



Alan Cram, Chair
Tim Johnson, Vice Chair
Brad Massey
Katharine Penning
Eric Richards
Justin Robinson
Mark Teplitsky

Location:
This meeting will be held
remotely via Zoom

Staff Liaison:
Rich Anderson
Chief Building Official

Agenda August 27, 2020 9:00 AM

Pursuant to City Council Ordinance 079, 2020, a determination has been made by the Chair after consultation with the City staff liaison that conducting the hearing using remote technology would be prudent.

This remote Building Review Board meeting will be available online via Zoom or by phone. No one will be allowed to attend in person. The meeting will be available to join beginning at 8:30 a.m. Participants should try to join at least 15 minutes prior to the 9:00 a.m. start time.

ONLINE PUBLIC PARTICIPATION:

You will need an internet connection on a laptop, computer, or smartphone, and may join the meeting through Zoom at <https://zoom.us/j/94268715189> (Using earphones with a microphone will greatly improve your audio). Keep yourself on muted status.

For public comments, the Chair will ask participants to click the "Raise Hand" button to indicate you would like to speak at that time. Staff will moderate the Zoom session to ensure all participants have an opportunity to comment.

PUBLIC PARTICIPATION BY PHONE:

Please dial 253-215-8782 and enter Webinar ID 942 6871 5189. Keep yourself on muted status.

For public comments, when the Chair asks participants to click the "Raise Hand" button if they wish to speak, phone participants will need to hit *9 to do this. Staff will be moderating the Zoom session to ensure all participants have an opportunity to address the Board. When you are called, hit *6 to unmute yourself.

Documents to Share: Any document or presentation a member of the public wishes to provide to the Board for its consideration must be emailed to gschiager@fcgov.com at least 24 hours before the meeting.

Provide Comments via Email: Individuals who are uncomfortable or unable to access the Zoom platform or participate by phone are encouraged to participate by emailing comments to gschiager@fcgov.com at least 24 hours prior to the meeting. If your comments are specific to any of the discussion items on the agenda, please indicate that in the subject line of your email. Staff will ensure your comments are provided to the Board.

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 (TDD 224-6001) for assistance.

- **CALL TO ORDER**
- **ROLL CALL**
- **AGENDA REVIEW**
- **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**
- **DISCUSSION AGENDA**

1. MINUTES OF JULY 30, 2020

The purpose of this item is to consider approval of the minutes from the July 30, 2020 regular meeting of the Building Review Board.

2. ELECTRICAL CODE AMENDMENTS

DESCRIPTION: The Board is asked to consider the approval of certain amendments to the electrical code in order to align with DORA.

STAFF: Rich Anderson, Chief Building Official
Shar Manno, Administrative Services Manager

3. BUILDING SERVICES PROCESS IMPROVEMENTS

DESCRIPTION: Building Services is seeking Board approval to implement process changes related to the following:

- Failed inspection fees
- Notice of violations
- Citations
- Dangerous structures and abatement
- Building Valuation Data (BVD) fees
- Sub-contractor permit assignment process

STAFF: Rich Anderson, Chief Building Official
Shar Manno, Administrative Services Manager

- **OTHER BUSINESS**
- **ADJOURNMENT**

CHAIR AUTHORIZATION FOR REMOTE MEETING

From: Alan Cram <abcram08@gmail.com>
Sent: Wednesday, August 19, 2020 5:02 PM
To: Rich Anderson <randerson@fcgov.com>
Subject: [EXTERNAL] Re: Re: Building Review Board Meeting

Rich I thought that is what I said, but;

I approve the Fort Collins Building Review Board conduct a remote hearing on August 27, 2020 via virtual connection, to be conducted at 9:00 am.

Alan

On Wed, Aug 19, 2020 at 2:53 PM Rich Anderson <randerson@fcgov.com> wrote:

Alan,

Are you approving the remote meeting?

Rich Anderson, CBO
Chief Building Official
[City of Fort Collins](#)
970-416-2748 Office

**Roll Call & Voting Record
Building Review Board**

Date: 8/27/2020

Roll Call	Johnson	Massey	Penning	Richards	Robinson	Teplitsky	Cram	Vote
	✓	✓	ABSENT	✓	✓	ABSENT	✓	5 present
1 – Approval of the Minutes of 7-30-20	Penning	Massey	Teplitsky	Richards	Robinson	Johnson	Cram	
	Yes	Yes	ABSENT	Yes	Yes	Yes	Yes	5:0
2 - Electrical Code Amendments - Recommend approval to Council	Massey	Teplitsky	Richards	Robinson	Johnson	Penning	Cram	
	Yes	ABSENT	Yes	Yes	Yes	ABSENT	Yes	5:0
2 - Electrical Code Amendments - Authorize letter of support from Chair	Massey	Teplitsky	Richards	Robinson	Johnson	Penning	Cram	
	Yes	ABSENT	Yes	Yes	Yes	ABSENT	Yes	5:0
3 - Process Improvements - Recommend approval to Council	Teplitsky	Richards	Robinson	Johnson	Penning	Massey	Cram	
	ABSENT	Yes	Yes	Yes	ABSENT	Yes	Yes	5:0

Building Review Board Hearing

Date: 8/27/20

Document Log

(Any written comments or documents received since the agenda packet was published.)

DISCUSSION AGENDA:

1. Draft Minutes for the BRB July 30, 2020 Hearing

none

2. Electrical Code Amendments

none

3. Process Improvements

none

EXHIBITS RECEIVED DURING HEARING:

Item #	Exhibit #	Description:
2	A	Letter from Mike Doddridge

AGENDA ITEM SUMMARY
Building Review Board

August 27, 2020

STAFF

Gretchen Schiager, Administrative Assistant

SUBJECT

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE JUNE 30, 2020 BRB MEETING

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the June 30, 2020 meeting of the Building Review Board.

ATTACHMENTS

1. BRB June 30, 2020 Minutes – DRAFT



Alan Cram, Chair
 Tim Johnson, Vice Chair
 Brad Massey
 Katharine Penning
 Eric Richards
 Justin Robinson
 Mark Teplitsky

This meeting was held remotely using Zoom

Staff Liaison:
 Rich Anderson
 Chief Building Official

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Meeting Minutes July 30, 2020

A regular meeting of the Building Review Board was held on Thursday, July 30, 2020, at 9:00 a.m. Due to the COVID-19 emergency, the meeting was held remotely.

- **CALL TO ORDER**

Acting Chair Johnson called the meeting to order at 9:02 a.m.

- **ROLL CALL**

PRESENT: Johnson, Massey, Penning, Richards, Teplitsky
 ABSENT: Cram, Robinson
 STAFF: Anderson, Havelda, Manno, Schiager

Mr. Anderson read a statement regarding authorization and procedures for meeting remotely. Claire Havelda, Assistant City Attorney, inquired as to whether any members of the public were in attendance in the 281 N. College Ave. conference room. Shar Manno reported there were not.

- **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None.

- **DISCUSSION AGENDA**

1. CONSIDERATION AND APPROVAL OF THE MINUTES OF THE MAY 28, 2020 MEETING.

Mr. Teplitsky moved to approve the minutes of the May 28, 2020 meeting. Mr. Massey seconded. The motion passed 5-0.

2. TREE LINE BUILDERS, LLC REQUEST FOR UPGRADED LICENSURE WITHOUT REQUIRED TESTING

DESCRIPTION: The purpose of this item is to seek a determination from the Building Review Board to whether or not a commercial Class C1 license should be issued Tree Line Builders, LLC without required testing.

STAFF: Rich Anderson – Chief Building Official
Sharlene Manno – Manager, Administration Services

Forest Glaser with Tree Line Builders, LLC was present and agreed to the remote hearing format.

Staff Presentation

Mr. Anderson presented the staff report, describing the background and the request. He reviewed the staff recommendation and the options before the Board.

Appellant Arguments

Forest Glaser, Tree Line Builders, spoke to the Board. He stated he had passed the required test in 2005. He explained why he did not wish to take the test in person due to COVID-19. He talked about his experience with multi-family, light commercial and custom homes. He stated that the testing he had completed met the requirements for Loveland's A-level license. He asked the Board to consider his request to upgrade to a Class C1 license without completion of the required testing.

Board Questions

Mr. Richards asked about the difference between the C1 and C2 license. Ms. Manno explained the C1 license allows for commercial projects up to 20,000 sq. ft. and three stories, while a C2 allows for multi-family projects. Mr. Richards asked the if the Appellant had been performing C1-level work in surrounding municipalities. Mr. Glaser replied in the affirmative.

Acting Chair Johnson asked about testing. Mr. Anderson explained that since the testing facility had closed due to the pandemic, Council granted an emergency order to allow testing as far back as 2009 to be accepted. He stated there were very significant changes to the code since the 2003 version that the Appellant had tested for in 2005, which is why they did not accept testing that far back.

Mr. Glaser clarified that he had built recent newer buildings under more current code.

Ms. Penning asked what code the current testing is based on, and Mr. Anderson stated the 2015 code test is the most recent, as the 2018 code test is still being developed.

Mr. Teplisky asked if Mr. Glaser meets all the requirements for a C1 license other than the testing. Ms. Manno stated that the Appellant had not submitted a completed application packet, so while she believes he likely does meet the requirements, she is unable to confirm that.

Mr. Anderson stated that Ms. Manno had explained to the Appellant that the CBO could grant a 30-day temporary license without Board approval to allow time for testing. Mr. Glaser did not recall that.

Mr. Massey asked about testing for the A-level license from Loveland. Mr. Glaser stated he took the ICC test at Front Range Community College. Mr. Massey asked for clarification about Loveland's licensing. Mr. Anderson referred to the City of Loveland website which states that all residential and non-residential construction is allowed under the Class A license.

Mr. Massey asked if Mr. Glaser had any additional education that might be relevant, and Mr. Glaser stated he did not, but emphasized his 20 years of experience.

Acting Chair Johnson asked whether this request was prompted by a specific project. Mr. Glaser explained he has a project to convert a residential house into mixed-use with some commercial application. He stated it is a fairly small project but would require the C1 license. Ms. Manno asked Mr. Glaser about the scope of work on that project, noting that a C1(DR) might be sufficient. Mr. Glaser explained that this project involves a commercial addition and historic renovation, adding that he would prefer the C1 for future projects.

Mr. Anderson asked has Mr. Glaser if he ever had any violations or complaints made against him or his company to a building department. Mr. Glaser answered in the negative.

Mr. Teplitsky stated the Appellant likely has the qualifications for this project. He acknowledged that the City of Fort Collins has more stringent requirements than other municipalities, but making exceptions compromises the credibility of the system. He asked whether the Appellant was willing to take the test in the near future if he were granted an exception for this project. Mr. Glaser stated he preferred not to have to take the test due to time constraints, and a reluctance to take it in person due to the pandemic. Mr. Teplitsky noted that he had taken the Contractor A test at CSU and was the only one in the room.

Mr. Anderson asked about the timeline for permit application and completion of the project. Mr. Glaser estimated the permit application would be submitted in September and it would likely take 12-14 months to complete the project.

Mr. Richards pointed out that a 30-day temporary license would be insufficient given the expected timeline for the project. Mr. Anderson stated that the application and review can be completed prior to listing a contractor, but the permit cannot be issued without a license in place.

Mr. Massey asked how far back testing was accepted prior to the emergency ordinance extending it back to 2009. Ms. Manno explained that normally testing is allowed back to 2012.

Mr. Richards asked whether Mr. Glaser had inquired about pandemic safety precautions being used at the testing facility. Mr. Glaser stated the test is only offered in person at either CSU or Front Range and that it is likely as safe as possible, but he does not want to subject himself to possible exposure.

Mr. Anderson stated the testing organization, Pronto, is currently developing online exams which should be available within the next 12 months.

Mr. Glaser stated that while his testing is older, he has completed recent projects that were reviewed under current code. He believes his experience level is equal to the testing.

Board Discussion

Acting Chair Johnson closed the hearing and opened the Board discussion.

Ms. Penning acknowledged the concerns with in-person testing during the pandemic, but believed the testing requirement is reasonable, particularly with such a big difference between 2003 and 2008 code.

Acting Chair Johnson agreed with Ms. Penning, adding that while testing may be a formality in this case, it is necessary to guide and govern who can perform work in the city.

Mr. Richards said that continuing education is important, and that includes testing. He asked if the Board could allow a six-month temporary C1 license to allow time for the pandemic to improve so that testing can be done safely. Ms. Havelda and Mr. Anderson indicated that the Board had the authority to take that action. Mr. Richards expressed concern that waiving the testing requirement could set a precedent.

Mr. Teplitsky agreed that testing is a professional requirement, even if it is a formality. He would like to provide a clear path forward for the project while still requiring testing. He would prefer a shorter time period than six months, so the project doesn't progress too far without the license being issued. He suggested 90 days.

Mr. Massey wants to find a way for this project to move forward, maybe with a C1(DR). Ms. Manno clarified that the same test would be required.

Ms. Penning agreed that 90 days would be appropriate so the Appellant could learn about the safety of in-person testing and availability of remote testing.

Mr. Anderson and Ms. Manno confirmed that there is a mechanism in place to manage such an arrangement.

Mr. Anderson suggested a break to allow staff to draft a proposed motion that would capture the wishes of the Board. He asked for clarification on the time period the Board prefers, as well as whether they would like the temporary license to be project specific.

Mr. Richards said 90 days seemed reasonable and suggested it start upon application.

Acting Chair Johnson said he would support a 90-day window.

Mr. Teplisky noted that with plan review turnaround the earliest a permit would likely be issued would be at least 90 days from today. If a 30-day temporary license were issued upon permit issuance, that would allow 120 days from now to complete the testing. He suggested if at that time there is a compelling reason that the testing had not been completed, at Mr. Anderson's discretion, he could grant a 30-day extension.

[Secretary's Note: The Board took a break at this time. Upon reconvening, a roll call was conducted which confirmed all members were present.]

Board Deliberation

Acting Chair Johnson asked for a motion.

Based on the evidence presented, Mr. Teplitsky moved to allow for a temporary upgrade without required testing from the contractor's current license to a C1 for a period of 30 days starting at permit issuance for the project on the condition that the appellant submit all other required qualification documentation as per section 15-158 of our code within two weeks of the date of this July 30, 2020 hearing. Additionally, the Building Official shall have the discretion to issue an additional 30-day extension of the license.

Ms. Penning seconded. The motion passed 5-0.

3. REGIONAL TOWN CENTRE (RTC) WORK WITHOUT PERMIT

DESCRIPTION: The purpose of this item is to seek a determination from the Building Review Board as to what disciplinary action should be taken.

STAFF: Rich Anderson – Chief Building Official
Sharlene Manno – Manager, Administration Services

Joshua Vicars with RTC was present and agreed to the remote hearing format.

Staff Report

Mr. Anderson presented the staff report. He provided background information, noting that prior to the violations that are the subject of this hearing, RTC had been issued three stop work orders in December of 2017 and one in 2019. He described the nature of the recent violations and the staff recommendations. He outlined the options available to the Board.

Respondent Arguments

Mr. Vicars, part-owner of RTC, addressed the Board. He acknowledged that the events did occur as described. He stated there was no intent to violate the rules, but it was a matter of timing and insufficient funds in their trust account. He stated his license was reinstated in 2010, but he has been working as a contractor in Fort Collins for 22 years. He explained that the company grew faster than they were prepared for which did not allow time to establish appropriate procedures.

Board Questions

Mr. Richards asked for clarification on the events leading up to the issuance of the stop work order. Mr. Anderson said that permits had only been issued for six of the 53 units, but an inspector discovered that work had begun on the other 47, which resulted in the stop work order. Mr. Vicars confirmed that was correct.

Mr. Richards asked about the double-fees. Mr. Anderson referred to Code Section R113.5 which explains that fees equal to double the permit fee are imposed when there is more than one violation for commencing work without a permit, and states that such fees can only be appealed to the City Manager. Ms. Havelda confirmed that the Board does not have the authority to waive the fees.

Mr. Richards asked Mr. Vicars to address the previous stop work orders issued to him in 2017 and 2019. Mr. Vicars explained that they had applied for permits but had insufficient funds in their trust account, and his crew began work before that was resolved. Mr. Richards asked if this recent violation happened the same way. Mr. Vicars clarified that they pulled permits for each of the buildings without realize each individual unit or address required a separate permit.

Acting Chair Johnson asked about the turnaround time for roofing permits. Mr. Anderson responded that two days is the established turnaround time, but they are typically issued faster.

Acting Chair Johnson asked about the current status of RTC. Mr. Anderson stated the double permit fees had been assessed but the license had not been suspended. He noted that there had been some difficulties with code compliance, but he believed those were being resolved.

Mr. Massey asked about RTC's new job process. Mr. Vicars said they previously had a lack of experienced support staff. He said sometimes it takes a disciplinary action like this for everyone to understand the impact of not following processes. He said they need to be diligent moving forward and he will hold himself accountable to his people, his customers, and the municipality.

Mr. Massey asked Staff whether these infractions appeared to be procedural, without intent to circumvent the code. Ms. Manno stated she was unable to answer that, but she pointed out that the list of addresses in the packet were all completed with no permit. Mr. Anderson clarified that some of the roofs were in the process of being torn off and replaced when the inspector discovered there were no permits. At that time, the crews were told to "dry it in" and stop work.

Acting Chair Johnson asked about the inspections required for roofing. Mr. Anderson stated if the project is exclusively roofing only a final inspection is required.

Mr. Richards asked if the six permits obtained were representative of the number of buildings where the work had been performed. Mr. Vicars acknowledged they were working on more than six buildings.

Mr. Anderson recommended a probationary period during which time further violations would result in revocation. Mr. Massey said intent is a key consideration. Mr. Anderson stated that Mr. Vicars had taken full responsibility for the mistakes, and now clearly understands that work may only begin upon permit issuance, not permit application.

Mr. Richards asked whether the roofs were completed. Mr. Anderson said they are completed other than a few minor deficiencies to be corrected prior to final inspection and the submission of the construction waste management plan. Mr. Vicars confirmed that was the case. Ms. Manno stated the permits for many of the addresses had not yet been closed out. Mr. Anderson stated the waste management plan can be completed after the final inspection and that is likely why the permits are in open status. Mr. Vicars confirmed that was the case.

Public Comment

None

Board Discussion

Acting Chair Johnson closed the hearing and opened the Board discussion.

Mr. Teplisky agreed with Mr. Anderson's recommendation.

Acting Chair Johnson asked about the term of the probation. Mr. Anderson said the term can be determined at the discretion of the Board.

Ms. Penning would like to see a term of at least year, maybe even be five years, considering the previous infractions.

Ms. Havelda noted an error in option five on the staff report and stated that if the license is revoked or suspended, he shall (not may) be guilty of a misdemeanor.

Mr. Massey agreed that a year probation seems appropriate and wanted to make sure the motion is clear as to whether a violation during that period would result in automatic revocation or if that would come back to Board.

Mr. Richards agreed that a year minimum is appropriate and that any repercussions for violations should be defined in the motion. He also stated the fees should be paid in full. Mr. Anderson stated that the fees had been paid.

Acting Chair Johnson said the Board seemed to agree about a one-year term. He asked for Board input on the penalty for further violations. Ms. Penning said any violation during the probationary period should result in immediate revocation. Mr. Richards questioned whether the revocation should come back to the Board.

Ms. Havelda clarified that if a license is revoked, they cannot be reinstated without coming back to the Board. She requested that the Board state in the motion the length of the suspension before coming back to the Board.

Mr. Richards suggested a one-year probation during which time any violations would result in a suspension of no less than six months at the end of which time they can come before the board to apply for reinstatement. Ms. Havelda clarified that reinstatement after a suspension would not require a reappearance before the Board, however a reinstatement following a revocation would require Board approval.

Acting Chair Johnson agreed with Mr. Richards' approach and would recommend revocation, not suspension.

[Secretary's Note: The Board took a break at this time. Upon reconvening, a roll call was conducted which confirmed all members were present.]

Board Deliberation

Acting Chair Johnson asked for a motion.

Based on evidence in record, Mr. Richards moved to place Regional Town Centre, LLC and/or Joshua Vicars a one-year probationary period from the date of this July 30, 2020. During such probationary period, should Regional Town Centre, LLC or Mr. Vicars violate any portion of the Fort Collins Municipal Code or Land Use Code the contractor license and supervisor certificate shall be automatically revoked and section 15-162 (f) regarding misdemeanor findings shall apply. For any future reinstatement, all provisions of section 15-162(e) shall be applicable.

Ms. Penning seconded. The motion passed 5-0.

4. JJ FENCING AND DECKS, LLC – WORK OUTSIDE OF LICENSE CLASSIFICATION, FAILURE TO KEEP CURRENT ADDRESS UPDATED, MISREPRESENTATION AND NEGLIGENCE

DESCRIPTION: The purpose of this item is to seek a determination from the Building Reivew Board as to what disciplinary action should be taken.

STAFF: Rich Anderson – Chief Building Official
Sharlene Manno – Manager, Administration Services

Justin Ewing with JJ Fencing and Decks, LLC was present and agreed to the remote hearing format.

Staff Report

Mr. Anderson presented the staff report detailing nature of the violations. He stated application was made for a permit for a pole barn and a homeowner affidavit was on record with no contractor listed. He explained the licensing requirements for construction of such a structure. He stated JJ Fencing constructed the barn without the appropriate license and failed to update his address with the building department. He provided staff recommendations and described the options available to the Board.

Board Questions of Staff

Mr. Teplitsky asked if Jack Graham was the homeowner. Mr. Anderson said that was correct. Mr. Teplitsky asked about the roles of Weeks Engineering and Shear Engineering. Mr. Anderson said Weeks Engineering was the original design professional for the barn and it was his understanding from Mr. Graham that they were hired by JJ Fencing. Mr. Anderson said that Shear Engineering was hired after the fact to do an assessment of the completed project. Mr. Teplitsky asked whether Mr. Graham had signed an affidavit stating he would do the work himself and then hired JJ Fencing. Mr. Anderson answered in the affirmative.

Mr. Richards asked whether Mr. Graham or JJ Fencing had pulled the permit. Mr. Anderson said the permit had been issued to Mr. Graham with a homeowner's affidavit.

Ms. Manno clarified that the license for JJ Fencing expired 5/26/19 which was a few days after the permit was pulled. She stated she had received a license application packet that has yet to be reviewed pending the outcome of this hearing. Mr. Anderson pointed out that meant they had also been constructing in Fort Collins without a license.

Respondent Arguments

Mr. Ewing spoke to the Board. He said he did not receive a notice that their license had expired and was not aware of that until he recently applied for a permit. He said he also did not know he was required to update his address with the City.

Mr. Ewing stated Mr. Graham was a customer for whom he had built a fence. He said Mr. Graham approached him to build a barn, and Mr. Ewing had explained he couldn't get a permit for it, so Mr. Graham said he would be the general contractor and hired Mr. Ewing to do the work. He said all the inspections had passed, but Mr. Graham enlisted a third party to evaluate the project, and this culminated in a lawsuit that is pending. Mr. Ewing acknowledged he should have done things differently. He also stated that Mr. Graham had claimed he didn't know that Mr. Ewing wasn't licensed, which Mr. Ewing disputes.

Acting Chair Johnson asked for clarification about the engineers. Mr. Ewing said Weeks is an engineer he works with who designed the barn based on Mr. Graham's specifications. Mr. Ewing said he was a middleman and that Mr. Graham paid Weeks directly.

Mr. Anderson stated that at one point, the final inspection had passed, but he was asked to look at it, at which time he noted discrepancies between the plans and the construction. That prompted him as the Chief Building Official to change the result of the inspection to failed status. He explained that for safety reasons, staff is not able to be on a roof of that height and elevation. He detailed deficiencies he identified through photos and video provided to him. He determined that he could only pass the inspection if he could ensure structural integrity which would require an engineering report for the repairs needed.

Mr. Ewing acknowledged the posts in question were set incorrectly, but the plans didn't specify which way they were to be set. He said the engineer from his insurance company, as well as Mr. Weeks, stated the posts were fine. Mr. Ewing stated the trusses are a little out of deflection which could be easily corrected but Mr. Graham chose not to be compliant. Mr. Ewing stated he did not get on the roof himself, but he trusted people were doing things properly.

Mr. Anderson agreed that it was difficult to determine the orientation of the poles from the plans. However, the alignment of the 5-ply piers and poles on the front and back clearly don't match up with the plans.

Mr. Richards asked whether Weeks & Associates had reviewed the project and issued any corrections. Mr. Ewing responded that they had done so throughout the project, but not since completion.

Mr. Richards asked what the licensing requirements are when a homeowner acts as a general contractor and uses a sub-contractor. Mr. Anderson referred to the applicable code and explained that a contractor must have the appropriate license to pull a permit and/or to do the work, regardless of whether the homeowner is acting as the general contractor. He stated that the homeowner is required to list a contractor if one is being used so that the building department can verify the contractor is properly licensed to do the work.

Mr. Anderson further explained the notice of expiration would not have been received due to the outdated address. He also stated it is the license holder's responsibility to ensure the license is current.

Mr. Richards asked how the final inspection passed the first time with all these deficiencies. Mr. Anderson explained he had used the experience as teaching moment with the inspector. He stated he emphasizes quality over quantity when it comes to inspections.

Mr. Teplitsky asked whether the arrangement would have been acceptable if the homeowner acted as his own contractor, and if JJ Fencing had the appropriate licensing and had been listed on the permit application as a sub-contractor. Ms. Manno responded in the affirmative. Mr. Teplitsky said it seems JJ Fencing acted as the general contractor in this case, despite what Mr. Graham stated on the permit.

Mr. Teplitsky asked if Weeks & Associates issued a letter of completion with no conditions. Mr. Anderson said an agreement was made that Shear Engineering would be responsible for generating the report and Mr. Weeks would review it. Mr. Anderson stated he did share his concerns about the design and construction with Mr. Weeks.

Mr. Ewing stated Mr. Graham hired Shears Engineering after the project was completed. There is also a third engineer hired by Mr. Ewing's insurance due to the lawsuit. Mr. Ewing claimed that Mr. Graham had mentioned his relationship with the City Manager and said he could pull strings to get what he wanted.

Mr. Teplitsky asked whether an engineer's letter of completion is required for this type of project. Mr. Anderson said the structural foundation is inspected by an engineer, but the rest of the inspections are conducted on site by City inspectors.

Mr. Teplitsky asked Mr. Ewing to confirm that Weeks & Associates hadn't issued any written statement that the structure was sound, and everything correct, and that the only thing in writing is from Shear Engineering and the insurance engineer. Mr. Ewing agreed. Mr. Anderson added that the details of his failed inspection is also documented.

Acting Chair Johnson asked the Board to narrow their focus to the licensing issue rather than getting mired down in the engineering reports. Mr. Anderson explained that information was simply to provide evidence of the violations, and not for the purpose of commenting on the contractual relationships. Ms. Havelda advised that the Board focus on the issues specified in the staff report and avoid any comment on the 3rd party contract which is in litigation.

Acting Chair Johnson asked about the people who performed the work. Mr. Ewing said they were employees who no longer work for him. Mr. Ewing added that out of the 11 licenses he holds in various municipalities, Fort Collins is the only place where he cannot build this project. He stated he understood that at the time which is why he didn't pull the permit.

Ms. Penning asked if there would be any issue with this arrangement if Mr. Ewing had gotten the notification and renewed his license. Acting Chair Johnson pointed out that the license wasn't just expired, it was the wrong type for this work. Ms. Penning asked for clarification on who must be listed on the permit. Ms. Manno stated that everyone working on a permit must be listed. Ms. Penning asked whether it is assumed that the homeowner is personally doing all the work if a homeowner permit application lists no sub-contractors. Ms. Manno said the permit technicians ask a lot of questions in that situation and make it clear that you cannot have any paid workers on the project if you have a homeowner affidavit stating you are doing the work yourself.

Mr. Richards said Mr. Ewing was aware that his license did not allow him to build this structure, and he asked if he was also aware that Mr. Graham pulling the permit didn't qualify Mr. Ewing to perform the work. Mr. Ewing responded that he knew he couldn't pull the permit without a license.

Mr. Massey stated he is confident Mr. Graham had no intention of doing the work himself and wondered if there are any repercussions for that. He asked Mr. Ewing if there was a written contract between him and Mr. Graham. Mr. Ewing answered in the affirmative. Mr. Massey said it seemed that both parties knowingly circumvented the permitting and licensing processes. Ms. Havelda asked the Board to focus on the matter at hand without discussing the actions or intent of a 3rd party who is not present and is not the subject of this hearing.

Acting Chair Johnson stated that performing work over 300 sq. ft. without the appropriate license is the issue before the Board. Mr. Massey explained that his reasoning for that line of questioning was to establish that JJ Fencing knowingly circumvented the process.

Mr. Teplitsky asked what would be required for Mr. Ewing to obtain a license that would allow him to build this type of project. Ms. Manno stated an upgrade would require testing, as well as project verifications. She said she always encourages people to apply for the highest license required for work they might want to do. She explained that a D2 license would allow construction of a structure up to 1000 sq. ft. and that a D1 would allow any residential construction from the ground up. Mr. Teplitsky asked Mr. Ewing if he meets the requirements for a higher-level license. Mr. Ewing said he has completed the testing but does not have the project experience because he has not pulled permits for pole barns. Mr. Anderson asked Mr. Ewing to clarify whether he had built pole barns before, as he stated earlier in the hearing. Mr. Ewing stated that the project manager on this job had built many pole barns, but he personally had not, nor was he pursuing that type of work.

Mr. Massey commented that this project is already done so there is no need for a higher license at this point. He stated the matter at hand is to determine whether Mr. Ewing's actions were intentional, and what repercussions should be the result.

Acting Chair Johnson asked if Mr. Ewing had any final comments.

Mr. Ewing said he wasn't aware his license had expired, doesn't intend to do anything else not covered by his current license, and will stay on top of address changes in the future.

Mr. Anderson asked him about his current expired permits. Mr. Ewing stated he was unaware of those and would be willing to look at them at get final inspections if needed. Mr. Anderson pointed out that half of the permit fee needs to be paid to cover an inspection for an expired permit.

Public Comment

None

Board Discussion

Acting Chair Johnson closed the hearing and opened the Board discussion.

Mr. Anderson suggested a motion similar to the one used for the last item might be appropriate. Acting Chair Johnson summarized that was a one-year probation and any violations in that period would result in immediate revocation. He additionally recommended adding a stipulation that all open permits be brought to completion first, and then the probationary period would be begin prior to issuing any new permits.

Mr. Richards believed it was clear Mr. Ewing knew he didn't have the correct license and chose to proceed anyway. He thinks that behavior is deserving of a six-month revocation as outlined in option #4 of the staff report, rather than just a probationary period.

Mr. Anderson would like to see JJ Fencing be allowed to complete current open permits so that the life and safety inspections can be done. Mr. Richards asked for information about the unfinished permits. Ms. Manno stated one was a deck awaiting a special welding inspection and a final inspection, and there was also a patio cover and deck requiring a final inspection. There are also two permit applications that have not been issued, one of which has a hold on it. Mr. Anderson asked about status of the one on hold. Mr. Ewing explained it was a completed deck that was anticipated to be under the 30" threshold, but it turned out to be about 34" above ground, so he applied for a permit after the fact. However, due to a subsequent legal dispute with the owner, they didn't pull the permit. Ms. Manno asked about an expired permit with a zoning hold due to not meeting the 15' rear setback. Mr. Ewing stated they did not do that project.

Mr. Ewing said they try to do things by the book, but said the rules are confusing. In this case, he thought he was the sub-contractor.

Mr. Massey appreciated Mr. Richard's perspective, but pointed out that Mr. Graham could be very persuasive and suggested Mr. Ewing may have just gotten in over his head. He said he would be more in favor of a 12-month probation with license revocation if there is a violation.

Mr. Teplitsky said he was troubled by Mr. Ewing deflecting accountability by claiming he doesn't know the permitting and licensing requirements and that they are hard to understand. He pointed out that other contractors do understand them. He is concerned that there are customers out there with completed decks that have not been inspected and may not be safe.

Mr. Ewing responded that he knows the requirements for decks and that the missed inspections slipped through the cracks and he will follow up on them. Mr. Anderson asked if Mr. Ewing knows when a deck requires a permit. Mr. Ewing said a free-standing deck under 30" does not require a permit and anything higher than that does. Mr. Anderson said if it is more than 30" above grade, if it is attached to the dwelling and/or if it is the required egress door, it must have a permit.

Mr. Teplitsky asked if closing out permits can be tied to the probation. Mr. Anderson stated that is already required by code, so not doing so would be a violation which would trigger a revocation. Ms. Manno asked for clarification on the order in which the Board would like to implement the reinstatement of the license, assuming the application meets the requirements, closing out the open permits, and starting the probationary period. Mr. Teplitsky stated he would like to see the permits closed out first, then starting the probationary period and revoking the license if there are any violations.

Ms. Penning agreed and said there are clear repercussions if the open permits are not closed as well as if that continues to happen in the future. Acting Chair Johnson stated that the reinstatement based on the application package should be completed, and then the permits should be closed.

Mr. Teplitsky expressed concern that the open permits wouldn't be completed if the license is not reinstated. Staff discussed the fact that the property owner and contractor are notified when the permit is soon to expire and are also notified if the permit does indeed expire. Any problems with the work would become a civil matter between the owner and Mr. Ewing. Mr. Teplitsky said that explanation relieved his concern.

[Secretary's Note: The Board took a break at this time. Upon reconvening, a roll call was conducted which confirmed all members were present.]

Board Deliberation

Acting Chair Johnson and asked for a motion.

Based on evidence in record, Ms. Penning moved to require J.J. Fencing, LLC and/or Justin Ewing a one-year probationary period from the date of this July 30, 2020 hearing. During such probationary period, J.J. Fencing, LLC and/or Justin Ewing shall: 1) complete steps necessary to reinstate his license; 2) shall not be issued any new permits until currently expired permits have been appropriately resolved; and 3) should J.J. Fencing, LLC and/or Justin Ewing violate any portion of the Fort Collins Municipal Code or Land Use Code the contractor license and supervisor certificate shall be automatically revoked and section 15-162 (f) regarding misdemeanor findings shall apply. For any future reinstatement, all provisions of section 15-162(e) shall be applicable.

Mr. Massey seconded. The motion passed 4-1, Mr. Richards dissenting.

● **OTHER BUSINESS**

None

● **ADJOURNMENT**

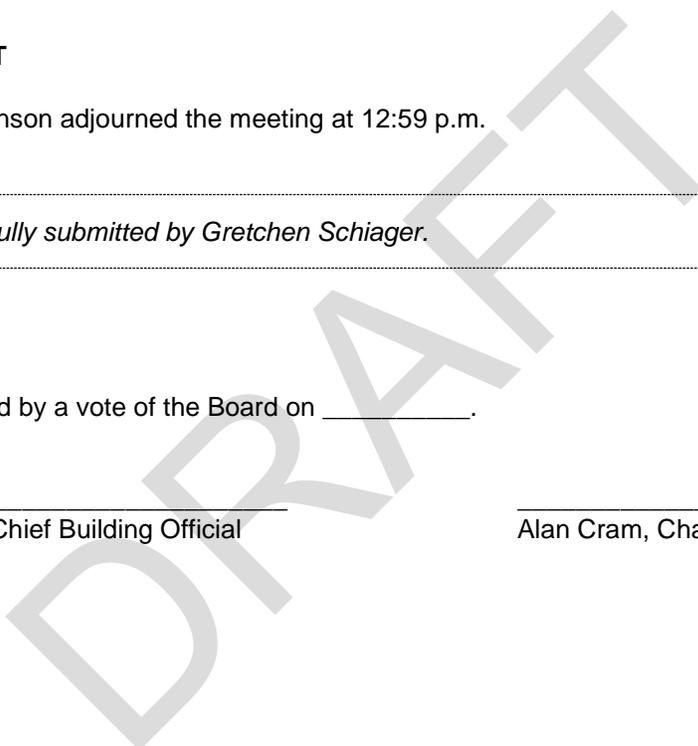
Acting Chair Johnson adjourned the meeting at 12:59 p.m.

.....
Minutes respectfully submitted by Gretchen Schiager.
.....

Minutes approved by a vote of the Board on _____.

Rich Anderson, Chief Building Official

Alan Cram, Chair



STAFF

Rich Anderson – Chief Building Official
Sharlene Manno – Manager, Administration Services

SUBJECT

2020 ELECTRICAL CODE ADOPTION

EXECUTIVE SUMMARY

The purpose of this item is to provide information on adoption of the 2020 National Electrical Code.

BACKGROUND

On July 15, 2020 the Department of Regulatory Agencies (DORA) State Electrical Board amended 3 Code of Colorado Regulations 710-1 section 1.2 (A) to read: "The Board hereby adopts the National Fire Protection Association standard number 70, hereafter known as the National Electrical Code, 2020 Edition, and as may be amended by the Board. These standards are adopted as the minimum standards governing the planning, laying out, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electric light, heat, and power in this state. This Rule does not include later amendments to or editions of the National Electrical Code, 2020 Edition. The effective date shall be August 1, 2020."

City of Fort Collins Currently Adopted Electrical Code Provisions:

Sec. 5-80. - 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, there is hereby adopted for the protection of the public health and safety, and for the purpose of regulating the installation, alteration, repair of electrical systems and wiring methods in the City, as the electrical code of the City, by reference thereto, the National Electrical Code, 1993 Edition, published by the National Fire Protection Association, and the Uniform Administrative Code Provisions for the National Electrical Code, 1993 Edition, published by the International Conference of Building Officials, all to have the same force and effect as if set forth herein in every particular.

Sec. 5-81. - Short title.

The code adopted herein as amended by this Article, together with §§ [5-81](#) through 5-88 of the Code, may be known and cited as the City of Fort Collins Electrical Code.

Sec. 5-82. - Amendments to code adopted.

The Uniform Administrative Code Provisions for the National Electrical Code, 1993 Edition, is hereby amended and changed in the following respects:

- (1) *Section 203* is amended to read as follows:

"**Sec. 203.** Whenever the Administrative Authority disapproves an application or refuses to grant a permit applied for or it is claimed that the provisions of the National Electrical Code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant or party in interest may appeal such decision to the State Electrical Board as provided for in Section 12-23-104(g), C.R.S."

- (2) *Section 304(a)* is amended to read as follows:

"The fee for each permit shall be based on the value of the work regulated herein, as set forth in 'Table No. 3-A, Building Permit Fees,' of the Building Code of the City of Fort Collins, except that such fee shall not be less than fifteen dollars (\$15.) nor exceed the amount prescribed by Section 12-23-117, C.R.S."

Sec. 5-83. - Use of approved materials; electrical signs.

Where the use of approved materials, equipment or devices is required by the National Electrical Code, adopted in [§ 5-80](#), the label of or listing by the Underwriters' Laboratories, Inc., will be accepted as an approval. Alternate materials may be approved by the Building Official. All electrical signs shall be approved before any permit for the installation or erection of such sign is granted.

Sec. 5-84. - Violations and penalties.

Section 204 of the Uniform Administrative Code Provisions for the National Electrical Code, 1993 Edition, is amended to read as follows:

- (1) "**Sec. 204.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain an electrical system or equipment or cause or permit the same to be done in violation of this Code. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor and subject to the penalties set forth in Section 1-15 of the City Code."

Building Services proposes amending our local adoption of the 1993 National Electrical Code to be in alignment with the required State Electrical Code. Our proposal will include deleting part VIII of the 2018 International Residential Code. We will be relocating the Photovoltaic Ready and Electrical Ready provision from part VIII to Chapter 3 of the International Residential Code (IRC). The State of Colorado Department of Regulatory Authority's (DORA) Electrical Board only recognizes the National Electrical Code (NEC) to regulate all electrical work in the State. None of the provisions in this part of the International Electrical Code are adopted or recognized by DORA for electrical work. The NEC is the most current standard for all electrical installations. The deletion of this section will align the City of Fort Collins and the State requirements and allow for electrical contractors to utilize this code for all electrical work. Additionally, the local amendments that are in this section will be relocated to Chapter 3, maintaining current requirements for Electrical Vehicle Ready and Photovoltaic Ready. We are proposing 5 amendments to the adoption of the NEC:

- (1) **Section 90.4.1 Permit Required.** Any owner, owner's authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit for the work.
- (2) **Section 90.4.1. Appeals.** Whenever the Administrative Authority disapproves an application or refuses to grant a permit **applied for** or it is claimed that the provisions of the National Electrical Code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant or party in interest may appeal such decision to the Building Review Board as provided for in Section 5-27(15) of the City Code.
- (3) **Section 90.4.3 Fees.** The fee for each permit shall be based on the value of the work regulated herein, as set forth in 'Table No. 3-A, Building Permit Fees,' of the Building Code of the City of Fort Collins, except that such fee shall not be less than fifteen dollars (\$15.) nor exceed the amount prescribed by Section 12-115-121, C.R.S.
- (4) **Section 90.4.4. Violation and penalties.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain an electrical system or equipment or cause or permit the same to be done in violation of this Code. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a civil infraction and subject to the penalties set forth in Section 1-15 of the City Code.
- (5) **Section 600.1.1 Use of approved materials; electric signs.** Where the use of approved materials, equipment or devices is required by the National Electrical Code, adopted in § 5-80, the label of or listing by the Underwriters' Laboratories, Inc., will be accepted as an approval. Alternate materials may be approved by the Building Official. All electrical signs shall be approved before any permit for the installation or erection of such sign is granted.

RECOMMENDATION

Staff recommends that the Board approve Building Services to move forward with the adoption process and requests that the Board make a motion in support of this effort. Furthermore, staff requests a letter of support from the Chair to present to Council.

ATTACHMENTS

1. Ordinance - DRAFT

DRAFT - FOR DISCUSSION ONLY -
SUBJECT TO FURTHER REVIEW AND REVISION

ORDINANCE NO. , 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTION OF 2020 NATIONAL ELECTRICAL CODE STANDARDS

WHEREAS, on March 1, 1994, City Council adopted the 1993 National Electrical Code in Ordinance No. 25, 1994; and

WHEREAS, the State Electrical Board Rules and Regulation 3 CCR 710-1, were updated on July 15, 2020; and

WHEREAS, the Colorado Department of Regulatory Agencies (“DORA”) adopted the updated National Fire Protection Association standard number 70, hereinafter known as the National Electrical Code, 2020 Edition (the “2020 NEC”), effective August 1, 2020; and

WHEREAS, the 2020 NEC was adopted by DORA as the minimum standards governing the “planning, laying out, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electrical light, heat, and power,” in the State of Colorado, 3 CCR 710-1; and

WHEREAS, on August 20, 2019, City Council adopted the International Residential Code (“IRC”) through Ordinance No. 095, 2019, which included reference to electrical standards; and

WHEREAS, the electrical standards in the current IRC are not recognized by DORA; and

WHEREAS, City Council wishes to remove the majority of the IRC electrical standards from the City Code; and

WHEREAS, City Council wishes to retain City Code provisions regarding Electrical Vehicle Ready and Photovoltaic Ready by relocating them to Section 5-30 of the Code of the City of Fort Collins; and

WHEREAS, the City Council finds it in the best interests of the citizens of Fort Collins, to update the Fort Collins City Code from the 1993 NEC standards to the updated 2020 NEC standards as amended.

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 Section 5-30 of the Code of the City of Fort Collins is hereby amended by the addition of a new subparagraph (36) which reads in its entirety as follows and all subsequent subparagraphs renumbered accordingly:

DRAFT - FOR DISCUSSION ONLY -
SUBJECT TO FURTHER REVIEW AND REVISION

(36) **R324.1.1 Photovoltaic Ready.** All new single family dwellings shall be provided with an empty metallic conduit of 3/4 inch (19.05 mm) minimum, installed from the dwellings attic space beneath the roof which most likely would support the majority of installed photovoltaic system, to a junction box located within 12 inches of the dwellings electrical meter or connected directly to the dwellings electrical panel board.

Section 3. That Section 5-30 of the Code of the City of Fort Collins is hereby amended by the addition of a new subparagraph (41) which reads in its entirety as follows and all subsequent subparagraph are hereby renumbered accordingly:

(41) A new **Section R332 Electric Vehicle Ready** is hereby added to read as follows:

SECTION R332
Electrical Vehicle Ready

R332.1 General. All new single family dwellings with an attached garage or carport shall be provided with an empty conduit of 3/4 inch (12.7 mm) minimum, installed from the dwellings electrical panel board to a junction box in readily accessible location in the garage or carport, capable of supporting a 50 ampere 220 volt outlet.

Section 4. That Section 5-30, subparagraph (93) of the Code of the City of Fort Collins is hereby amended to read as follows:

(93) ~~A new **Section E3401.5 Electrical Vehicle Ready** is hereby added to read as follows:~~

~~**Section E3401.5 Electrical Vehicle Ready.** All new single family dwellings with an attached garage or carport shall be provided with an empty conduit 3/4 inch minimum, installed from the dwellings electrical panel board to a junction box in readily accessible location in the garage or carport, capable of supporting a 50 ampere 220 volt outlet. **Part VIII - Electrical** is hereby deleted in its entirety. All electric work shall be done in accordance with Section 5-80 of this Code.~~

Section 5. That Section 5-30 of the Code of the City of Fort Collins is hereby amended by the deletion of subparagraph (94) in its entirety and all remaining subparagraphs renumbered accordingly:

(94) ~~A new **Section E3401.6 Photovoltaic Ready** is hereby added to read as follows:~~

~~**Section E3401.6 Photovoltaic Ready.** All new single family dwellings shall be provided with an empty metallic conduit of 3/4 inch (19.05 mm) minimum, installed from the *dwellings* attic space beneath the roof which most likely would support the majority of installed *photovoltaic* system, to a junction box located within 12 inches of the *dwellings* electrical meter or connected directly to the *dwellings* electrical panel board.~~

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SUBJECT TO FURTHER REVIEW AND REVISION

Section 6. That Article III, Electric Standards contained in Chapter 5 of the Code of the City of Fort Collins hereby amended to read as follows:

ARTICLE III. - ELECTRICAL STANDARDS*

Sec. 5-80. 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, there is hereby adopted for the protection of the public health and safety, and for the purpose of regulating the installation, alteration, repair of electrical systems and wiring methods in the City, as the electrical code of the City, by reference thereto, the National Electrical Code, 1993 ~~**Edition, published by the National Fire Protection Association, and the Uniform Administrative Code Provisions for the National Electrical Code, 1993 Edition, published by the International Conference of Building Officials, all to have the same force and effect as if set forth herein in every particular,~~ 3 Colorado Code of Regulations 710-1, as all to have the same force and effect as if set forth herein in every particular. The **Electric Code** is adopted and incorporated as fully as if set forth at length herein and the provisions shall be controlling within the City.

Sec. 5-81. Short title.

The code adopted herein as amended by this Article, together with §§ 5-81 ~~through~~ and 5-88~~2~~ of the Code, may be known and cited as the City of Fort Collins Electrical Code.

Sec. 5-82. Amendments to code adopted.

~~The National Fire Protection Association~~The Uniform Administrative Code Provisions for the National Electrical Code, 1993 Edition, 3 Colorado Code of Regulations 710-1, is hereby amended and changed in the following respects by the addition of the following new Sections:

(1) ~~Section 203~~ is amended to read as follows:

Sec. 203 Whenever the Administrative Authority disapproves an application or refuses to grant a permit applied for or it is claimed that the provisions of the National Electrical Code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant or party in interest may appeal such decision to the State Electrical Board as provided for in Section 12-23-104(g), C.R.S.

(2) ~~Section 304(a)~~ is amended to read as follows:

The fee for each permit shall be based on the value of the work regulated herein, as set forth in 'Table No. 3 A, Building Permit Fees,' of the Building Code of the City of Fort Collins, except that such fee shall not be less than fifteen dollars (\$15.) nor exceed the amount prescribed by Section 12-23-117, C.R.S.

(1) **Section 90.4.1 Permit Required.** Any owner, owner’s authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical system, the installation of which is regulated by this code, or to cause any

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SUBJECT TO FURTHER REVIEW AND REVISION

such work to be performed, shall first make application to the code official and obtain the required permit for the work.

- (2) **Section 90.4.1. Appeals.** Whenever the Administrative Authority disapproves an application or refuses to grant a permit applied for or it is claimed that the provisions of the National Electrical Code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant or party in interest may appeal such decision to the Building Review Board as provided for in Section 5-27(15) of the City Code.
- (3) **Section 90.4.3 Fees.** The fee for each permit shall be based on the value of the work regulated herein, as set forth in 'Table No. 3-A, Building Permit Fees,' of the Building Code of the City of Fort Collins, except that such fee shall not be less than fifteen dollars (\$15.) nor exceed the amount prescribed by Section 12-115-121, C.R.S.
- (4) **Section 90.4.4. Violation and penalties.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain an electrical system or equipment or cause or permit the same to be done in violation of this Code. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a civil infraction and subject to the penalties set forth in Section 1-15 of the City Code.
- (5) **Section 600.1.1 Use of approved materials; electric signs.** Where the use of approved materials, equipment or devices is required by the National Electrical Code, adopted in § 5-80, the label of or listing by the Underwriters' Laboratories, Inc., will be accepted as an approval. Alternate materials may be approved by the Building Official. All electrical signs shall be approved before any permit for the installation or erection of such sign is granted.

~~Sec. 5-83. Use of approved materials; electrical signs.~~

~~Where the use of approved materials, equipment or devices is required by the National Electrical Code, adopted in § 5-80, the label of or listing by the Underwriters' Laboratories, Inc., will be accepted as an approval. Alternate materials may be approved by the Building Official. All electrical signs shall be approved before any permit for the installation or erection of such sign is granted.~~

~~Sec. 5-84. Violations and penalties.~~

~~Section 204 of the Uniform Administrative Code Provisions for the National Electrical Code, 1993 Edition, is amended to read as follows:~~

~~Sec. 204. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain an electrical system or equipment or cause or permit the same to be done in violation of this Code. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor and subject to the penalties set forth in Section 1-15 of the City Code.~~

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SUBJECT TO FURTHER REVIEW AND REVISION

Introduced, considered favorably on first reading, and ordered published this ___ day of ____, A.D. 2020, and to be presented for final passage on the ___ day of ____, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this ____ day of ____, A.D. 2020.

Mayor

ATTEST:

City Clerk

DRAFT

ITEM 2, EXHIBIT 1
BUILDING REVIEW BOARD
ELECTRICAL CODE AMENDMENTS
PUBLIC COMMENT

From: mjd@doddridgeconstruction.com <mjd@doddridgeconstruction.com>
Sent: Thursday, August 27, 2020 6:38 AM
To: Rich Anderson <randerson@fcgov.com>
Cc: 'Nikki Giordano' <nikki@nocohba.com>; dan.o@iplumbingsolutions.com; Alan Cram <abcram08@gmail.com>
Subject: [EXTERNAL] 2020 Electric Code- BRB Meeting

Hello Rich,

It is my understanding that you were looking for comment from the NOCO HBA concerning the 2020 NEC adoption being discussed at today's Building Review Board meeting. While I am not available to attend today's meeting, I thought I would send a quick message with a couple of my personal comments. I have been a member of the HBA for over fifteen years. The HBA is an organization whose mission is to ensure our homebuilders can continue to provide the American Dream of homeownership to Northern Colorado residents through safe and attainable housing. I have also served on the City's Building Review Board as well as the Code review committee for the last several code cycles.

While I understand the need for codes to be updated from time to time, I would like the members of the adoption committee and the Building Review Board to know that this change will have a direct impact on the cost of housing. Items like whole house surge protection and additional GFI protection, will add directly to the material cost of construction. There is no disputing that. Coupled with the dramatic increase in other fees that we have seen recently, the dream of home ownership is evaporating for a larger and larger segment of the population of this city.

As a member of the HBA, I appreciate the opportunity for the organization to be consulted on these items. Having had a little more time ahead of today's meeting, we could have provided a cost analysis of the code changes. Hopefully that information is already available for the members of the BRB and the individuals making the final decision.

Thank you for your time.

Michael Doddridge CGR, CGB, CGP, CAPS

Doddridge Construction Corporation

mjd@doddridgeconstruction.com

970-218-3120

2012 HBA of Northern Colorado Builder of the Year

2007 HBA of Northern Colorado Remodeler of the Year

STAFF

Rich Anderson – Chief Building Official
Sharlene Manno – Manager, Administration Services

SUBJECT

PROCESS IMPROVEMENT UPDATE

EXECUTIVE SUMMARY

The purpose of this item is to provide information on several process improvements under development. These changes include establishing procedures for civil citations and dangerous structure abatement, Notices of Violations, Failed inspections fees and implementing the most current Building Valuation Data table.

BACKGROUND

Failed inspection:

Failed inspection fees are currently at the discretion of the building inspector. With the anticipated implementation of the new fee schedule, we would like to make reinspection fees automatically billable to a permit. This will align with our efforts toward cost recovery. Our proposal would be to charge the reinspection fee after the second attempt on an inspection process. This would allow the permit holder one attempt and one reinspection without additional charges. The fee is currently set at \$50.00. Building Services will examine the fee amount and determine if this is set appropriately or if adjustments up or down are needed based on the cost of services/cost recovery.

Notices of Violations (NOV):

The Building Services department has no process for Issuing an NOV. Instead of using the NOV, we immediately issue a Stop Work Order. By implementing the NOV process, we will align our process with industry standards, allowing us to have a tiered approach to enforcement. This tiered approach will start with the NOV and could end with a citation and civil infractions. Staff is working with the City Attorney on fees for the NOV that will support this tiered approach. We are also developing Standard Operating Procedures that will provide clear guidelines for us to follow ensuring that we have the tools required to hold property owners accountable for violations of our adopted codes.

Civil Citations and Dangerous Structure Abatement:

Since onboarding with the City in February, I have been evaluating existing Building Code compliance processes for deficiencies. If a property owner is found to be in violation of Building Codes, we post a Stop Work Notice at that property and send the owner a violation letter. On the rare occasion that an owner is nonresponsive to the posting or letter, we currently lack a mechanism to hold them accountable for achieving compliance. These violations can be as simple as work without a permit or as complex as a dangerous structure that needs to be secured or demolished for the safety of the community.

Our proposal is to revamp our compliance policies and procedures, based on industry best practices. We will examine every aspect of how we currently process complaints and violations to ensure we have the necessary tools for enforcement. We will also be exploring progressive building deconstruction ordinances that align with the City's sustainability goals. This will include:

1. Software support in Accela for cases
2. Standard Operating Procedures for processing cases/performing substandard housing investigations
3. Coordinating and aligning with efforts to update existing nuisance codes
4. Limited commissioning of building inspectors by the Chief of Police allowing them to write civil citations
5. Abatement of substandard/dangerous structures code adoption, development of an Administrative Fee Schedule and Civil Fines/Fees coupled with a tiered approach to enforcement
6. Amending the duties and responsibilities of the Building Review Board to include oversight of these processes
7. Training our team and the construction community on these changes

Work has started with City Attorney's Office to identify all areas of our Municipal Code that will need to be amended or updated to support this effort. Once we have identified the relevant Code sections, we will be drafting recommended amendments/changes, presenting them to the Building Review Board for review. and starting stakeholder engagement. After stakeholder engagement and a recommendation from the Building Review Board, we will be presenting these recommended amendments/changes to Council for consideration.

The final step will include training and education for our team on notice and service provisions for citations, civil warrants for inspection, and understanding the distinction between civil infractions and the nuisance code. The intended outcome for these changes is to provide us with clear guidelines for compliance ensuring we are treating everyone in the community equally and providing a clear and consistent process for building code violations.

Building Value Data (BVD) Table Update:

The BVD table provides the "average" construction costs per square foot, which we currently use in determining permit fees and usage tax based on ½ of construction value. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees and usage tax than less expensive construction. ICC has developed this data to aid jurisdictions in determining fees. This data table is not intended to be used as an estimating guide because the data only reflects average costs and is not representative of specific construction. Currently Building Services uses a BVD from 2008 or allows a person to submit receipts for construction cost that we review and determine costs. This process creates more work for the Building Services team and results in a lower project valuation, which results in lower fees for the plan review, permits and less tax revenue.

Building Service proposes updating the BVD to the most current 2018 version that aligns with the adoption of the 2018 Building Codes. With advancements in construction methods and materials along with inflation we have determined that the 2018 BVD is in alignment with current costs. Furthermore, we are planning on no longer offering an elevation of construction material cost to determine project cost. We will only utilize the BVD to determine cost moving forward when we adopt the new fee schedule.

Sub-contractor permit assignment process:

Currently a General Contractor or homeowner obtaining a permit can self-assign subcontractors to their permit. Building Service will send a letter to the subcontractor that they have been assigned to a permit. There are times when we receive communication from the subcontractors that they are not working on that project and they request to be removed from the permit. This process adds additional work to staff, and we are seeking approval to streamline this process. We would like to have a contractor assignment process where the subcontractors must sign a form to be assigned to the permit. We will also have on file a Contractor Authorization form and a Transfer of Contractor Form. These three forms will be utilized in connection to ensure compliance with our Contractor licensing requirements. This will also reduce workload since we will no longer have to print the letters and mail them to the subcontractors.

RECOMMENDATION

Staff recommends that the Board approve Building Services to move forward with these process improvements and requests that the Board make a motion in support of this effort.

ATTACHMENTS

1. NOV Form - DRAFT
2. Building Civil Citation - DRAFT
3. 2008 BVD
4. 2018 BVD
5. Contractor Authorization Form
6. Contractor Authorized Agent Form
7. Transfer of Contractor Letter

Civil Citation and Penalty Assessment

Case #

1S000123

Date of Violation	Time of Violation	Approximate Location of Violation: City of Fort Collins					
The City of Fort Collins vs.							
Defendant (Last Name)	(First)	(Middle)				Date of Birth	
Home Address		City	State	Zip	Phone	Type	
Driver's License	State	Race	Sex	Hgt	Wht	Hair	Eyes
City of Fort Collins Municipal Code Violation/ City of Fort Collins Land Use Code Violation section 3.8.16							
Corrective Action Required:							
Corrective Action- To be completed by end-of-day:							
I hereby promise to pay the fines listed or without admitting guilt, appear in court at the time and place below.		Manner: <input type="checkbox"/> Personal Service <input type="checkbox"/> Mail/Post		If plead or found guilty or liable in court: [Occupancy Use Only]			
Defendant _____				Penalty \$ _____	_____		
				Court Costs \$ _____	_____		
				Total Due \$ _____	_____		
You are to pay the penalty assessment or appear for arraignment regarding the charges stated above at: Fort Collins Municipal Court , 215 N. Mason Ave, Fort Collins, CO				The undersigned has probable cause to believe that the defendant has committed a violation against the City of Fort Collins and affirms that a copy of this Civil Citation and Penalty Assessment was duly served upon the defendant or responsible party.			
On: _____ 20 ____ At: _____ M				Officer Signature _____ Officer # _____			
Penalty Assessment (This ticket may be handled without coming to court) - See instructions on reverse side				Print Last Name _____ Date Issued _____			

THIS IS A LEGAL DOCUMENT - READ BOTH SIDES!

BUILDING SERVICES - BUILDING INSPECTION

Distribution: White - COURT, Pink - CITY DEFENDANT, Blue - MAIL COPY, Yellow - OFFICER COPY, Goldenrod - PROSECUTOR COPY

ATTORNEY FOR DEFENDANT:	ATTORNEY WAIVED:
DATE DEF. ADVISED OF RIGHTS AND ARRAIGNED:	
REQUEST FOR TRIAL:	
CONTINUED TO:	AT REQUEST OF:
CONTINUED TO:	AT REQUEST OF:

CASE NUMBER:						TRIAL/HEARING/TVB PAYMENT					
						DATE			20		
CHARGE NUMBERS:	PLEA		FINDING			FINES & COSTS			SUSPENDED		
	Liab /NC	Not Liab	Dism	Liab /NC	Not Liab	Fine		Costs	Fine		Costs
1	<input type="checkbox"/>										
2	<input type="checkbox"/>										
3	<input type="checkbox"/>										
4	<input type="checkbox"/>										
5	<input type="checkbox"/>										
6	<input type="checkbox"/>										
7	<input type="checkbox"/>										
8	<input type="checkbox"/>										
9	<input type="checkbox"/>										
10	<input type="checkbox"/>										
11	<input type="checkbox"/>										

TOTAL FINES COLLECTED	\$ _____
TOTAL COSTS COLLECTED	\$ _____
TOTAL COLLECTED	\$ _____ DATE PAID _____

LOCATION OF COURT <input type="checkbox"/> - FORT COLLINS
--

_____ SIGNATURE OF JUDGE OR CLERK

ITEM 3, ATTACHMENT 2

DEFENDANT

THIS IS A LEGAL DOCUMENT - READ BOTH SIDES

READ CAREFULLY ALL OF THE INSTRUCTIONS ON THIS PAGE WHICH APPLY TO THE PENALTY ASSESSMENT CHECKED ON THE REVERSE SIDE.

GENERAL INSTRUCTIONS FOR DEFENDANTS

HOW TO CONTEST THE CITATION

To contest the citation or the amount assessed you **MUST** appear in person at the Fort Collins Municipal Court Clerk's Office on the assigned arraignment date and time listed on the front of this citation. The Court will set the time and date of the hearing. The court date shown on the front is for arraignment only. If you plead "not liable" at that time, it may be necessary for you to return on another date for trial or final hearing.

INSTRUCTIONS, PENALTY ASSESSMENT - You may acknowledge liability and pay a fine in the amount required by law without appearing in court and paying court costs. You are to pay the Governmental Agency at the address shown below. A payment by mail must be postmarked **before** the date of arraignment. **If not paid or mailed by that date, you are required to appear in court on the date and time on the reverse side of this citation.** If you fail to appear, the court will enter a default judgment against you for the sum of the penalty plus additional costs.

BY PAYING THE PENALTY ASSESSMENT YOU ACKNOWLEDGE LIABILITY AND WAIVE THE FOLLOWING RIGHTS:

- (1) To be informed of the nature of the offenses alleged against you;
- (2) To be represented by an attorney;
- (3) To deny the allegations against you and to have a trial or final hearing before a referee or judge;
- (4) To remain silent;
- (5) To have a speedy and public trial or final hearing;
- (6) To have your liability proved beyond a preponderance of the evidence;
- (7) To testify, subpoena witnesses, present evidence, and cross-examine witnesses for the government;
- (8) To appeal the decision to a higher court.

Penalty assessment payments may be made in person, by mail, or on the web at www.fcgov.com.

TO PAY BY MAIL - Send check or money order payable to Fort Collins Municipal Court to the Municipal Court, P.O. Box 580, Fort Collins, CO 80522-0580. Payment must be postmarked **before** the court date in order to save court costs.

TO PAY IN PERSON - Wait 10 days and go to Municipal Court, 215 North Mason, Fort Collins, Colorado. Court hours are Monday through Friday 7:30 a.m. to 11:30 a.m. and 12:30 p.m. to 4:30 p.m.

NOTICE: PURSUANT TO CITY CODE §19-65, ADDITIONAL CITATIONS MAY BE SERVED FOR EVERY DAY THE APPLICABLE VIOLATION IS FOUND TO EXIST. IMMEDIATELY CORRECTING THE VIOLATION IS THE ONLY WAY TO ENSURE YOU WILL NOT RECEIVE ADDITIONAL CITATIONS. NEITHER PAYING THE PENALTY ASSESSMENT NOR SETTING YOUR CASE FOR TRIAL WILL PREVENT YOU FROM RECEIVING ADDITIONAL CITATIONS IF THE VIOLATION CONTINUES.

Building Valuation Data

The International Code Council is pleased to provide the following Building Valuation Data (BVD) for its members. The BVD will be updated and printed at six-month intervals, with the next update in February 2009. ICC strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact of this BVD table before utilizing it in their current code enforcement related activities.

The BVD table provides the “average” construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 108.2 of the 2006 *International Building Code (IBC)* whereas Section 108.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.

ICC has developed this data to aid jurisdictions in determining permit fees. It is important to note that while this BVD table does determine an estimated value of a building (i.e., Gross Area x Square Foot Construction Cost), this data is only intended to assist jurisdictions in determining their permit fees. This data table is not intended to be used as an estimating guide because the data only reflects average costs and is not representative of specific construction.

This degree of precision is sufficient for the intended purpose, which is to help establish permit fees so as to fund code compliance activities. This BVD table provides jurisdictions with a simplified way to determine the estimated value of a building that does not rely on the permit applicant to determine the cost of construction. Therefore, the bidding process for a particular job and other associated factors do not affect the value of a building for determining the permit fee. Whether a specific project is bid at a cost above or below the computed value of construction does not affect the permit fee because the cost of related code enforcement activities is not directly affected by the bid process and results.

Building Valuation

The following building valuation data represents average valuations for most buildings. In conjunction with IBC Section 108.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. Again it should be noted that, when using this data, these are “average” costs based on typical construction methods for each occupancy

group and type of construction. The average costs include structural, electrical, plumbing, mechanical, interior finish and normal site preparation. The data is a national average and does not take into account any regional cost differences. To this end, the table containing the regional cost modifiers was last printed in the October 2003 issue and has been discontinued.

PERMIT FEE MULTIPLIER

Determine the Permit Fee Multiplier:

1. Based on historical records, determine the total annual construction value which has occurred within the jurisdiction for the past year.
2. Determine the percentage (%) of the building department budget expected to be provided by building permit revenue.

$$\text{Permit Fee Multiplier} = \frac{\text{Bldg. Dept. Budget} \times (\%)}{\text{Total Annual Construction Value}}$$

Example

The building department operates on a \$300,000 budget, and it expects to cover 75 percent of that from building permit fees. The total annual construction value which occurred within the jurisdiction in the previous year is \$30,000,000.

$$\text{Permit Fee Multiplier} = \frac{\$300,000 \times 75\%}{\$30,000,000} = 0.0075$$

PERMIT FEE

The permit fee is determined using the building gross area, the Square Foot Construction Cost and the Permit Fee Multiplier.

$$\text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier}$$

Example

Type of Construction: IIB Area: 1st story = 8,000 sq. ft.
 Height: 2 stories 2nd story = 8,000 sq. ft.

Permit Fee Multiplier = 0.0075

Use Group: B

1. Gross area:
 Business = 2 stories x 8,000 sq. ft. = 16,000 sq. ft.
2. Square Foot Construction Cost:
 B/IIB = \$136.34/sq. ft.
3. Permit Fee:
 Business = 16,000 sq. ft. x \$136.34/sq. ft x 0.0075 = \$16,361

Important Points

- In most cases the BVD does not apply to additions, alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect

Building Valuation Data (continued)

accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.

- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period

(1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).

- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from site and foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

Square Foot Construction Costs^{a, b, c, d}

Group	(2006 International Building Code)	Type of Construction								
		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1	Assembly, theaters, with stage	198.09	191.69	187.24	179.39	168.88	163.90	173.66	154.09	148.42
	Assembly, theaters, without stage	179.41	173.01	168.56	160.71	150.24	145.26	154.97	135.45	129.78
A-2	Assembly, nightclubs	151.36	147.12	143.38	137.79	129.74	126.09	132.96	117.61	113.65
A-2	Assembly, restaurants, bars, banquet halls	150.36	146.12	141.38	136.79	127.74	125.09	131.96	115.61	112.65
A-3	Assembly, churches	182.56	176.16	171.71	163.86	153.36	148.38	158.12	138.57	132.90
A-3	Assembly, general, community halls, libraries, museums	154.36	147.97	142.51	135.66	123.58	120.18	129.93	109.37	104.69
A-4	Assembly, arenas	178.41	172.01	166.56	159.71	148.24	144.26	153.97	133.45	128.78
B	Business	153.33	147.81	143.08	136.34	124.01	119.35	131.00	108.67	104.20
E	Educational	168.14	162.47	157.86	150.98	141.50	134.27	145.99	124.54	119.84
F-1	Factory and industrial, moderate hazard	92.98	88.72	83.61	80.88	72.40	69.23	77.63	59.62	56.41
F-2	Factory and industrial, low hazard	91.98	87.72	83.61	79.88	72.40	68.23	76.63	59.62	55.41
H-1	High Hazard, explosives	87.15	82.89	78.78	75.05	67.75	63.57	71.80	54.97	N.P.
H234	High Hazard	87.15	82.89	78.78	75.05	67.75	63.57	71.80	54.97	50.76
H-5	HPM	153.33	147.81	143.08	136.34	124.01	119.35	131.00	108.67	104.20
I-1	Institutional, supervised environment	153.80	148.53	144.55	138.69	129.50	125.96	139.98	117.23	112.64
I-2	Institutional, hospitals	258.06	252.55	247.81	241.07	228.10	N.P.	235.73	212.76	N.P.
I-2	Institutional, nursing homes	180.45	174.93	170.20	163.46	151.54	N.P.	158.11	136.20	N.P.
I-3	Institutional, restrained	176.22	170.71	165.97	159.23	148.16	142.50	153.89	132.82	126.35
I-4	Institutional, day care facilities	153.80	148.53	144.55	138.69	129.50	125.96	139.98	117.23	112.64
M	Mercantile	112.50	108.26	103.52	98.92	90.48	87.82	94.09	78.34	75.38
R-1	Residential, hotels	155.77	150.50	146.52	140.66	131.24	127.69	141.71	118.97	114.37
R-2	Residential, multiple family	130.60	125.33	121.35	115.49	106.19	102.65	116.67	93.92	89.32
R-3	Residential, one- and two-family	123.28	119.90	116.97	113.77	109.66	106.79	111.84	102.72	96.83
R-4	Residential, care/assisted living facilities	153.80	148.53	144.55	138.69	129.50	125.96	139.98	117.23	112.64
S-1	Storage, moderate hazard	86.15	81.89	76.78	74.05	65.75	62.57	70.80	52.97	49.76
S-2	Storage, low hazard	85.15	80.89	76.78	73.05	65.75	61.57	69.80	52.97	48.76
U	Utility, miscellaneous	65.81	62.22	58.51	55.59	50.20	46.80	52.46	39.63	37.72

a. Private Garages use Utility, miscellaneous

b. Unfinished basements (all use group) = \$15.00 per sq. ft.

c. For shell only buildings deduct 20 percent.

d. N.P. = not permitted

Electronic files of the latest Building Valuation Data can be downloaded from the Code Council website at www.iccsafe.org/cs/techservices

Building Valuation Data – FEBRUARY 2018

The International Code Council is pleased to provide the following Building Valuation Data (BVD) for its members. The BVD will be updated at six-month intervals, with the next update in August 2018. ICC strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact of this BVD table before utilizing it in their current code enforcement related activities.

The BVD table provides the “average” construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 109.2 of the 2018 *International Building Code* (IBC) whereas Section 109.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.

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This degree of precision is sufficient for the intended purpose, which is to help establish permit fees so as to fund code compliance activities. This BVD table provides jurisdictions with a simplified way to determine the estimated value of a building that does not rely on the permit applicant to determine the cost of construction. Therefore, the bidding process for a particular job and other associated factors do not affect the value of a building for determining the permit fee. Whether a specific project is bid at a cost above or below the computed value of construction does not affect the permit fee because the cost of related code enforcement activities is not directly affected by the bid process and results.

Building Valuation

The following building valuation data represents average valuations for most buildings. In conjunction with IBC Section 109.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. Again it should be noted that, when using this data, these are “average” costs based on typical construction methods for each occupancy group and type of construction. The average costs include foundation work, structural and nonstructural

building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and does not take into account any regional cost differences. As such, the use of Regional Cost Modifiers is subject to the authority having jurisdiction.

Permit Fee Multiplier

Determine the Permit Fee Multiplier:

1. Based on historical records, determine the total annual construction value which has occurred within the jurisdiction for the past year.
2. Determine the percentage (%) of the building department budget expected to be provided by building permit revenue.
- 3.

$$\text{Permit Fee Multiplier} = \frac{\text{Bldg. Dept. Budget} \times (\%)}{\text{Total Annual Construction Value}}$$

Example

The building department operates on a \$300,000 budget, and it expects to cover 75 percent of that from building permit fees. The total annual construction value which occurred within the jurisdiction in the previous year is \$30,000,000.

$$\text{Permit Fee Multiplier} = \frac{\$300,000 \times 75\%}{\$30,000,000} = 0.0075$$

Permit Fee

The permit fee is determined using the building gross area, the Square Foot Construction Cost and the Permit Fee Multiplier.

$$\text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier}$$

Example

Type of Construction: IIB

Area: 1st story = 8,000 sq. ft.
2nd story = 8,000 sq. ft.

Height: 2 stories

Permit Fee Multiplier = 0.0075

Use Group: B

1. Gross area:
Business = 2 stories x 8,000 sq. ft. = 16,000 sq. ft.
2. Square Foot Construction Cost:
B/IIB = \$170.56/sq. ft.
3. Permit Fee:
Business = 16,000 sq. ft. x \$170.56/sq. ft x 0.0075
= \$20,467

Important Points

- The BVD is not intended to apply to alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.

ITEM 3, ATTACHMENT 4

- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period (1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).
- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

Square Foot Construction Costs ^{a, b, c}

Group (2018 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	239.41	231.54	226.03	216.67	203.74	197.86	209.82	186.11	179.13
A-1 Assembly, theaters, without stage	219.07	211.20	205.68	196.33	183.65	177.76	189.48	166.01	159.03
A-2 Assembly, nightclubs	188.23	182.77	178.14	170.93	161.13	156.68	164.92	145.88	140.94
A-2 Assembly, restaurants, bars, banquet halls	187.23	181.77	176.14	169.93	159.13	155.68	163.92	143.88	139.94
A-3 Assembly, churches	220.05	212.18	206.66	197.31	185.99	180.11	190.46	168.36	161.38
A-3 Assembly, general, community halls, libraries, museums	185.05	177.18	170.67	162.31	148.58	143.75	155.46	131.00	125.02
A-4 Assembly, arenas	218.07	210.20	203.68	195.33	181.65	176.76	188.48	164.01	158.03
B Business	192.02	185.04	179.30	170.56	155.93	150.11	164.01	137.00	131.05
E Educational	197.52	190.73	185.77	177.32	165.32	156.97	171.23	144.39	140.26
F-1 Factory and industrial, moderate hazard	114.08	108.82	102.59	98.59	88.51	84.45	94.44	74.21	69.43
F-2 Factory and industrial, low hazard	113.08	107.82	102.59	97.59	88.51	83.45	93.44	74.21	68.43
H-1 High Hazard, explosives	106.73	101.48	96.25	91.25	82.38	77.32	87.10	68.08	N.P.
H234 High Hazard	106.73	101.48	96.25	91.25	82.38	77.32	87.10	68.08	62.30
H-5 HPM	192.02	185.04	179.30	170.56	155.93	150.11	164.01	137.00	131.05
I-1 Institutional, supervised environment	191.30	184.81	179.46	171.90	158.36	154.06	171.99	141.86	137.45
I-2 Institutional, hospitals	321.25	314.27	308.52	299.78	284.17	N.P.	293.24	265.24	N.P.
I-2 Institutional, nursing homes	222.99	216.01	210.27	201.52	187.89	N.P.	194.98	168.96	N.P.
I-3 Institutional, restrained	218.28	211.30	205.55	196.81	183.43	176.62	190.27	164.50	156.55
I-4 Institutional, day care facilities	191.30	184.81	179.46	171.90	158.36	154.06	171.99	141.86	137.45
M Mercantile	140.27	134.81	129.18	122.96	112.68	109.23	116.95	97.44	93.50
R-1 Residential, hotels	193.08	186.60	181.24	173.68	159.89	155.58	173.77	143.39	138.97
R-2 Residential, multiple family	161.95	155.46	150.10	142.54	129.52	125.22	142.64	113.02	108.61
R-3 Residential, one- and two-family ^d	151.10	146.99	143.20	139.61	134.50	130.95	137.27	125.85	118.45
R-4 Residential, care/assisted living facilities	191.30	184.81	179.46	171.90	158.36	154.06	171.99	141.86	137.45
S-1 Storage, moderate hazard	105.73	100.48	94.25	90.25	80.38	76.32	86.10	66.08	61.30
S-2 Storage, low hazard	104.73	99.48	94.25	89.25	80.38	75.32	85.10	66.08	60.30
U Utility, miscellaneous	83.66	79.00	74.06	70.37	63.47	59.32	67.24	50.19	47.80

- Private Garages use Utility, miscellaneous
- For shell only buildings deduct 20 percent
- N.P. = not permitted
- Unfinished basements (Group R-3) = \$21.00 per sq. ft.



Planning, Development, and Transportation
Community Development & Neighborhood Services

281 N. College Ave. - PO Box 580
 Fort Collins, CO 80522

970.416.2740
 970.224.6134 – fax
fcgov.com

CONTRACTOR AUTHORIZATION FORM

Date: _____

Property owner/Project Name: _____

Permit Number: _____

Project Address: _____

I authorize myself or my company to be listed on the above-mentioned permit, as the General or Trade Contractor. I further understand that it is my responsibility to notify the City if I am terminated from, or choose not to complete, a project I formerly identified myself as a contractor on.

Company Name	Authorized Signer Print name and add Signature:	License /Supervisor's Certificate #
Electrical:		
Mechanical:		
Plumbing:		
Other: List Name any Type Below		
Other: List Name any Type Below		
Other: List Name any Type Below		



Planning, Development, and Transportation
**Community Development &
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CONTRACTOR AUTHORIZED AGENT FORM

Date: _____

Name: _____

Phone Number: _____

Email Address: _____

City of Fort Collins License # _____ Supervisor's Certificate # _____



I, _____, authorize the following agents to purchase permits under my license and use my Trust account (maximum of 4 agents). I understand that it is my responsibility to update this *Contractor's Authorized Agent* form.

PLEASE NOTE – "Adding Agents" below will result in deletion of previous agents on record, therefore, **all authorized agents must be added below.**

Add Agents		
First Name	Last Name	Email
Delete Agents		
First Name	Last Name	Last Name

Print Name: _____

Signature: _____





Planning, Development, and Transportation
**Community Development &
Neighborhood Services**

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fcgov.com

TRANSFER CONTRACTOR LETTER

Date: _____

Name: _____

Phone Number: _____

Transfer of Permit Number: _____

Project Address: _____



I, _____, as the listed General/Trade Contractor or Property Owner
(Circle One)

on the above-mentioned permit, would like to transfer the General or Trade Contractor
(Circle One)

from, _____ to the company listed below.

Date: _____

Print Name: _____ Signature: _____



I, _____, with _____
accept the transfer and responsibilities of the General/Trade Contractor of the above-mentioned permit.

Date: _____

Print Name: _____ Signature: _____

By signing above all parties agree to pay fees totaling 1/2 the amount of the original Building Permit fee