

ORDINANCE NO. 152, 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 EXISTING BUILDING 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interconnected basic construction codes ought to be adopted and that any counterpart codes previously adopted should be repealed, both in order to align the publication years of the codes and also because the 2018 publications contain improvements in construction code regulation; and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 Existing Building 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 25, 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 5-32 of the Code of the City of Fort Collins is hereby adopted to read as follows:

**Sec. 5-32. – 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 Existing Building Code* (2018 IEBC), 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 5-33 of the City Code. The subject matter of the 2018 *International Existing Building Code* (2018 IEBC), adopted herein includes comprehensive provisions and standards regulating and controlling the repair, alteration, change of occupancy, addition to and relocation of existing buildings for the purposes of protecting public health, safety and general welfare.

Section 3. That a new Section 5-33 of the Code of the City of Fort Collins is hereby adopted, to read as follows:

**Sec. 5-33. - Amendments and deletions to the 2018 International Existing Building Code.**

**Fort Collins Amendments to the  
2018 International Existing Building Code**

**Municipal Code Sec. 5-33 Amendments and deletions to code.<sup>1</sup>**

The 2018 *INTERNATIONAL EXISTING BUILDING 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 *International Existing Building Code* of the City of Fort Collins, hereinafter referred to as “this code”.

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<sup>1</sup> Changes to the 2018 *International Existing Building Code* are shown as follows: inserted language is highlighted in yellow and deleted language is shown as stricken.

**Section 102.4 Referenced codes and standards**, is hereby retained in its entirety with the following amendments:

2. 102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in ~~Sections 102.4.1 and 102.4.2.~~ Section 101.4 of the adopted *International Building Code*, entitled 'Referenced Codes'.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

3. **Section 103 Department of Building Safety** is 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.

~~[A] 103.3 Deputies.~~ In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, the related technical officers, inspectors, plan examiners, and other employees. Such employees shall have powers as delegated by the code official.

### **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'.

4. **Section 104.10.1 Flood hazard areas** is hereby deleted in its entirety and the following is hereby added in lieu thereof:

~~[A] 104.10.1 Flood hazard areas.~~ For *existing buildings* located in *flood hazard areas* for which *repairs, alterations and additions constitute substantial improvement*, the *code official* shall not grant modifications to provisions related to flood resistance unless a determination is made that:

1. The applicant has presented good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render compliance with the flood-resistant construction provisions inappropriate.
2. Failure to grant the modification would result in exceptional hardship.
3. The granting of the modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense nor create nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.
4. The modification is the minimum necessary to afford relief, considering the flood hazard.



~~5. A written notice will be provided to the applicant specifying, if applicable, the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and that construction below the design flood elevation increases risks to life and property.~~

**104.10.1 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'.

5. *Section 105.3.2 Time limitation of application* is hereby retained in its entirety with the following amendments:

**[A] 105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 90/180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

6. *Section 107 TEMPORARY STRUCTURES AND USES* is hereby deleted in its entirety.

#### **TEMPORARY STRUCTURES AND USES**

~~**[A] 107.1 General.** The *code official* is authorized to issue a permit for temporary uses. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The *code official* is authorized to grant extensions for demonstrated cause.~~

~~**[A] 107.2 Conformance.** Temporary uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.~~

~~**[A] 107.3 Temporary power.** The *code official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA-70.~~

~~**[A] 107.4 Termination of approval.** The *code official* is authorized to terminate such permit for a temporary use and to order the temporary use to be discontinued.~~

7. *Section 108 Fees* is hereby deleted in its entirety and the following is hereby added in lieu thereof:

~~**[A] 108.1 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.~~

~~**[A] 108.2 Schedule of permit fees.** On buildings, 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 schedule as established by the applicable governing authority.~~

~~[A] 108.3 Building permit valuations.~~ The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work including materials and labor for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the *code official*, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the *code official*. Final building permit valuation shall be set by the *code official*.

~~[A] 108.4 Work commencing before permit issuance.~~ Any person who commences any work before obtaining the necessary permits shall be subject to an additional fee established by the *code official* that shall be in addition to the required permit fees.

~~[A] 108.5 Related fees.~~ The payment of the fee for the construction, *alteration*, removal, or demolition of 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.

~~[A] 108.6 Refunds.~~ The *code official* is authorized to establish a refund policy.

## **SECTION 108 FEES**

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

**108.1 Work commencing before permit issuance.** Requirements shall be as determined in accordance with Section 114.5 of the adopted *International Building Code*, as amended.

8. *Section 112 BOARD OF APPEALS* is hereby retained in its entirety with the following amendments:

~~[A] 112.1 General.~~ In order to hear and decide appeals of orders, decisions, or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

~~[A] 112.2 Limitations on authority.~~ An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder 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 board shall not have authority to waive requirements of this code.

~~[A] 112.3 Qualifications.~~ The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

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

9. *Section 113.4 Violation Penalties*, is hereby retained in its entirety with the following amendments:



~~[A] 113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be subject to penalties as prescribed by law.~~

**113.4 Violation penalties.** Requirements shall be as determined in accordance with Section 114.4 of the adopted *International Building Code*, as amended.

10. **Section 703.1 Fire Protection- General.** hereby retained in its entirety with the following amendments:

**703.1 General.** Alterations shall be done in a manner that maintains the level of fire protection provided required.

11. **Section [BS] 1103.3 Flood hazard areas** is hereby deleted in its entirety and the following is hereby added in lieu thereof:

~~[BS] 1103.3 Flood hazard areas. Additions and foundations in flood hazard areas shall comply with the following requirements:~~

- ~~1. For horizontal additions that are structurally interconnected to the existing building:
  - ~~1.1. If the addition and all other proposed work, when combined, constitute substantial improvement, the existing building and the addition shall comply with Section 1612 of the International Building Code, or Section R322 of the International Residential Code, as applicable.~~
  - ~~1.2. If the addition constitutes substantial improvement, the existing building and the addition shall comply with Section 1612 of the International Building Code, or Section R322 of the International Residential Code, as applicable.~~~~
- ~~2. For horizontal additions that are not structurally interconnected to the existing building:
  - ~~2.1. The addition shall comply with Section 1612 of the International Building Code, or Section R322 of the International Residential Code, as applicable.~~
  - ~~2.2. If the addition and all other proposed work, when combined, constitute substantial improvement, the existing building and the addition shall comply with Section 1612 of the International Building Code, or Section R322 of the International Residential Code, as applicable.~~~~
- ~~3. For vertical additions and all other proposed work that, when combined, constitute substantial improvement, the existing building shall comply with Section 1612 of the International Building Code, or Section R322 of the International Residential Code, as applicable.~~
- ~~4. For a raised or extended foundation, if the foundation work and all other proposed work, when combined, constitute substantial improvement, the existing building shall comply with Section 1612 of the International Building Code, or Section R322 of the International Residential Code, as applicable.~~
- ~~5. For a new foundation or replacement foundation, the foundation shall comply with Section 1612 of the International Building Code or Section R322 of the International Residential Code, as applicable.~~

**[BS] 1103.3 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'.

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