

ORDINANCE 2019-03

AN ORDINANCE OF THE CITY OF FRUITA COLORADO, AMENDING TITLE 15 OF THE FRUITA MUNICIPAL CODE TO REPEAL, RE-ADOPT, AND AMEND THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE NATIONAL ELECTRICAL CODE, THE INTERNATIONAL FIRE CODE; TO REPEAL THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO ADOPT THE INTERNATIONAL EXISTING BUILDING CODE; AND THE INTERNATIONAL ENERGY CONSERVATION CODE TO BE APPLIED THROUGHOUT THE CITY OF FRUITA AND PROVIDING FOR ADMINISTRATION, ENFORCEMENT, AND APPEALS, INCLUDING PENALTIES FOR VIOLATIONS

WHEREAS, pursuant to Title 31, Article 16, of the Colorado Revised Statutes, the Fruita City Council has the power to adopt ordinances which adopt codes by reference, and

WHEREAS, the Fruita City Council finds that adoption of this Ordinance is necessary to preserve the health, safety and welfare of the citizens of the City of Fruita, and

WHEREAS, the Fruita City Council finds that it is important for the safety of the citizens of the City of Fruita to have established a current uniform code. Accordingly, it is necessary to repeal, re-adopt and amend the building codes including International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Residential Code, the National Electrical Code, the International Fire Code; and the International Energy Conservation Code, to repeal the International Property Maintenance Code and to adopt the International Existing Building Code to be applied throughout the City of Fruita and providing for administration, enforcement and appeals including penalties for violation of the provisions of these Codes.

NOW THEREFORE, BE IT ORDAINED, by the Fruita City Council as follows:

Section 1: Chapter 15.04 of the Fruita Municipal Code and Ordinance 2012-04, Section 1, are hereby repealed and reenacted to read as follows:

Chapter 15.04

INTERNATIONAL BUILDING CODE

Sections:

15.04.010 **Adopted by reference**
15.04.020 **Amendments**

15.04.010 ADOPTED BY REFERENCE.

- A. The International Building Code, 2018 Edition, as published by the International Code Council, Inc., together with amendments set forth below (hereafter “IBC” or “International Building Code”) is hereby adopted to provide minimum standards to safeguard life and limb, health, property, and the public welfare by regulating and controlling various matters including, but not limited to the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the City of Fruita.
- B. The following chapters of the Appendix of the International Building Code, 2018 Edition, are adopted: Chapter C, Group U- Agriculture Building; Chapter I, Patio Covers; No other chapters of the Appendix of the IBC are adopted

15.04.020 AMENDMENTS. The International Building Code adopted in Section 15.04.010 is hereby amended as follows:

- A. Section 101: Section 101.4.4 Property maintenance is amended by deletion of this section in its entirety.
- B. Section 103: Section 103.3 Deputies is amended by deletion of last sentence.
- C. Section 105: Section 105.2 Work exempt from permit is amended by the addition of the word “Platforms” to Item 6.
- D. Section 105: Section 105.2 Work exempt from permit is amended by the addition of Item 14 to read: “Plastic covered crop production shelters where access to public is prohibited.”
- E. Section 109: Section 109.2 Schedule of permit fees is amended by the addition of Exhibit A City of Fruita Community Development Department Fee Schedule. (Copy of Exhibit A City of Fruita Community Development Department Fee Schedule, is on file in the Fruita City Clerk’s office and the Mesa County Building Inspection Office).
- F. Section 109: Section 109.6 Refunds is amended by the addition of the following: “Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.”
- G. Section 109: Section 109.7 Fees for agriculture buildings is amended by the addition of Subsection 109.7 to read: “No fees shall be required for a building permit obtained for Agriculture Buildings defined as buildings or structures used for the sole purpose of providing shelter for agricultural implements, farm products, livestock or poultry, that is not a place of employment or open to the public. This agriculture building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.”

- H. Section 110: Section 110.7 Inspections for agriculture buildings is amended by addition of Subsection 110.7 to read as follows: “No inspections shall be required for a building permit obtained for Agriculture Buildings defined as buildings or structures used for the sole purpose of providing shelter for agricultural implements, farm products, livestock or poultry, that is not a place of employment or open to the public. However, this exemption is not an exception of the minimum building standards set forth in the International Building Code, or to the other requirements for inspections for electrical, mechanical and plumbing.”
- I. Section 113: Section 113 is amended by deletion thereof. The Board of Appeals established in Section 15.42 of the Fruita Municipal Code shall serve as the Board of Appeals.
- J. Section 114.4. Violation Penalties. Section 114.4 is amended by deletion of the section and replacing with the following: Section 114.4. Violation Penalties. Any person who violates a provision of the code or fails to comply with any of the requirements thereto shall be subject to the penalties prescribed in Chapter 15.50 of the Fruita Municipal Code.
- K. Section 116: Section 116.1 Conditions is amended by adding a paragraph to read: “The building official may cause the premises to be closed up and secure through any available public agency or contractor arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be lien upon such real estate and may be collected by any other legal resource. The building official may condemn unsafe structures.”
- L. Section 305: Section 305.2.3 “Twelve” or fewer children in a dwelling unit is amended by deleting Five and replacing with Twelve.
- M. Section 308: Section 308.2.4 Five or fewer persons receiving custodial care is amended by deleting: provided an automatic sprinkler system is installed in accordance with section 903.3.1.3 or with section 2904 of the International Residential Code.
- N. Section 310: Section 310.4.1 Care facilities within a dwelling is amended by deleting: provided an automatic sprinkler system is installed in accordance with section 903.3.1.3 or with section 2904 of the International Residential Code.
- O. Section 310: Section 310.5 Residential Group R-4 is amended by adding at the end of the last paragraph: or shall comply with the International Residential Code.
- P. Table 602: Table 602 Fire-Resistance rating requirements for exterior walls based on fire separation distance is amended by the addition of footnote j. to E occupancies. Footnote j. Group E Day Care occupancies that accommodate 12 or fewer persons shall have fire resistive ratings as required for IRC occupancies.

- Q. Section 1004: Table 1004.5 Maximum floor area allowances per occupant is amended to change the maximum floor area allowance per occupant of Agriculture Building from: 300 Gross to 500 Gross.
- R. Section 3001: Section 3001.1 is amended to read as follows:
3001.1 Scope. This chapter governs the design, construction, installation, alterations, maintenance and repair of new and existing installations of elevators, dumbwaiters, escalators and moving walks, requiring permits therefore and providing procedures for the inspection and maintenance of such conveyances.
- S. Section 3001: Section 3001.2 is amended by deletion of this section in its entirety.
- T. Chapter 30: Chapter 30 Elevators and conveying systems is amended by the addition of four new sections and subsections to read as follows:

SECTION 3009 PERMITS & CERTIFICATES OF INSPECTION

3009.1 Permits Required. It shall be unlawful to install any new elevator, moving walk, escalator or dumbwaiter or to make alterations to any existing elevator, dumbwaiter or moving walk, as defined in Part XII of ASME A17.1, without first having obtained a permit for such installations from the building official. Permits shall not be required for maintenance or minor alterations.

3009.2 Certificates of Inspection Required. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by an approved inspection agency. Such certificates shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspection and tests have been performed in accordance with Part X of ASME A17.1. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3012.

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

3009.3 Applications for Permits. Applications for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner or the owner's representative, upon payment of the permit fees specified in this section.

3009.4 Applications for Certificates of Inspection. Applications for an inspection and certificates of inspection shall be made to an approved inspection agency by the owner of an elevator, dumbwaiter, escalator or moving walk. Fees for inspections and certificates of inspection shall be determined by the approved inspection agency.

3009.5 Fees. A fee for each permit shall be paid to the building official as prescribed in the jurisdiction Permit Fee Schedule.

**SECTION 3010
DESIGN**

3010.1 Detailed Requirements. For detailed design, construction and installation requirements see Chapter 16 and the appropriate requirements for ASME A17.1.

**SECTION 3011
REQUIREMENTS FOR OPERATION AND MAINTENANCE**

3011.1 General. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator and moving walk installations and shall cause periodic inspections to be made on such conveyances as required by this section.

3011.2 Periodic Inspection and Tests. Routine and periodic inspections and tests shall be made as required by ADME A17.1.

3011.3 Alterations, Repairs and Maintenance. Alterations, repairs and maintenance shall be made as required by Part XII of ASME A17.1.

3011.4 Inspection Costs. All costs of such inspections shall be paid by the owner.

**SECTION 3012
UNSAFE CONDITIONS**

3012.1 Unsafe Conditions. When an inspection reveals an unsafe condition of an elevator, escalator, moving walk or dumbwaiter, the inspector shall immediately file with the owner and the building official a full and true report of inspection and unsafe conditions. If the building official finds that the unsafe condition endangers human life, the building official shall cause to be placed on such conveyance, in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance that are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed by the building official when satisfied that the unsafe conditions have been corrected.

(u) Section 3109: Section 3109.1 General is amended by deletion and replaced with:
“Swimming pools, spas and hot tub barriers shall comply with section 305 of the International Swimming Pool and Spa Code.”

Section 2. Chapter 15.08 of the Fruita Municipal Code and Ordinance 2012-04, Section 2, are hereby repealed and reenacted to read as follows:

Chapter 15.08

INTERNATIONAL PLUMBING CODE.

Sections:

15.08.010 **Adopted by reference**

15.08.020 **Amendments**

15.08.010 **ADOPTED BY REFERENCE.**

A. The International Plumbing Code, 2018 Edition, and applicable chapters of the International Residential Code, as published by the International Code Council and as adopted by the State of Colorado and pursuant to Title 12 Article 58 C.R.S.(hereafter “IPC” or “International Plumbing Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, location, relocation, replacement, addition to, use and maintenance of plumbing systems within the City of Fruita.

15.08.020 **AMENDMENTS.** The International Plumbing Code adopted in Section 15.08.010 is hereby amended as follows:

- A. Section 106: Section 106.6.2 Fee schedule is amended by the addition of Exhibit A City of Fruita Community Development Department Fee Schedule. (Copy of Exhibit A City of Fruita Community Development Department Fee Schedule, is on file in Fruita City Clerk’s office and the Mesa County Building Inspection office).
- B. Section 106: Section 106.6.3 Fee refunds is amended by the deletion of this section in its entirety and replaced with the following: “Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.”
- C. Section 108.4, Violation Penalties. Section 108.4 is amended by deletion of the section and replaced with the following: Section 108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereto shall be subject to the penalties as prescribed in Chapter 15.50 of the Fruita Municipal Code.
- D. Section 109: Section 109 Means of appeal is amended by deletion of this section in its entirety and replaced with the following: “The Colorado State Plumbing Board serves as the Board of Appeals for the International Plumbing Code.”

Section 3. Chapter 15.12 of the Fruita Municipal Code and Ordinance 2012-04, Section 3, are hereby repealed and reenacted to read as follows:

Chapter 15.12

THE INTERNATIONAL MECHANICAL CODE

Sections:

15.12.010 **Adopted by reference**

15.12.020 **Amendments**

15.12.010 **ADOPTED BY REFERENCE.**

A. The International Mechanical Code, 2018 Edition, as published by the International Code Council, together with amendments set forth below (hereafter “IMC” or “International Mechanical Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the City of Fruita.

15.12.020 **AMENDMENTS.** The International Mechanical Code adopted in Section 15.12.010 is hereby amended as follows:

- A. Section 106: Section 106.5.2 Fee schedule is amended by the addition of Exhibit A City of Fruita Community Development Department Fee Schedule. (Copy of Exhibit A City of Fruita Community Development Department Fee Schedule, is on file in Fruita City Clerk’s office and the Mesa County Building Inspection office).
- B. Section 106: Section 106.5.3 Fee refunds is amended by the deletion of this section in its entirety and replaced with the following: “Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.”
- C. Section 108.4. Violation Penalties. Section 108.4 is amended by deletion of the section and replaced with the following: Section 108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Chapter 15.50 of the Fruita Municipal Code.
- C. Section 109. Means of Appeal. Section 109 is amended by deletion thereof. The Board of Appeals established in Chapter 15.42 of the Fruita Municipal Code shall serve as the Board of Appeals.

Section 4. Chapter 15.16 of the Fruita Municipal Code and Ordinance 2012-04, Section 4, are hereby repealed and reenacted to read as follows:

Chapter 15.16

INTERNATIONAL FUEL GAS CODE

Sections:

15.16.010 **Adopted by reference**

15.16.020 **Amendments**

15.16.010 **ADOPTED BY REFERENCE.**

- A. The International Fuel Gas Code, 2018 Edition, as published by the International Code Council, together with amendments set forth below (hereafter “IFGC” or “International Fuel Gas Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, location, relocation, replacement, addition to, use and maintenance of fuel gas systems within the City of Fruita.

- B. The following chapters of the Appendix of the International Fuel Gas Code, 2018 Edition, are adopted: Appendix A, Sizing and Capacities of the Gas Piping; Appendix B, Sizing of Vent Systems; Appendix C, Exit Terminals of Mechanical Draft and Direct- Venting Systems; No other Appendix chapters of the IFGC are adopted.

15.16.020 **AMENDMENTS.** The International Fuel Gas Code adopted in Section 15.20.010 is hereby amended as follows:

- A. Section 106: Section 106.6.2 Fee schedule is amended by the addition of Exhibit A City of Fruita Community Development Department Fee Schedule. (Copy of Exhibit A City of Fruita Community Development Department Fee Schedule, is on file in Fruita City Clerk’s office and the Mesa County Building Inspection office).

- B. Section 106: Section 106.6.3 Fee refunds is amended by the deletion of this section in its entirety and replaced with the following: “Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.”

- C. Section 108.4. Violation Penalties. Section 108.4 is amended by deletion of the section and replacing with the following: Section 108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Chapter 15.50 of the Fruita Municipal Code.

- C. Section 109. Means of Appeal. Section 109 is amended by deletion thereof. The Board of Appeals established in Chapter 15.42 of the Fruita Municipal Code shall serve as the Board of Appeals.

Section 5. Chapter 15.20 of the Fruita Municipal Code and Ordinance 2012-04, Section 5, are hereby repealed and reenacted to read as follows:

Chapter 15.20

INTERNATIONAL EXISTING BUILDING CODE

Sections:

- 15.20.010** **Adopted by reference**
- 15.20.020** **Amendments**

15.20.010 **ADOPTED BY REFERENCE.**

A. The International Existing Building Code, 2018 Edition, as published by the International Code Council, together with amendments set forth below (hereafter “IEBC” or “International Existing Building Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, location, relocation, replacement, addition to, use and maintenance of existing buildings within the Jurisdiction. within the City of Fruita.

15.20.020 **AMENDMENTS.** The International Existing Building Code adopted in Section 15.20.010 is hereby amended as follows:

- A. Section 108: Section 108.2 Schedule of permit fees is amended by the addition of Exhibit A City of Fruita Community Development Department Fee Schedule. (Copy of Exhibit A City of Fruita Community Development Department Fee Schedule, is on file in the Fruita City Clerk’s office and the Mesa County Building Inspection office).
- B. Section 112: Section 112 Board of appeals is amended by deletion thereof. The Board of Appeals established in Chapter 15.42 of the Fruita Municipal Code shall serve as the Board of Appeals.
- C. Section 113: Section 113.4 Violation Penalties. is amended by deletion of the section and replacing with the following: Section 113.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Chapter 15.50 of the Fruita Municipal Code.
- D. Section R115: Section R115 Unsafe buildings and equipment is amended by deletion of this section in its entirety and replaced with: “As amended in section 116 of the 2018 International Building Code.”

Section 6. Chapter 15.22 of the Fruita Municipal Code and Ordinance 2012-04, Section 6, are hereby repealed and reenacted to read as follows:

Chapter 15.22

INTERNATIONAL RESIDENTIAL CODE

Sections:

15.22.010 **Adopted by reference**

15.22.020 **Amendments**

15.22.010 ADOPTED BY REFERENCE.

- A. The International Residential Code, 2018 Edition, published by the International Code Council, together with amendments set forth below (hereafter “IRC” or “International Residential Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, location, repair, location, relocation, replacement, addition to, use and maintenance of one-and two family dwellings and townhouses not more than three stories in height within the City of Fruita.

- B. The following chapters of the Appendix of the International Residential Code, 2018 Edition, are adopted: Appendix A, Sizing and Capacities of Gas Piping; Appendix B, Sizing of Vent Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances and Appliances Listed for Use with Type B Vents; Appendix C, Exit Terminals of Mechanical Draft and Direction-Vent Venting Systems; Appendix D, Recommended Procedures for Safety Inspections of Existing Appliance Installations; Appendix H, Patio Covers; Appendix Q, Tiny Homes; Appendix J Existing Buildings and Structures; No other Appendix chapters of the IRC are adopted.

15.22.020 **AMENDMENTS.** The International Residential Code adopted in Section 15.22.010 is hereby amended as follows:

- A. Section R101: Section R101.2 Scope is amended by moving Owner-occupied lodging houses with five or fewer guestrooms from exception to scope.

- B. Section 101: Section 101.2 Scope is amended by the addition to scope: “Child Care Facilities as permitted under Title 12 Article 2509-8 C.C.R. but not to exceed 12 Children.”

- C. Section 102: Section 102.7 Existing structures is amended by deletion of: International Property Maintenance Code.

- D. Section R105: Section R105.2 Work exempt from permit is amended to read:
 - a. “Building Item 1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet and is not designed or used as a garage.”
 - b. “Building Item 5. Sidewalks, Driveways and Platforms not more than 30 inches above the adjacent grade and not over any basement or story below.”

- c. “Building Item 10. Decks that are not more than 30 inches above grade at any point.”
- E. Section R105: Section 105.2 Work exempt from permit is amended by the addition of the following new sub-sections:
 - a. “Building Item 11. Re-siding of buildings regulated by this code.”
 - b. “Building Item 12. Re-roofing of buildings regulated by this code that do not exceed Limits of Section R908.3.1 and 908.3.1.1.”
 - c. “Building Item 13. Plastic covered crop production shelters where access to the public is prohibited.”
- F. Section R105: Section R105.3.1.1 Buildings in flood hazard areas is amended by the deletion of this section in its entirety.
- G. Section R106: Section R106.3.1 Construction documents is amended by deletion of the second sentence of the first paragraph: “One set of construction documents so reviewed shall be retained by the Building Official.”
- H. Section R106: Section R106.5 Retention of construction documents is amended by deletion of this section in its entirety.
- I. Section R108: Section R108.2 Schedule of permit fees is amended to add Exhibit A City of Fruita Community Development Department Fee Schedule. (Copy of Exhibit A City of Fruita Community Development Department Fee Schedule, is on file in the Fruita City Clerk’s office and the Mesa County Building Inspection office).
- J. Section R112: Section R112 is amended by deletion thereof. The Board of Appeals established in Chapter 15.42 of the Fruita Municipal Code shall serve as the Board of Appeals.
- K. Section R113.4. Violation Penalties. Section R113.4 is amended by deletion of the Section and replaced with the following: Section R113.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereto shall be subject to the penalties as prescribed in Chapter 15.50 of the Fruita Municipal Code.
- L. Section R116: Section R116 Unsafe structures and equipment is amended by addition to read: “As amended in section 116 of the 2018 International Building Code.”
- M. Table R302.1 : Table R302.1 (1) Exterior walls is amended by changing the following:
 - “Walls (not fire resistance rated) Minimum Fire Separation Distance = 3 feet
 - Projections (not fire resistance rated) Minimum Fire Separation Distance = 2 feet
 - Openings (unlimited) Minimum Fire Separation Distance = 3 feet
 - Openings, deleted 25% Maximum of Wall Area/ 0 Hours/ 3 feet

Penetrations (all) Minimum Fire Separation Distance < 3 feet, compliance with Section R302.4 and at 3 feet or greater, no requirements.”

- N. Section R302: Section R302.2 Townhomes is amended for the purpose of this section to read: “Townhouse shall include two (2) or more attached units as defined in Section R202.”
- O. Section R303.1 : Section R303.1 Habitable rooms Exception 3 is amended by deletion in its entirety and replacing with the following: “Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation provided the space has adequate openings to the outside.”
- P. Section R309: Section R309.1 Garages and carports is amended by the deletion of the second paragraph.
- Q. Section R309: Section R309.5 Fire sprinklers is amended by deletion of this section in its entirety.
- R. Section R310: Section R310.1 Emergency escape and rescue openings required first sentence is amended to read: “Basements, floors above grade plane, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening.
- S. Section R313: Section R313.1 and R313.2 Automatic fire sprinkler systems is amended by the deletion of “shall be installed” and replaced with “may be installed”.
- T. Section R 315: Section R 315.2.2 Alterations, repairs and additions exception 2 is amended to read: “Installation, alteration or repair of non-fuel fired plumbing or mechanical systems.”
- U. Section R326: Section R326.1 Swimming pools, spas and hot tubs is amended by deletion of this section in its entirety.
- V. Section R328: Section R328 Wildfire hazard areas is amended by the addition Section R328.

Section R328 Requirements in Wildfire Hazard Areas.

- a. Section R328.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the Mesa County Wildfire Hazard Map).
- b. Section R328.2 Roof Covering. Roof coverings for new buildings or structures or additions thereto or roof covering utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL790 or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers or have one layer of 72-pound (32.4 kg) mineral-surfaced, nonperforated cap sheet complying with ASTM D3909 installed over the combustible decking.

- c. Section R328.3 Roof Valleys Roof valleys where provided, valley flashings shall be not less than 0.019-inch(0.44 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide (914 mm) underlayment consisting of one layer of 72-pound (32.4 kg) mineral-surfaced, nonperforated cap sheet complying with ASTM D3909 running the full length of the valley. Section R328.4 Attic ventilation openings are not permitted within ten feet of finished grade.
 - d. Section R328.6 Moved Buildings. Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Area.
 - e. Section R328.7 Replacement or repairs to buildings or structures in existence prior to the adoption of this code that are replaced or have 25 percent or more replaced in a 12-month period shall meet the requirements of this section for new construction.
- W. Chapter 11 (eleven): Chapter 11 (eleven) Energy efficiency is amended by the deletion of this chapter in its entirety, and replace with: See 2009 International Energy Conservation Code as adopted for energy code requirements.

Section 7. Chapter 15.24 of the Fruita Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 15.24

INTERNATIONAL FIRE CODE

Sections:

- 15.24.010** **Adopted by reference**
- 15.24.020** **Amendments**

15.24.010 **ADOPTED BY REFERENCE.**

- A. The International Fire Code, 2018 Edition, published by the International Code Council, (hereafter "IFC" or "International Fire Code") is hereby adopted for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and providing for the issuance of permits for hazardous uses or operations for buildings, structures and land uses within the City of Fruita.
- B. The following appendices of the International Fire Code, 2018 Edition, are adopted: Appendix B, C, D, F, H, and I. No other appendices are adopted.

15.24.020 **AMENDMENTS.** The International Fire Code adopted in Section 15.24.010 is hereby amended as follows:

- A. Section 101 Scope and General Requirements. Section 101 is amended as follows: Section 101.1 whenever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean City of Fruita.
- B. Section 105.6. Required operational permits. Section 105.6 is amended as follows: Operational permits are valid for three years from date of issue for Explosives, Hazardous Materials, HPM Facilities and Storage of scrap tires and tire products. Permits are required for new and existing operations. All other permits are valid only for each event or season

Operational permits are required for the following:

<u>Operational Permits:</u>	<u>Code Section</u>
Amusement buildings**	105.6.2
Carnivals and fairs **	105.6.4
Exhibit and trade shows**	105.6.13
Fireworks retail sales **	105.6.14
Explosives **	105.6.14
Pyrotechnic special effects material**	105.6.14 & 105.6.40
Hazardous Materials**	105.6.20
HPM Facilities**	105.6.21
Open Burning * (combined) **	105.6.32
Storage of scrap tires and tire byproducts **	105.6.46

* A permit shall be required for each “burn season” as outlined in the Mesa County Open Burning Control Regulations.

**Permit fees and rates shall be as established by separate resolutions by the Board of Directors of the Lower Valley Fire Protection District

- C. Section 105.6.32 OPEN burning the language is deleted and shall read as follows: Permits for bonfires, and open burning shall be secured at the Lower Valley Fire Protection District. Such permits shall adhere to all applicable fire codes and ordinances and the Colorado Air Quality Control Act, C.R.S. 1973, section 25-7-128 and the Mesa County Open Burning Control Regulation.
- D. Section 105.6.47 Amend Section 105.6.47 to read as follows: Section 105.6.47 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary structure, a temporary special event structure, or a tent having an individual or contiguous area more than 1, 000 square feet.

Exception 1. Tents used exclusively for recreational camping purposes.

Exception 2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.

Exception 3. Temporary membrane structures and tents utilized for the purposes of retail fireworks sales, special amusement buildings or outdoor assembly events such as a circus, carnival, tent show, theater, skating rink, dance hall or other similar use shall require an operational permit when the area exceeds 400 square feet

E. Section 105.7 Required construction permits. Section 105.7 is amended as follows:

<u>Construction Permits:</u>	<u>Code Section</u>
Plan Review Fees**	
Automatic fire-extinguishing systems**	105.7. 1
Fire Sprinkler Systems	
Hood extinguishing Systems	
Fire pumps and related equipment **	105.7.8
Fire alarm and detection systems and related equipment**	105.7.7
Installation/removal of aboveground storage tanks or underground storage tanks** Flammable and combustible liquids **	105.7.9
LP gas**	105.7.16
Gates and Barricades Across Fire Apparatus	105.7.12

**Permit fees and rates shall be as established by separate resolutions by the Board of Directors of the Lower Valley Fire Protection District.

F. Section 108. Appeals The language is deleted and shall be replaced as follows: The Board of Adjustment established in Chapter 15.42 of the Fruita Municipal Code shall serve as the Board of Appeals.

G. Section 110.4 Violation penalties. The language of section 109.4 is DELETED and shall read as follows: Section 110.4 Violation penalties. (a) Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, or punishable pursuant to 32-1- 1002(3)(d), C.R.S., as amended or in the City of Fruita shall be guilty of a Class B Municipal offense under Chapter 15 .50 of the Fruita Municipal Code, punishable by a fine of not more than \$500.00 dollars or by imprisonment not exceeding six months, or both a fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (b) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.

H. Section 112.4 The language of 112.4 is deleted and shall read as follows: Section 112.4 Failure to Comply: (a) Any person who violates any of the provisions of this code or ordinances hereby adopted or fails to comply therewith, or "who violates or fails to comply

with an order made there under, or who builds in violation of any detailed statement of specifications or plans submitted and approved there under, or certificate, or permit issued there under, and from which no appeal has been taken, or who fails to comply with such an order by a court of competent jurisdiction, within the time fixed herein, shall severely, for each and every such violation and noncompliance, respectively, be guilty of a Class C municipal offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to corrector remedy such violations within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (c) Any person who shall continue any work after having been served with a stop work order except such work as that person is directed to perform to remove a violation or unsafe condition shall be guilty of a Class B municipal offense under Chapter 15.50 of the Fruita Municipal Code.

- I. Section 308.1.4.1. Add a new section to read as follows: 308.1.4.1. Egress from buildings. Barbecues shall not be used or stored in or near stairwells, corridors or other areas that are intended to be used as a means of egress or considered an interior living space.
- J. Section 319 Mobile Food Preparation Vehicles Section 319 will become effective July 1, 2020. Section 503.2.5. Add a new exception to read as follows: Exceptions: 1. When all buildings are equipped throughout with approved automatic sprinkler systems installed in accordance with NFPA 13, NFPA 13R, NFPA 13D or IRC P2409 the fire code official is authorized to allow a dead-end fire apparatus road to extend to 300 feet before a turnaround is required.
- K. Section 505.1 Address identification this is amended by adding the following: All residential house numbers shall be located on the portion of the residence which projects nearest to the street. In cases where a structure is built far enough from the roadway that it is impossible to place numbers that are legible from the roadway, a sign post placed at the intersection of the roadway and driveway denoting the address of the structure may be required by the Fire Chief. Address and building numbers shall be a minimum of 12 inches high with a minimum stroke width of two inches for commercial properties in the Fruita Greenway Business Park Plan and as required by the Fire Chief on other buildings and structures, located within the fire district boundary, which cannot be readily identified from access roadways or streets.
- L. Section 901.3.1. Add a new Section 901.3.1 to read as follows: 901.3.1 Relocations and additions to fire sprinkler and fire alarm systems in existing facilities. Any addition or remodeling to existing commercial fire sprinkler systems that involve 20 sprinkler heads or less, or fire alarm systems that involve 5 devices or less, will not require a permit when approved by the fire code official via a scope of work letter review process. The review letter process shall comply with the guidance document established and provided by the Lower Valley Fire District.

- M. Section 903.2 Where Required. This is amended by adding the following sentence: All buildings located in the Fruita Greenway Business Park Plan area (as defined in the City's Master Plan) which exceed 2,000 square feet shall be provided throughout with an automatic fire sprinkler system unless otherwise approved by the City Manager and/or the Fire Code Official.
- N. Section 903.3.1.3 NFPA 13D sprinkler systems this is hereby amended to read as follows: Where domestic water is provided by a public water system, any required 13D system must be supplied by the public water system. The water tap must be adequate to supply the hydraulic demand of the fire sprinkler system. Automatic sprinkler systems installed in one- and two-family dwellings shall be installed throughout in accordance with NFPA 13D. Where NFPA 13D systems are installed, they shall be designed and operate in the following manner: (A) All water flow activations shall be capable of sounding an interior audible alarm notifying all occupants simultaneously. (B) AH water flow activations shall be capable of activating an exterior audible/visual alarm. This alarm shall be located so as to be visible from the nearest fire department access road. (C) The light used shall be a strobe light producing at least 110-185 candela. (D) Where public water service cannot provide required flows for NFPA 13D systems the following design criteria shall be used: (1) Water supply storage capacity shall be the minimum required by NFPA 13D plus an additional amount based upon the expected response time of the fire department, not to exceed a 20-minute response time.
- O. Section 903.3.7 Fire department connections. Section 903.3 .7 is amended by the addition of the following: Fire department connections must be located within 150 feet of the nearest fire hydrant unless waived by the Fire Chief.
- P. Section 907.1.2 Fire alarm shop drawings. The following shall be added 907 .1.2 System designers shall have a NICET Level III certification or equivalent. 907.1.3 New systems shall be designed with addressable devices. Exception: systems which monitor and transmit alarms from automatic fire sprinkler systems only.
- Q. Section 907 .8.6 False Alarms: Alarm system malfunctions or malicious false alarms. A new section to be added as follows:
- Section 907.8.6 Whenever the activation of any fire alarm is due to a malfunction of the system and that system has had another malfunction within the same quarter of a calendar year, or more than six during any calendar year, the owner and/or operator of the system may have violation penalties imposed in accordance with Section 110.4.
- Section 907.8.6.1 It is the responsibility of the owner or operator of an alarm system to police the improper use of the system, such as the intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three such activations within the same quarter of a calendar year from the same fire alarm system, or more than six during any calendar year violation penalties may be imposed in accordance with Section 110.4.

Section 907.8.6.2 Whenever the Fire Chief cannot determine how a false alarm was activated and three such unexplained alarms occur within the same calendar year quarter effective with the fourth and subsequent alarms, or alarms exceeding six during any calendar year, penalties shall become effective with the seventh and subsequent alarms in accordance with Section 110.4.

Section 907 .8.6.3 A new fire alarm system shall be allowed 30 days to become stabilized before this false alarm section will be applied.

- R. Section 1006. Number of Exits and Exit Access doorways: Section 1006 is amended by adding the following: Section 1006.2.2. 7 Outdoor Patios within the City limits of Fruita, Colorado. All Group A-2 Assembly and other occupancies that have a fenced or enclosed outdoor patio shall have an alarmed second exit equipped with panic hardware direct to the exterior.
- S. Appendix C Fire Hydrant Locations and Distribution Section C103.4. The following shall be added to existing wording of this section: "In all subdivisions, commercial areas, industrial parks and where required by the Fire Chief fire hydrants shall be located on the corner of a street intersection, either between the curb and sidewalk or behind the sidewalk where it is adjacent to the street curbs. The following new section is added to Appendix C Section C 103.5 Fire Hydrants. "Fire hydrant pumper connections shall be equipped with a five-inch non-threaded sexless connection (commonly referred to as Storz) and metal cap which can be removed by a standard pentagon nut hydrant wrench. Pumper connections shall face the street or as directed by the Fire Chief."

Section 8. Chapter 15.28 of the Fruita Municipal Code and Ordinance 2012-04, Section 8, are hereby repealed and reenacted to read as follows:

Chapter 15.28

INTERNATIONAL ENERGY CONSERVATION CODE

Sections:

- 15.28.010** **Adopted by reference**
- 15.28.020** **Amendments**

15.28.010 **ADOPTED BY REFERENCE.**

A. The International Energy Conservation Code, 2009 Edition, published by the International Code Council, (hereafter "IECC or International Energy Conservation Code") (or more current energy compliance method used in its entirety) is hereby adopted as the Energy Conservation Code of the City of Fruita regulating design, construction, quality of materials, erection, installations, alterations, repair, location, relocation, replacement, additions to, use and maintenance of the building envelope, mechanical, lighting and power systems in the City of Fruita.

15.28.020 AMENDMENTS. The International Energy Conservation Code adopted in Section 15.24.010 is hereby amended as follows:

- A. Section 107: Section 107.2 Schedule of permit fees is amended by the addition of Exhibit A City of Fruita Community Development Department Fee Schedule. (Copy of Exhibit A City of Fruita Community Development Department Fee Schedule, is on file in the Fruita City Clerk's office and the Mesa County Building Inspection office).
- B. Section 108: Section 108 Stop work order is amended by the deletion of this section in its entirety.
- C. Section 109: Section 109 is amended by deletion thereof. The Board of Appeals established in Chapter 15.42 of the Fruita Municipal Code shall serve as the Board of Appeals.
- D. Section 402: Section 402.5 Maximum fenestration U-factor and SHGC is hereby amended by the deletion of this section in its entirety.
- E. Section 403: Section 403.2.2 Sealing verification by 1 or 2 is amended by the deletion in their entirety.
- F. Section 403: Section 403.6 Equipment sizing is hereby amended to read: IRC regulated structures that exceed 4,500 square feet of conditioned space or space to be conditioned requires an engineered design.
- G. Section 404: Section 404.1 Electrical power and lighting systems is amended by the deletion of this section in its entirety.

Section 9. Chapter 15.32 of the Fruita Municipal Code and Ordinance 2012-04, Section 9, are hereby repealed and reenacted to read as follows:

Chapter 15.32

NATIONAL ELECTRICAL CODE

Sections:

15.32.010 Adopted by reference

15.32.010 ADOPTED BY REFERENCE.

- A. The National Electrical Code, as published by the National Fire Protection Association and as adopted by the State of Colorado and pursuant to Title 12, Article 23 C.R.S. is hereby adopted.

- B. Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by Exhibit A City of Fruita Community Development Department Fee Schedule. (Copy of Exhibit A City of Fruita Community Development Department Fee Schedule, is on file in the Fruita City Clerk's office and the Mesa County Building Inspection office).

Section 10. Attached as Exhibit "A" is the City of Fruita Community Development Department Fee Schedule as referenced in the adopted building codes which includes a schedule for other inspections and fees.

Section 11. Repeal. Any and all Ordinances of the City of Fruita, or parts thereof, whose provisions are in conflict with this ordinance, are hereby repealed. Provided, however, this ordinance shall not affect the construction of buildings for which permits were issued prior to the effective date of this Ordinance. All buildings now under construction pursuant to existing permits shall be constructed in conformance with the building and construction codes applicable at the time of issuance of said permit. Provided further however, no construction authorized by an existing permit shall be altered without complying with the newly adopted building and construction codes. The adoption of this ordinance shall not in any way prevent the prosecution of violations of any previous ordinance adopting previous building codes which occurred prior to the effective date of this Ordinance. Where this Ordinance and the Codes adopted herein by reference are in conflict with other resolution ors ordinances of the City of Fruita, Colorado, the more restrictive provision shall apply.

Section 12. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance or of the Codes adopted herein is for any reason held to be invalid, such decision shall not affect the validity of remaining section of this Ordinance or of the Codes adopted herein, the Fruita City Council hereby declares that it would have passed the Ordinance and adopted said Codes in each part, section, subsection, sentence, clause or phase thereof, irrespective of the fact that any one or more parts, sections, subsection, sentences, clauses or phases be declared invalid.

Section 13. Effective Date. Pursuant to Section 31-16-203, C.R.S., as amended, a public notice shall be published twice in a newspaper of general circulation within the City once at least fifteen (15) days preceding a public hearing, and once at least eight (8) days preceding the public hearing. The notice shall state the time and place of the hearing, shall state that copies of the primary codes to be considered for adoption are on file with the City Clerk and are open to public inspection, shall contain a description deemed sufficient to give notice to interested persons of the purpose of the primary codes, the subject matter of said codes and the name and address of the agency by which it has been enacted. The public hearing on the adoption of this Ordinance is hereby set for _____, 2018.

This Ordinance shall be in full force and effect following approval and adoption by the Fruita City Council and thirty days following the publication of the Ordinance.

INTRODUCED, READ, AND PUBLIC NOTICE ORDERED PUBLISHED AT A REGULAR MEETING OF THE FRUITA CITY COUNCIL ON THE ____ DAY OF DECEMBER, 2018.

Public Notice publication dates: _____, and _____

INTRODUCED A SECOND TIME AT A REGULAR MEETING OF THE FRUITA CITY COUNCIL HELD ON _____, 2019, PASSED ADOPTED AND ORDERED PUBLISHED PURSUANT TO LAW

CITY OF FRUITA, COLORADO

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk