

ORDINANCE NO. 153, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE II, DIVISION 2, OF THE CODE OF THE
CITY OF FORT COLLINS FOR THE PURPOSE OF ADOPTING THE 2018
INTERNATIONAL POOL AND SPA CODE, WITH AMENDMENTS

WHEREAS, since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times; and

WHEREAS, upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align seven interconnected basic construction codes under one publication year; and

WHEREAS, the seven interconnected basic construction codes are the *International Building Code*, *International Residential Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Energy Conservation Code*, and *International Property Maintenance Code*; and

WHEREAS, the City Council has determined that the 2018 publication year of the seven interconnected basic construction codes ought to be adopted and that any counterpart codes previously adopted should be repealed, both in order to align the publication years of the codes and also because the 2018 publications contain improvements in construction code regulation; and

WHEREAS, City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals; and

WHEREAS, the adoption of the seven interconnected basic construction codes has been presented to and recommended by the Board of Realtors, Water Board, Energy Board, Commission on Disability, Natural Resource Advisory Board, Poudre Fire Authority Board, Building Review Board, Affordable Housing Board, Air Quality Advisory Board, Northern Colorado Home Builder Association and the Chamber of Commerce; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and welfare of the City and its citizens that the *2018 International Pool and Spa Code* be adopted, with local amendments as set forth in this Ordinance; and

WHEREAS, pursuant to the City Charter II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing is published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing; and

WHEREAS, in compliance with Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2018 International Building Code on November 18, 2018, and November 25, 2018; and

WHEREAS, attached as Exhibit “A” and incorporated herein by reference is the Notice of Public Hearing dated November 18, 2018, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That a new Section 5-34 of the Code of the City of Fort Collins is hereby adopted, to read as follows:

Sec. 5-34. – Adoption of standards.

Pursuant to the power and authority conferred on the City Council by Section 31-16-202, C.R.S., and Article II, Section 7 of the Charter, the City Council hereby adopts as the existing building code of the City the 2018 *International Swimming Pool and Spa Code* (2018 ISPSC), published by the International Code Council, which shall have the same force and effect as though set forth in full herein except as amended pursuant to Section 5-107 of the City Code. The subject matter of the 2018 *International Swimming Pool and Spa Code* (2018 ISPSC), adopted herein includes comprehensive provisions and standards regulating and controlling the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas for the purpose of protecting public health, safety and general welfare.

Section 3. That a new Section 5-35 of the Code of the City of Fort Collins is hereby adopted, to read as follows.

**Fort Collins Amendments to the
2018 International Swimming Pool and Spa Code**

Municipal Code Sec. 5-107 Amendments and deletions to code.¹

The 2018 *INTERNATIONAL SWIMMING POOL AND SPA CODE* adopted herein is hereby amended in the following respects:

1. **Section 101.1 Title** is hereby retained in its entirety with the following amendments:

101.1 Title. These regulations shall be known as the *Swimming Pool and Spa Code* of the City of Fort Collins, hereinafter referred to as “this code”.

¹ Changes to the 2018 *International Swimming Pool and Spa Code* are shown as follows: inserted language is highlighted in yellow and deleted language is shown as stricken.

2. **Sections 103.1 and 103.2 Department of Building Safety** are hereby deleted in its entirety and the following is hereby added in lieu thereof:

SECTION 103 DEPARTMENT OF BUILDING SAFETY

~~[A] 103.1 Creation of enforcement agency. The department of building safety is hereby created and the official in charge thereof shall be known as the code official.~~

~~[A] 103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.~~

SECTION 103 – CODE ADMINISTRATION

103.1 Entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code*, entitled ‘Code Administration’.

3. **Section 105.5.1 Approved construction documents** is hereby retained in its entirety with the following amendments:

[A] 105.5.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be approved in writing or by stamp indicating the approved *permit number*. ~~endorsed in writing and stamped “APPROVED.”~~ Such *approved* construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the *approved* construction documents.

The code official shall have the authority to issue a permit for the construction of a part of a system before the entire construction documents for the whole system have been submitted or *approved*, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire system will be granted.

4. **Section 105.6 Fees** is hereby deleted in its entirety and the following is hereby added in lieu thereof:

~~[A] 105.6 Fees. A permit shall not be valid until the fees prescribed by law have been paid. An amendment to a permit shall not be released until the additional fee, if any, has been paid.~~

~~[A] 105.6.1 Work commencing before permit issuance. Any person who commences any work on a system before obtaining the necessary permits shall be subject to a fee as indicated in the adopted fee schedule and would be in addition to the required permit fees.~~

~~[A] 105.6.2 Fee schedule. The fees for work shall be as indicated in the following schedule:~~

~~[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]~~

~~[A] 105.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:~~

- ~~1. The full amount of any fee paid hereunder that was erroneously paid or collected.~~
- ~~2. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.~~
- ~~3. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.~~

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

SECTION 105.6 FEES

105.6 Payment of fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code*, entitled 'Fees'.

5. *Section 108 MEANS OF APPEAL* is hereby deleted in its entirety and the following is hereby added in lieu thereof:

~~[A] 108.1 Application for appeal.~~ Any person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

108 BOARD OF APPEALS. Requirements shall be as determined in accordance with Section 113 of the adopted *International Building Code*, as amended.

6. *Section 304 Flood hazard areas* is deleted in its entirety and the following is hereby added in lieu thereof:

~~304.1 General.~~ The provisions of Section 304 shall control the design and construction of pools and spas installed in *flood hazard areas*.

~~[BS] 304.2 Determination of impacts based on location.~~ Pools and spas located in *flood hazard areas* indicated within the *International Building Code* or the *International Residential Code* shall comply with Section 304.2.1 or 304.2.2.

~~Exception:~~ Pools and spas located in *riverine flood hazard areas* that are outside of designated floodways and pools and spas located in *flood hazard areas* where the source of flooding is tides, storm surges or coastal storms.

~~[BS] 304.2.1 Pools and spas located in designated floodways.~~ Where pools and spas are located in designated floodways, documentation shall be submitted to the code official that demonstrates that the construction of the pools and spas will not increase the design flood elevation at any point within the jurisdiction.

~~[BS] 304.2.2 Pools and spas located where floodways have not been designated.~~ Where pools and spas are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool or spa and any associated grading and filling, will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

~~[BS] 304.3 Pools and spas in coastal high hazard areas.~~ Pools and spas installed in coastal high hazard areas shall be designed and constructed in accordance with ASCE 24.

~~[BS] 304.4 Protection of equipment.~~ Equipment shall be elevated to or above the design flood elevation or be anchored to prevent flotation and protected to prevent water from entering or accumulating within the components during conditions of flooding.

~~304.5 GFCI protection. Electrical equipment installed below the design flood elevation shall be supplied by branch circuits that have ground-fault circuit interrupter protection for personnel.~~

304.1 Flood hazard areas. For buildings or structures regulated under the scope of this code that are in whole or in part located in flood hazard areas, construction documents shall be submitted as established in accordance with the Code of the City, Chapter 10, entitled 'Flood Prevention and Protection'.

304.2 GFCI protection. Electrical equipment installed below the design flood elevation shall be supplied by branch circuits that have ground-fault circuit interrupter protection for personnel.

7. **Section 403 BATHER LOAD** is hereby retained in its entirety with the following amendments:

403.1 Maximum bather load. ~~The maximum bather load of Class B and Class C pools shall be in accordance with Table~~ The maximum bather occupant load shall be per the International Building Code, chapter 10, as adopted.

8. **Section 410 SANITARY FACILITIES** is hereby retained in its entirety with the following amendments:

410.1 Toilet facilities. Class A ~~and B~~, B, and C pools shall be provided with toilet facilities having the required number of plumbing fixtures in accordance with the *International Building Code* or the *International Plumbing Code*.

Section 4. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading, and ordered published this 18th day of December, A.D. 2018, and to be presented for final passage on the 2nd day of January, A.D. 2019.



Mayor

ATTEST:


City Clerk



Passed and adopted on final reading on the 2nd day of January, A.D. 2019.



Mayor

ATTEST:



City Clerk



NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the City Council of the City of Fort Collins, Colorado, on the 4th day of December, A.D., 2018 at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances adopting by reference the *2018 International Building Code*, *2018 International Residential Code*, *2018 International Energy Conservation Code*, *2018 International Mechanical Code*, and the *2018 International Fuel Gas Code*, *2018 International Existing Building Code*, and the *2018 International Pool and Spa Code*, together with local amendments, promulgated by the International Code Council.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of the International Building Code, International Residential Code, International Energy Conservation Code, International Mechanical Code, the International Fuel Gas Code, 2018 International Existing Building Code, and the 2018 International Pool and Spa Code adopted by said ordinance is to provide for protection of public health and safety and general welfare.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated at Fort Collins, Colorado this 18th day of November, A.D. 2018.

Delynn Coldiron
City Clerk