulatory floodplain map for the stream reach.

SECTION RBC314 - SWIMMING POOL AND SPA CODE

RBC314.1 SHORT TITLE. This Section shall be known and cited as the Swimming Pool and Spa Code.

RBC314.2 SCOPE. The provisions of the Swimming Pool and Spa Code shall apply in accordance with Section RBC101.3 of this Code.

RBC314.3 CODE ADOPTED BY REFERENCE. There is hereby adopted by reference the International Swimming Pool and Spa Code, 2021 Edition, of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. Three (3) copies of the Code are now filed in the office of the Clerk of the Jurisdiction(s) and may be inspected during regular business hours. The Code is being adopted as if set out at length, to include the International Swimming Pool and Spa Code Appendices, save and except the following, which are declared to be non-applicable to the Jurisdiction(s) and are therefore expressly deleted:

1. Chapter 1, Administration.
2. Appendix A, Board of Appeals.

RBC314.4 ADDITIONS AND MODIFICATIONS. The adopted Code is subject to the following additions and modifications:

RBC314.4.1 Section 302.1 Electrical. Delete and replace with the following:

302.1 Electrical. Electrical requirements for aquatic facilities shall be in accordance with NFPA 70.

RBC314.4.2 Section 302.7 Tests. Delete.

RBC314.4.3 Section 304 FLOOD HAZARD AREAS. Delete and replace with the following:

304.1 General. Buildings and structures constructed in whole or in part in flood hazard area(s) (as defined by Section RBC313.6 of this Code) shall comply with SECTION RBC313 - of this Code.

RBC314.4.4 Section 305.2.4.1 Setback for mesh fences. Delete "20 inches" and replace with "32 inches".

RBC314.4.5 Section 305.4 Structure walls as a barrier. Delete item 1. and replace with the following:

1. Doors and gates shall have an alarm that produces an audible warning when the door or screen is opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017.

RBC314.4.6 Section 311.9 Hydrostatic pressure test. Add the following exception:

Exception: Circulation system piping, other than that integrally included in the manufacture of the pool or spa, shall be subjected to an air pressure test of 5 pounds per square inch (psi) (34.5 kPa). This pressure shall be held for not less than 15 minutes.

RBC314.4.7 Section 509.4 Clock. Delete.

RBC314.4.8 SECTION 611 SIGNAGE This Section to be used for reference only.

RBC314.4.9 Section 811.2 Insert a new Section as follows:

811.2 Lifesaving equipment. Permanent inground *residential* swimming pools shall be provided with an accessory pole and throwing rope in accordance with Section 409.4.1 and Section 409.4.2.

APPENDIX A: HISTORY OF CODE ADOPTION

This history is intended to list the codes covering the primary disciplines. Other model codes adopted but not listed herein include but are not limited to the UCBC, the IEBC, the Sign Code, and the Elevator and Escalator Safety Code.

PPRBC	Adoption Date	Building Code	Electrical Code	Mechanical Code	Plumbing Code	Energy Code
2023	6/30/23	2021 IBC/IRC ^a	2020 NEC ^c	2021 IMC/IFGC	2018 IPC ^c	2021 IECC
2017	4/1/18	2015 IBC/IRC ^a	2014 NEC	2015 IMC/IFGC	2015 IPC	2015 IECC
2011	8/1/2011	2009 IBC/IRC ^b	2008 NEC ^c	2009 IMC/IFGC	2009 IPC	2009 IECC
2005	11/1/2005	2003 IBC/IRC ^b	2005 NEC ^c	2003 IMC/IFGC	2000 UPC ^f	2003 IECC ^e
1999	10/1/1999	1997 UBC	1999/2002 NEC ^c	1997 UMC	1997 UPC	1992 MEC
1994	11/1/1995	1991 UBC	1993 NEC	1991 UMC	1991 UPC	1992 MEC
1991	4/23/1991	1988 UBC	1990 NEC	1988 UMC	1988 UPC	1989 MEC
1987	2/1/1987	1985 UBC	1987 NEC	1985 UMC	1985 UPC	1986 MEC
1984	-	1982 UBC	1984 NEC	1982 UMC	1982 UPC	1977 CME
1980	-	1979 UBC	1980 NEC	1979 UMC	1979 UPC ^d	1977 CME
1978	-	1976 UBC	1978 NEC	1976 UMC	1976 UPC ^d	1977 CME
1975	-	1973 UBC	1975 NEC	1973 UMC	1973 UPC ^d	
1972	-	1970 UBC	1971 NEC	1970 UMC	1970 UPC ^d	
1969	-	1967 UBC	1968 NEC	1967 UMC	TPC – CO ^d	
1968	-	1967 UBC	1965 NEC		TPC – CO	

Footnotes:

- a. Partial adoption. Chapters 2 through 10, 13 through 24, and 26 through 33 of the IRC are adopted.
- b. Partial adoption. Chapters 2 through 10 of the IRC are adopted.
- c. The PPRBC did not adopt a specific version of the National Electrical Code and Colorado Plumbing Code but instead adopted these codes as currently adopted by the Colorado State Electrical Board and Colorado State Plumbing Board along with all revisions, modifications, and exceptions thereto made by such Board(s). Therefore, the adoption of these codes does not follow the scheduled adoption of the PPRBC.
- d. Also adopted in these years, was the 1969 Edition of the ASME Boiler and Pressure Vessel Code.
- e. Adopted in September 2003, by the City of Colorado Springs and the County of El Paso only, was the 2000 edition of the International Energy Conservation Code, as amended.
- f. Adopted in March and April 2008, by the County of El Paso, the City of Colorado Springs, the City of Fountain, the City of Manitou Springs, the Town of Green Mountain Falls, the Town of Monument, and the Town of Palmer Lake, was the 2003 edition of the International Plumbing Code, as amended.

Abbreviations:

ASME:	American Society of Mechanical Engineers	IECC:	International Energy Conservation Code
CME:	Colorado Model Energy Efficiency Construction and Renovation Standards for Non-Residential Building	IFGC:	International Fuel Gas Code
IBC:	International Building Code	IMC:	International Mechanical Code
IEBC:	International Existing Building Code	IPC:	International Plumbing Code
		IRC:	International Residential Code for one- and two- family dwellings
		MEC:	Model Energy Code

NEC: National Electrical Code
PPRBC: Pikes Peak Regional Building Code
TPC – CO: The Technical Plumbing Code of the State
of Colorado

UBC: Uniform Building Code
UCBC: Uniform Code for Building Conservation
UMC: Uniform Mechanical Code
UPC: Uniform Plumbing Code

APPENDIX B: BUILDING PERMIT FEE SCHEDULE

PIKES PEAK REGIONAL BUILDING DEPARTMENT

2023 BUILDING PERMIT FEE SCHEDULE

Pursuant to Section RBC108.2 of the Pikes Peak Regional Building Code, 2023 Edition, the following represents the Building Permit Fee Schedule adopted by the participating jurisdictions, except the City of Woodland Park.

COMMERCIAL AND RESIDENTIAL - NEW CONSTRUCTION AND ALTERATION TABLE A: This permit fee table shall apply as follows:

For all new construction, alterations, additions, conversions, and repairs to any commercial building or structure; fees include building permit only. See Table B for plumbing, electrical, gas, and heating permit attachment fees. See Table C for electrical, heating, gas, and plumbing permits not associated with a building permit.

For all new construction of one- and two-family dwellings; fees include plumbing, electrical, gas, heating, and building permits. See Table B.1 for plumbing, electrical, gas, and heating permit attachment fees. See Table C for electrical, heating, gas, and plumbing permits not associated with a building permit.

Final building permit valuation shall be set by the Building Official. Regional modifiers used in the application of the adopted ICC Building Valuation Data shall be set by the Regional Building Commission.

TABLE A	
VALUATION	PERMIT FEE
\$1 to \$500	\$50.00
\$501 to \$2,000	\$50.00 for the first \$500 plus \$2.00 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$80.00 for the first \$2,000 plus \$8.00 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$264.00 for the first \$25,000 plus \$8.00 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$464.00 for the first \$50,000 plus \$5.00 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$714.00 for the first \$100,000 plus \$4.00 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$2,314.00 for the first \$500,000 plus \$3.50 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,000 and more	\$4,064.00 for the first \$1,000,000 plus \$3.00 for each additional \$1,000 or fraction thereof

TABLE A.1: Building permit fees for reroofing, stucco, siding, and basement finish of existing one- and two-family dwellings and townhomes.

TABLE A.1	
Asphalt Shingle Reroof	\$135.00
Stucco	\$135.00
Wood / Composite Siding	\$115.00
Basement Finish	\$300.00

TABLE B: Permit attachment fees for plumbing, electrical, gas, and heating permit(s) associated with a commercial building permit.

PERMIT ATTACHMENT FEE	\$100.00 for each trade
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TABLE B.1: Permit attachment fees for plumbing, electrical, gas, and heating permits(s) associated with a detached accessory structure or alteration(s) of one- and two-family dwellings.

PERMIT ATTACHMENT FEE	\$50.00 for each trade
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TABLE C: Permit fees for electrical, heating, gas, and plumbing permits not associated with a building permit.

TABLE C	
VALUATION	PERMIT FEE
\$100 to 500	\$50.00
\$501 to 2,000	\$50.00 for the first \$500 plus \$5.50 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 to 5,000	\$132.50 for the first \$2,000 plus \$1.45 for each additional \$100 or fraction thereof, up to and including \$5,000
\$5,001 to 50,000	\$176.00 for the first \$5,000 plus \$6.75 for each additional \$1,000 or fraction thereof, up to and including \$50,000
\$50,001 and more	\$480.00 for the first \$50,000 plus \$ 4.50 for each additional \$1,000 or fraction thereof

INDIVIDUAL RESIDENTIAL MECHANICAL & PLUMBING PERMIT FEES	
Gas Log or Fireplace Insert Installation	\$ 40.00
Water Heater Replacement	\$ 40.00
Air Conditioning Condensing Unit Replacement	\$ 30.00
Lawn Sprinkler Backflow Prevention Device/ Water Softener Installation	\$ 30.00
Air Conditioning Installation (coil and condenser); Furnace; Wall/Space Heater; or Boiler Replacement	\$ 50.00
Water Heater, Furnace, or Boiler Replacement, including vent	\$75.00
INDIVIDUAL COMMERCIAL MECHANICAL & PLUMBING PERMIT FEES	
Roof Top Replacement (7.5 tons or less)	\$ 50.00
Water Heater, Unit Heater, Furnace, or Boiler Replacement (400,000 BTU or less)	\$ 50.00
Air Conditioning Condensing Unit Replacement/ Backflow Prevention Device	\$ 50.00
Roof Top Replacement (> 7.5 tons)	\$ 100.00
Water Heater, Furnace, or Boiler Replacement (> 400,000 BTU)/ Chiller Replacement	\$ 100.00

TABLE D: Floodplain and Enumeration fees

TABLE D	
FLOODPLAIN PERMIT	
SQUARE FEET OF DISTURBED AREA	PERMIT FEE
UP TO 1,500	\$50.00
1,500 TO 5,000	\$150.00
5,000 TO 15,000	\$300.00
OVER 15,000	\$500.00
INDIVIDUAL ITEM FEES	
Floodplain review, tracking, and inspection services	\$50.00/Hour
Determination of property location in 100-year floodplain	\$30.00
Address Determination or Verification	\$30.00
Determination of property location in 100-year floodplain and address at time of final plat	\$10.00/ lot

TABLE E: Other fees

TABLE E		
A.	Wrecking Permit Fee	\$30.00
B.	Moving Permit Fee Exception: The fee for moving a building without moving on a public thoroughfare shall be covered by an alteration permit. Wrecking and moving permit fees do not include the services of any other governmental agency.	\$30.00
C.	Sign Permit Fee (Base Fee)	\$30.00
	Sign Inspections beyond the first inspection	\$25.00
D.	Mobile Home Permit	\$240.00
	Mobile Home State insignia, as issued by the State of Colorado, Division of Housing	Equal to the cost of the insignia
E.	Inspection outside of normal business hours (Minimum charge two hours)	\$100.00/Hour
F.	Inspection consultation	\$100.00
G.	Plan Examination Fee: (There shall be a \$50.00 handling fee for each use of a "Master Plan" for single-family dwellings.)	28% of Building Permit Fee
H.	Plan Examination required by changes, additions, or revisions to approved plans, records search, or other services for which no fee is specifically indicated.	\$50.00/Hour
	Additional Plan Examination fee after second disapproval of plans.	\$100.00/Hour
I.	Conveyance Permit Fee - Elevator: The fee for a permit to operate any elevator equipment governed by Section 1.1 of the Safety Code for Elevators and Escalators	\$177.00
J.	Conveyance Permit Fee - Escalator: The fee for a permit to operate any escalator equipment governed by Section 1.1 of the Safety Code for Elevators and Escalators	\$355.00
K.	Temporary Certificate of Occupancy	\$50.00
L.	Phased Temporary Certificate of Occupancy (to include administrative review)	\$150.00
	Each additional phased Temporary Certificate of Occupancy	\$100.00
M.	Duplicate Copy of Certificate of Occupancy for existing buildings	\$10.00
N.	Address Determination or Verification	\$30.00
O.	Request for Address Change (Payment to be submitted with request)	\$50.00
P.	Electronic Application for Variance	\$50.00

	Paper Application for Variance	\$100.00
Q.	Alternate Materials and Method Application	\$50.00
R.	<p>Investigation Fee: Work without a Permit.</p> <p>Investigation. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.</p> <p>Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to twice the amount of the permit fee that would be required by this Code if a permit was issued. The payment of such an investigation fee shall not exempt any person from compliance with any provisions of this Code nor from any prescribed by law.</p>	Equal to two times the Permit Fee
S.	<p>Re-inspection Fees:</p> <p>A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is requested is not complete, when corrections required by a previous inspection have not been made, or when an additional inspection is required for alterations made after completion of initial inspection.</p> <p>This is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of requesting inspections before the job is ready for such an inspection or re-inspection.</p> <p>Re-inspection fees may be assessed for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.</p> <p>In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until such fees have been paid.</p>	<p>\$50.00 for 1st incident</p> <p>\$100.00 for 2nd incident</p> <p>\$200.00 for 3rd incident,</p> <p>plus 2 work day inspection delay</p>
T.	<p>Annual Permit Fee: The cost of an annual permit shall be determined by the Building Official based on the amount and scope of work, and the cost to the Building Department to oversee the permit activities.</p>	



Executive Summary

Pikes Peak Regional Building Code, 2023 Edition

January 11, 2023

This document serves as an executive summary of the proposed revisions to the currently adopted Pikes Peak Regional Building Code, 2017 Edition, 2nd Printing (further cited as the "PPRBC"). These modifications simplify the construction process, take advantage of new code developments, increase energy efficiency, as well as comply with State of Colorado legislative requirements.

Pikes Peak Regional Building Department (further cited as the "Department") is responsible for the plan review(s), permitting, and inspection(s) of all construction activity within the unincorporated areas of El Paso County, as well as the participating incorporated municipalities within the County. These currently include the Cities of Colorado Springs, Fountain, and Manitou Springs and the Towns of Green Mountain Falls, Monument, and Palmer Lake, as well as the City of Woodland Park.

The Department was confirmed as a governmental facility by an Intergovernmental Agreement between the City of Colorado Springs and El Paso County in 1966 to provide uniform service to their jurisdictions. Thereafter, the suburban jurisdictions entered into the same service agreement for the administration and enforcement of their building and construction codes. The last one to request certain Department services was the City of Woodland Park via a separate Intergovernmental Agreement, which has been consistently renewed thereafter.

The Department performs plan reviews, issues permits, and inspects construction work within the scope of the building, mechanical, fuel gas, plumbing, electrical, energy conservation, manufactured buildings, and conveyance codes, as well as enforces floodplain, enumeration, and swimming pools regulations. Further, the Department licenses and registers contractors who perform work within the jurisdictions served.

The PPRBC provides for a regional adoption, implementation, and enforcement of adopted model codes and locally developed standards. Sections of the PPRBC are denoted by the prefix "RBC" to differentiate the PPRBC from the model codes.

Every three (3) years the International Code Council (ICC) revises the International Codes. These codes are the model construction codes used exclusively across the United States. During the first and second quarters of 2018, the current version of the PPRBC was adopted by all member jurisdictions. The 2017 edition of the PPRBC adopted the 2015 family of International Codes. Due to the complexity and costs associated with adoption of new codes, this region has historically adopted new model codes on a six-year cycle.

The proposed 2023 PPRBC adopts and modifies the 2021 family of the International Codes. The 2023 PPRBC has undergone an extensive review to include the administration of the Department, contractor licensing, construction codes, enumeration, floodplain, and swimming pools

requirements included. The 2023 PPRBC maintains the current administrative structure notwithstanding revisions to reflect better practices, new technology, and State of Colorado legislative requirements. Further, the 2023 PPRBC proposes to adopt by reference and amend the following model codes:

- 2021 International Building Code (IBC)
- 2021 International Residential Code (IRC)
- 2021 International Mechanical Code (IMC)
- 2021 International Fuel Gas Code (IFCG)
- 2021 International Energy Conservation Code (IECC)
- 2021 International Existing Building Code (IEBC)
- 2021 International Pool and Spa Code (ISPSC)

The 2023 PPRBC maintains the current electrical, plumbing, and conveyance codes as these codes are adopted by the State of Colorado. When the State adopts the above code(s), the Department, as a jurisdiction with authority, enforces the subject code(s) within 12 months of adoption at the State level.

The 2023 PPRBC adopts the above International Codes by reference and amends certain sections to reflect local building practices, environmental conditions, energy and increase of cost related concerns, and the needs of local first responders. The model codes are published with the understanding that local jurisdictions may modify these codes to reflect individual communities' needs and building practices, however, with the overall goal to allow the Department to implement and enforce a regional PPRBC.

Department staff began a technical review of the 2021 International Codes shortly after publication by ICC in January of 2021. Throughout this lengthy process, a draft version of the 2023 PPRBC was developed. In some cases, long-standing amendments were removed, as the model codes addressed the specific condition(s). In other cases, new amendments were necessary to address additional regulation(s). Throughout the process, the primary focus of the Department was to develop code requirements that promote and maintain affordable and attainable construction, logical code requirements and implementation, and increased flexibility within the PPRBC.

On July 1, 2022, a draft version of the 2023 PPRBC was released and published on the Department's website for an initial round of a 90-day public comments period. Prior to, and during the public comment period, the Department undertook a robust public outreach campaign to inform the public of the comment period to include public meeting(s), local media, social media, and emails to more than 6,000 locally licensed or registered contractors. During the initial public comment period, the Department received 88 comments via the Department's website. Each of these comments, to include additional public comments, was considered at a special hybrid Board of Review work session on September 21, 2022.

At the Board's direction, the Department reconciled the draft 2023 PPRBC and opened a second 30-day public comment period on November 9, 2022. Again, the Department undertook a similar public outreach campaign, and the Department received 29 comments via the Department's website. During its November 9, 2022, special hybrid work session, the Board of Review considered each of the public comments received, as well as all comments made in person or virtually.

On December 19, 2022, the Department presented the proposed 2023 PPRBC to the Board of Review with a request for approval. The Board of Review approved the 2023 PPRBC in the final

form presented to you and directed staff to begin the adoption process through the jurisdictions served by the Department.

During the public comment process(es), the industry also conducted an extensive review of the proposed 2023 PPRBC to include the referenced International Codes. Additionally, Department staff appeared and made presentations before the governing bodies of the County and the municipalities served by the Department, conducted nine (9) presentations before local trade groups, and seven (7) presentations before the HBA. After numerous meetings and lengthy discussions, the proposed 2023 PPRBC was finalized with the support of the public, industry, and the communities served by the Department.

Adoption of the latest International Codes increases construction efficiency, takes advantage of new techniques and materials, increases life safety, and increases energy efficiency. Further, new codes can result in potential insurance savings for property owners. While the building codes have mainly been refined and do not include substantial changes, the IECC contains substantial changes. Adoption of the 2021 IECC, as amended, is required by the State of Colorado with the goal of increasing energy efficiency and reducing operating costs over the life of a building. As amended, the proposed IECC meets State requirements, so long as the adoption (including the effective dates of the 2023 PPRBC) is completed no later than June 30, 2023, after which date any code adoption, amendment, or updates will require the adoption of an unamended IECC and other State adopted model codes. More specifically, when adopting or updating a building code prior to July 1, 2023, the governing body of a municipality or county is required to adopt and enforce an energy code that achieves equivalent or better energy performance in one of the three most recent editions of the IECC. Further, updates thereto on or after July 1, 2023, and before July 1, 2026, require adoption and enforcement of an energy code that achieves equivalent or better energy performance than the 2021 IECC and the model electric ready and solar ready code language developed for adoption by the energy code board. There is an additional other statutory provision, which focuses on code adoption(s) and update(s) thereto on or after July 1, 2026, specific to equivalent or better energy and carbon emissions performance than the model low energy and carbon code language as developed for adoption by the energy code board at that time. As a result, it is the Department's position that the 2023 PPRBC, as proposed by the Department and recommended for adoption by the Board of Review, meets the statutory requirements, and as applied, it will likely meet such ahead of statutory deadlines.

On behalf of the staff of the Department and all associated boards, committees, and commission, I formally request your consideration, approval, and adoption by reference of the Pikes Peak Regional Building Code, 2023 Edition. This code will promote sustainable construction and continue to provide for the life safety and welfare of the built environment in a logical manner within the Pikes Peak Region.

Sincerely



Roger Lovell

Regional Building Official

Pikes Peak Regional Building Department



Brief Summary

Pikes Peak Regional Building Code, 2023 Edition

In accordance with the 2004 Intergovernmental Agreement establishing Pikes Peak Regional Building Department ("PPRBD" or the "Department"), any changes to the construction codes require the approval of all signatory jurisdictions. Attached is a copy of the Pikes Peak Regional Building Code ("PPRBC" or "Code"), 2023 Edition, for adoption by reference. The revisions to the 2023 Edition of the Code in comparison to the current, 2017 edition, as amended, of the Code are technical changes for construction, mechanical, energy, existing buildings, and swimming pools. Further, there are minor changes to the fee schedule to accommodate additional Department services with no increase or change in the fee structure. The administrative provisions of the Code have been updated in accordance with statutory requirements to include the penalty provisions of the Code.

Approval of the ordinance approving the adoption of the 2023 Edition of the Code by reference includes the following model codes published by the International Code Council, as amended:

- 2021 International Building Code (IBC)
- 2021 International Residential Code (IRC)
- 2021 International Mechanical Code (IMC)
- 2021 International Fuel Gas Code (IFCG)
- 2021 International Energy Conservation Code (IECC)
- 2021 International Existing Building Code (IEBC)
- 2021 International Pool and Spa Code (ISPSC)

Sincerely

Roger N. Lovell

Regional Building Official

Pikes Peak Regional Building Department

APPENDIX E: CITY OF FOUNTAIN ORDINANCE

The City Council of the City of Fountain, Colorado, adopted **Ordinance No. XX** on second reading on **XX XX, 2023**, adopting the 2023 edition of the Pikes Peak Regional Building Code by reference, as amended.

The following is an excerpt of the modifications to the Pikes Peak Regional Building Code, 2023 Edition:

Section RBC103.12 AUTHORITY TO IMPOSE FINES. Delete and replace the last sentence of this Section with the following: "Appeals of an administrative fine may be commenced as provided in Section RBC101.7 of this Code."

Section RBC108.2 SCHEDULE OF PERMIT FEES. Amend and modify by adding the following to read: "City Council establishes Appendix B: Building Permit Fee Schedule of this Code as the adopted fee schedule."

Section RBC111.7 FIRE BOARD OF APPEALS. Delete and replace with the following:

RBC111.7 FIRE BOARD OF APPEALS. The Fire Board of Appeals shall have the power and authority specified in Section RBC207.3.6 of this Code.

SIGNIFICANT CHANGES TO THE 2021 INTERNATIONAL BUILDING CODE

- **Definitions - Chapter 2**

Definitions have been revised and/or added for Atrium, Change of Occupancy, Impact Protective System, Mass Timber, Nailable Substrate, Penthouse, Puzzle Room, and Structural Members.

- **Puzzle room exiting - Section 411.5**

A new type of building use, the puzzle room, is now regulated in a manner consistent with traditional special amusement areas. In addition, special means of egress requirements have been established that are specific only to such puzzle rooms.

- **Play Structures - Section 424**

The interior finish materials of play structures are now regulated for flame spread purposes. In addition, the scoping provisions have been modified to include larger structures, and the requirements are no longer limited to play structures for children's use.

- **Type IV Construction - Section 602.4**

While the past allowances for Type IV buildings have been maintained as Type IV-HT construction, three new construction types, Type IV-A, IV-B, and IV-C, have been introduced to recognize other new forms of mass timber construction. Allowable Height, Allowable Story, and Allowable Area tables have also been revised to incorporate these new Types of Construction.

- **Continuity (Fire Barriers) - Section 707.5, Exception 3**

Fire Barriers creating an exit passageway may now terminate at a fire-resistance-rated top (lid) instead of continuing to the underside of the roof slab above.

- **Group S-2 parking garages - Section 903.2.10**

An automatic sprinkler system must now be installed in an open parking garage where a specific fire area or height threshold is exceeded.

- **Enhanced Classroom Acoustics - Section 1207**

Educational Occupancies are now required to meet the enhanced classroom acoustic requirements of Section 808 of ICC A117.1.

- **Wind resistance of aggregate-surfaced roofs - Section 1504.9**

Parapets of a minimum height are now required for aggregate-surfaced roofs to prevent blow-off per Table 1504.9.

- **Risk Category - Section 1604.5**

Mixed occupancy buildings with assembly spaces are now designated as Risk Category III when the total public assembly occupant load is greater than 2,500 occupants.

- **Special Inspections - Section 1704**

Special inspection requirements shall be per the 2021 International Building Code (IBC), Chapter 17. In previous versions of the Pikes Peak Regional Building Code (PPRBC), this IBC section was deleted and replaced with a Special Inspections section in the PPRBC. The Special Inspection section is no longer included in the 2023 PPRBC.

SIGNIFICANT CHANGES TO THE 2021 INTERNATIONAL RESIDENTIAL CODE

- **Minimum ceiling heights - Section R305.1**

The minimum ceiling height is reduced to 6 feet 6 inches under beams spaced apart at least 36 inches apart.

- **Glazing and wet surfaces - Section R308.4.5**

The language addressing glazing in walls, enclosures or fences near tubs, showers and swimming pools has replaced the word "facing" with the words "adjacent to" for those elements related to wet surfaces.

- **Emergency escape and rescue openings in existing buildings - Sections R310.5, R310.6, and R310.7**

Opening dimensions have been reduced for emergency escape and rescue openings for a basement remodel, basement addition, and for a change of occupancy.

- **Smoke alarm locations - Section R314.3**

Smoke alarm locations now include item 5: In the hallway and in the room open to the hallway in dwelling units where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches or more.

- **Carbon monoxide alarms for alterations, repairs, and additions - Section R315.2.2**

Repairs to an existing fuel-fired mechanical system now trigger the retroactive requirements for carbon monoxide alarms.

- **Habitable attics - Section R326**

The habitable attic provisions have been placed in new Section R326 and new restrictions limit their area and require a fire sprinkler system per Section P2904 if located above a third story.

- **Foundation waterproofing - Section R406.2**

Six-mil polyvinyl chloride and polyethylene fabrics are removed from the list of approved waterproofing materials.

- **Vapor retarder - Section R506.2.3**

Thicker vapor retarders are now required below slabs-on-grade.

- **Garage door labeling - Section R609.4.1**

All garage doors must have a permanent label identifying wind pressure ratings among other information.

- **Chimney lining - Section G2427.5.5.1**

The exception allowing an existing chimney to vent replacement appliances has been deleted.

SIGNIFICANT CHANGES TO THE 2021 INTERNATIONAL MECHANICAL CODE

- **Condensate Disposal - Section 307.1.1**

Addition of condensate termination identification markings and discharge restrictions.

- **Outdoor air for dwelling units - Section 403.3.2.1**

30% reduction in minimum mechanical ventilation for whole-house balanced ventilation systems.

- **Location of Exhaust Outlets - Section 501.3.1**

Approved factory-built combination intake/exhaust terminations permitted, relaxing separation requirement.

- **Bath Exhaust Openings - PPRBC Section RBC304.4.4**

Addition of an exception to IMC Section 501.3.1, item number 3 that states: Bath exhaust openings may terminate not less than 3 feet from mechanical air intake openings..

- **Manicure and Pedicure Stations - Section 502.20.1**

Continuous operation requirement for manicure and pedicure station exhaust systems.

- **Location of Exhaust Outlets - Section 504.4.1**

Approved factory-built combination intake/exhaust terminations permitted, relaxing separation requirement.

- **Grease Duct Horizontal Cleanouts - Section 506.3.9**

New Item #7 requires grease duct horizontal cleanout within 3 feet of a horizontal discharge fan.

- **Coverings and Linings - Section 604.3 Exception**

Polyurethane spray-applied foam on the exterior of ducts in attics and crawl spaces required to meet specific smoke and flame index limits.

- **Access and Identification - Section 607.4**

Fire and smoke dampers must be provided with approved access for inspections and maintenance.

- **Refrigerant Classification, Amount and OEL - Table 1103.1**

Refrigerant tables updated to include new refrigerants.

SIGNIFICANT CHANGES TO THE 2021 IECC - COMMERCIAL PROVISIONS

- **Information on construction documents - Section C103.2**

Energy compliance path and the location of the air barrier were added to list of details that must be on the plans.

- **Insulation mark installation - Section C303.1.2**

Requires an insulation certificate to be left by the installer, immediately after installation, if the R value label for insulation is not observable.

- **Thermal envelope certificate - Section C401.3**

New section added to require a permanent certificate to, commercial buildings that records basic information related to the building thermal envelope, similar to the certificate required for residential buildings.

- **Greenhouses - Section C402.1.1.1**

New section added specific to Greenhouses. Includes a skylight and vertical fenestration U factor table and provides exception for low energy greenhouses.

- **Equipment buildings - Section C402.1.2**

The square footage of equipment buildings exempt from the building thermal envelope provisions of the IECC was increased from 500 s.f. to 1200 s.f.

- **Insulation R-value and U-value tables - Tables C402.1.3 and C402.1.4
(see RBC308.4.6 and RBC308.4.7 for local amendment)**

Increased insulation requirements and reduced fenestration U-factors and solar heat gain coefficients throughout.

- **Dwelling and sleeping unit enclosure testing - Section C402.5.2**

Provides direction on the number of units that require testing to prove compliance.

- **HVAC equipment performance requirements - Section C403.3.2**

Tables C403.3.2(1) through C403.3.2 (16) have been updated for increased equipment efficiency requirements.

- **Occupant sensor control function - C405.2.1.1 through C405.2.1.4**

Revised and enhanced requirements for occupant sensor controls in various occupancies and uses.

- **Parking garage lighting control - C405.2.8**

New section added specific to Parking Garages. Includes requirement of occupant sensor control or a time-switch control.

- **Additional energy efficiency credit requirements - C406.1
(see RBC308.4.9 & RBC308.4.10 for local amendment)**

This section has been completely redone in a points-based system, requiring a certain number of points be accumulated from the various sections and tables in C406.

SIGNIFICANT CHANGES TO THE 2021 IECC - RESIDENTIAL PROVISIONS

- **Additional Efficiency Package Options - Section R401.2**

New section requiring additional efficiency in residential buildings is added. Five options for achieving compliance with this section are included: enhanced envelope performance, more efficient HVAC equipment performance, reduced energy used in service water heating, more efficient duct thermal distribution system, and improved air sealing and efficiency ventilation system.

- **Increased Prescriptive Insulation Values - Sections & Tables R402.1.2 and R402.1.3 (see **RBC308.4.17 and RBC308.4.18 for local amendment**)**

Increased insulation requirements and reduced fenestration U-factors and solar heat gain coefficients.

- **Cavity Floor Insulation Installation Requirements - Section R402.2.7**

Allows two alternate methods for floor insulation, explicitly helping in floors above the garage and cantilevers. There are now a total of three installation options.

- **Sunrooms & Heated Garages - Section R402.2.12 and R402.3.5**

The following exceptions to prescriptive values have been added to address the issue of heated garages that are thermally isolated from the main home:

- *Minimum R-24 Ceiling insulation and Minimum R-13 wall insulation*
- *Maximum U-Factor of 0.45 for Fenestration.*

- **Air Leakage Requirements - Sections R402.4.1.2 & R402.4.1.3**

Some specific changes will impact both Prescriptive and Total Building Performance code compliance:

- *Code changes set a maximum air leakage of 5.0 ACH50 or 0.28 CFM/SF Enclosure Area.*
- *Sets a maximum ACH50 of 3.0 when following prescriptive compliance per Section R402.1.2.*
- *Allows for 0.30 CFM/SF Enclosure Area for attached dwelling units and buildings 1,500 SF or smaller.*

- **Ducts Outside of Conditioned Space and Duct Leakage Requirements - Sections R403.3.2, R403.3.5 & R403.3.6**

These changes do two specific things. First, it sets alternate requirements for classifying ducts either in or out of conditioned space. Second, it removes the exemption for not testing ducts entirely within conditioned space and requires a minimum duct leakage of 8.0 CFM/100 SF of floor area for that ductwork.

- **Hot water pipe insulation - Section R403.5.2**

R3 insulation is required on hot water pipe 3/4 inch in diameter or more, located inside the conditioned space, as well as supply and return piping in recirculation systems other than cold water pipe return in demand recirculation systems.

- **Testing Requirements for Mechanical Ventilation Systems - Section R403.6.3**

Requires testing to confirm that the mechanical ventilation system provides the minimum ventilation flow as required by the IRC or IMC. This includes bath fans, kitchen hoods, and whole-home ventilation.

- **Lighting Equipment and Controls - Sections R404.1 & R404.2 (see **RBC308.4.20 and RBC308.4.21 for local amendment**)**

Section R404.1 Lighting equipment requires only high-efficacy lighting sources & Section R404.2 requires additional lighting controls on most interior lighting fixtures. Areas specifically excluded include bathrooms, hallways, exterior lighting fixtures, and lighting designed for safety or security. These fixtures can be controlled with either a dimmer, occupant sensor or other permanently installed types of control.

SIGNIFICANT CHANGES TO THE 2017 ICC A117.1 ACCESSIBILITY STANDARD

- **Size of Turning Spaces - Sections 304.3.1 and 304.3.2**

For new buildings, the size of a circular turning space increases from the previous 60 inch requirement up to 67 inches. Three options are allowed for T-shaped turning space and vary depending on the width of the arms on the T-shaped space. All of the options result in an increased size for the turning space.

- **Size of Clear Floor Space - Section 305.3**

For new buildings, the length of a clear floor space increases from 48 inches to 52 inches to accommodate more wheeled mobility devices and ensure access is provided at various elements. NOTE: This change does not apply to Type B dwelling units per Section 1104.1.1.

- **Clear Width of Accessible Routes - Section 403.5**

The width of exterior accessible routes increases to a 48 inch minimum for most elements. Exceptions have been added to modify the width requirements depending on whether the accessible route is within a new building or an existing building.

- **Clear Width at 90-Degree Turn - Section 403.5.3**

Designing for and accommodating larger wheelchairs and scooters results in modifications being needed where a narrow accessible route is making a 90-degree turn. The standard provides four options, such as increasing the width of the accessible route or chamfering the corner to allow for maneuvering around the corner.

- **Electrical Vehicle Charging Stations - Section 502.11**

This change provides a new section to regulate electrical vehicle charging stations and to make sure they are both accessible and usable. The provision applies to parking structures, parking lots, and on-street parking.

- **Clear Floor Space at Lavatories and Sinks - Section 606.2**

The clear floor space for a parallel approach to a sink or lavatory is no longer required to be "centered on the sink".

- **Enhanced Acoustics for Classrooms - Section 808**

This new section provides guidance to improve the acoustics in classrooms by controlling the reverberation time and background noise within the classroom.

- **Charging Stations - Section 906**

This new section addresses "charging stations". Providing these stations will allow a user of an electric wheelchair or scooter to recharge her or his device when seated at certain clear floor space.

- **Recreational Facilities and Dwelling Units and Sleeping Units - Chapters 10 and 11**

The order of these two chapters has been reversed, with Chapter 10 now dealing with recreational facilities and dwelling and sleeping unit provisions moving to Chapter 11.

- **Beds - 1102.15.2**

Two requirements related to the accessible bed within an Accessible dwelling or sleeping unit have been added. A range is established for the bed height to ease transfer, and the clear floor space adjacent to the bed must serve as a charging station complying with Section 906.



**HOUSING & BUILDING
ASSOCIATION
OF COLORADO SPRINGS**

4585 Hilton Parkway Suite 100, Colorado Springs, CO 80907
Phone: 719-592-1800 • CSHBA.com

January 23, 2023

Roger Lovell, Building Official
Pikes Peak Regional Building Department
2880 International Circle
Colorado Springs, CO 80910

Dear Mr. Lovell,

The mission of the Housing & Building Association of Colorado Springs (HBA) is to promote and support policies that allow for the production of safe and attainable housing for all aspects of our community. We support Pikes Peak Regional Building's 2023 Building Code.

As you know, building professionals who are participants of the HBA Code Review Committee have spent more than a year reviewing the code changes. They have worked alongside RBD and other agency partners to come to a consensus that allows for reasonable construction practices while working towards our common goal of energy conservation. We appreciate RBD's acknowledgment of upcoming codes that will be implemented from the State Energy Board, and their willingness to offer the building community this interim code that allows both the industry and the market to transition before we are required to adopt more stringent and costly codes.

It is important to note that the HBA represents 120 builders, remodelers, and developer member companies. In 2022, these members pulled just over 80 percent of all single-family permits through the RBD in the Pikes Peak region. The HBA includes 465 companies that represent over 8,000 related jobs in all aspects of the building industry. This positions the HBA and its members as having the highest level of expertise on the impacts of these code changes, specifically with respect to safety, livability, and cost of new homes and remodels.

2023 Executive Committee

Mark Reyner - Land Title Guarantee Co.
President

Thomas Garmong - Oakwood Homes, LLC
President Elect

Chad Thurber - Vantage Homes Corp
Past President

Ryan Klein - Sherman & Howard, LLC
Public Policy Advisor

Michael Suggs - NAI Highland, LLC
Political Advisor

Ryan Klein - Sherman & Howard, LLC
Legal Advisor

BJ Hybl - Griffis Blessing, Inc.
At-Large Advisor

Loren Moreland - Classic Homes
At-Large Advisor

Andrea Barlow - N.E.S. Inc.
At-Large Advisor

Renee Zentz - Housing & Building Association
Chief Executive Officer

2023 Board of Directors

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Eric Jones - Oakwood Homes, LLC

Blake Green - TBK Bank - Western Division

Bryan Long - Case International Company

Carrie Bartow - CliftonLarsonAllen

Chris Jorgensen - La Plata Communities, Inc.

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Edward Gonzalez - Campbell Homes LLC

Eric Hunter - Toll Brothers

Grace Covington - Covington Homes

Gregory Shaner - Matrix Design Group, Inc.

Jill Lais - Cutting Edge Realtors

Jerry Novak - Novak Consulting, Inc.

Joe Loidolt - Classic Homes

John D Radcliffe - Galloway & Company, Inc.

Kevin Walker - Walker Schooler District Managers

Kyle Campbell - Classic Consulting Engineers &
Surveyors, LLC

Lain Chappell - Solid Rock Custom Homes

Mark Long - Vanguard Homes

Michelle Humphrey - Fireplace Warehouse

Mike DeGrant - Schuck Chapman Companies

Mike Fenton - Century Communities - Colorado Springs
Division

Randy Case II - Case International Company

Richard van Seenus - Aspen View Homes, LLC

Rob Clennan - Mortgage Solutions Financial

Skip Howes - CGB, CGP, CAPS, CSP - Scott Homes

Tom Stewart - Stewart Remodeling

Tye Tutt - Tutt Service Enterprise, LLC





The bottom line for our members, including the board members represented in this letter, is that we are working to meet the housing needs of the Pikes Peak region while building to standards that promote life safety and attainability. We experience firsthand the barriers to entry for prospective homeowners; cost savings suggested by supporters of stringent energy code changes are irrelevant if prospective homeowners cannot afford to purchase a home. We have been working together with elected officials to address the region's housing challenge, especially in the "missing middle," where housing is needed for key members of our local workforce.

The HBA and its members offer our support to RBD for the proposed code and its amendments as the unified opinion of the region's building industry. Our members will continue to volunteer their time in support of this code as RBD presents it to the governing bodies of the jurisdictions we work in.

It's critical for the future of our shared efforts to provide more housing in this region that any code changes are considered only after balancing between cost and overall benefit. We appreciate the time and effort of the Regional Building Department to draft a fair and balanced code that ensures the safety of the homeowner and the health of the building community.

Respectfully,

A handwritten signature in blue ink that reads "Mark Reyner".

Mark Reyner, Land Title
2023 HBA President

A handwritten signature in black ink that reads "Kort Henderson".

Kort Henderson, Vantage Homes
HBA Code Review Committee Chair



Regular City Council Meeting

New Business –9D

Fiscal Year 2023 Appropriation

March 28, 2023

Summary Information

Title:

RESOLUTION NO. 23-016, A RESOLUTION AMENDING THE APPROPRIATION OF FISCAL YEAR (FY) 2023 BUDGETED FUNDS

Initiator : John Lewis, Finance Director, Shawna Dail, Deputy Finance Director

Council Action

Presenter: John Lewis, Finance Director

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

The City Council adopted a budget for the FY 2023 on November 15, 2022. Final numbers for 2022 expenditures on capital projects were not available until March of 2023. Staff is therefore recommending formal approval by City Council to amend the 2023 General, Water, Electric, Conservation Trust, Street Capital Improvements, and Public Transportation Funds for those 2022 budgeted but unspent/not completed capital projects that are now anticipated to be spent in 2023. This “Carryover” budget amendment process is a standard process and “Best Practice” for ensuring that capital projects spanning more than one budgetary period are continued and efficiently completed.

In addition, staff is now aware of certain required 2023 expenditures that were not included in the 2023 adopted budget, for a variety of reasons. These include but are not limited to; non-capital items previously appropriated, specific expenditures for which we have received grants, expenditures of restricted ARPA grant funds, and additional amounts required for computer upgrades in cybersecurity. Staff is therefore recommending that the budgets of the General, Water and Electric Funds be amended for those items listed in the attached line item summary (Exhibit A).

Previous Action by City Council:

The City Council adopted a budget for the FY 2023 on November 15, 2022. City Council has previously amended the 2023 budget on January 24 and February 28 of 2023.

Attachment: Exhibit A

Background Information

This Resolution amends the FY 2023 budget per City Financial Policies. This amendment will be included with the original 2023 budget to comply with State of Colorado requirements.

Exhibit A includes the detail of the request.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommends that City Council approve Resolution No. 23-016

Proposed Motion

“I move to approve Resolution No. 23-016”



RESOLUTION NO. 23-016

A RESOLUTION AMENDING THE APPROPRIATION OF FISCAL YEAR 2023 BUDGETED FUNDS

WHEREAS, the City Council adopted a budget for the fiscal year (FY) 2023 on November 15, 2022, and;

WHEREAS, staff is recommending approval by City Council to amend expenditures for the “carrying forward” of capital projects budgeted in 2022 but now not anticipated to be spent until 2023 and summarized by fund as follows:

- General Fund –\$2,062,307
- Water Fund - \$295,522
- Electric Fund - \$1,673,985
- Conservation Trust Fund-\$145,394
- Street Capital Improvement Fund - \$884,521
- Public Transportation Fund- \$164,525

And WHEREAS, staff is recommending approval by City Council to amend expenditures for items that were unanticipated at the time of the initial budget approval, and summarized by fund as follows:

- General Fund –\$135,100
- Water Fund -- \$143,893
- Electric Fund --\$129,560

And WHEREAS, the City Council wishes to make a supplemental appropriation pursuant to Section 9.11(a) of the City Charter, for the FY 2023 budget year and to direct the Finance Department to amend the FY 2023 budget accordingly;

NOW, THEREFORE, BE IT RESOLVED by the City Council:

Section 1. The FY 2023 budget appropriation is amended as shown in Exhibit A.

Section 2. That the fund balance reserves be appropriated as indicated in Exhibit A from monies available in each fund for the purpose set forth herein.

Section 3. That the Finance Department make the appropriate adjustments to the 2023 budget in the City’s books and records.

Section 4. That a certified copy of this Resolution be filed with the Division of Local Government of the State of Colorado.

Section 5. This Resolution shall be in full force and effect after its approval by the City Council.

Done this 28th day of March 2023.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

<u>ACCOUNT #</u>	<u>AMOUNT</u>	<u>DESCRIPTION OF PROJECT</u>	<u>JUSTIFICATION</u>
	<u>AMOUNT</u>	<u>DESCRIPTION OF PROJECT</u>	<u>JUSTIFICATION</u>
CONSERVATION TRUST FUND			
<u>EXPENDITURES</u>			
210-5510-59320	70,394.00	ADA Parking Lot Expansion @ Metcalfe	We were unable to procure contractor and materials required to complete the project during 2022.
210-5510-59320	75,000.00	Ventana Open Space Completion	We were unable to procure contractor and materials required to complete the project during 2022.
	145,394	TOTAL CONSERVATION TRUST FUND 2022 CARRYOVERS INTO 2023	
STREETS CAPITAL IMPROVEMENT FUND			
<u>EXPENDITURES</u>			
285-3310-59310	884,521	Improvements - Moving Fountain forward remaining funds	Indiana Avenue project waiting on the railroad company approvals
	884,521	TOTAL STREETS CAPITAL IMPS FUND 2022 CARRYOVERS INTO 2023	
PUBLIC TRANSPORTATION FUND			
<u>EXPENDITURES</u>			
290-1180-59310	164,525	Improvements	Remaining balances to be spent on additional bus shelters
	164,525	TOTAL PUBLIC TRANSPORTATION FUND 2022 CARRYOVERS INTO 2023	
SUPPLEMENTAL REQUESTS			
3rd SUPPLEMENTAL BUDGET REQUEST FOR 2023			
<u>ACCOUNT #</u>	<u>AMOUNT</u>	<u>DESCRIPTION OF PROJECT</u>	<u>JUSTIFICATION</u>
GENERAL FUND			
<u>REVENUE</u>			
100-0000-22228	54,000	Unearned ARPA revenue	ARPA Revenue is earned when spent
TOTAL REVENUE	54,000		
<u>EXPENDITURES</u>			
<u>Account #</u>	<u>Amount</u>	<u>Description</u>	<u>Justification</u>
100-1150-53997	54,000	ARPA funds -Operations	Previously appropriated- Lighten the Load donation due to regulation against charging for late fees during COVID
100-1160-53630	21,000	Maintenance Service contracts	DUO Multi-factor authentication
100-2213-53956	4,000	Miscellaneous expense	Police memorial Ball honoring Julian Becerra
100-2222-59420	25,000	Fire emergency equipment	Repairs and upgrade truck exhaust system in FD#2 to extend the life of the system
100-5540-53535	31,100	Parks Capital	Improvements to Cheyenne Ridge Park as agreed by the residents of that community
TOTAL EXPENDITURES	135,100		
	81,100	DECREASE IN UNRESTRICTED (UNASSIGNED) RESERVES	
WATER FUND			

<u>ACCOUNT #</u>	<u>AMOUNT</u>	<u>DESCRIPTION OF PROJECT</u>	<u>JUSTIFICATION</u>
EXPENDITURES			
510-7740-59430	143,893	Computer Equipment/ Software	Tech Services upgrades and cybersecurity
TOTAL EXPENDITURES	143,893	DECREASE IN NET POSITION	
ELECTRIC FUND			
EXPENDITURES			
520-7740-59430	129,560	Computer Equipment/ Software	Tech Services upgrades and cybersecurity
TOTAL EXPENDITURES	129,560	DECREASE IN NET POSITION	