

ORDINANCE NO. 026, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE II, DIVISION 3 OF THE CODE OF THE
CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2006
INTERNATIONAL PROPERTY MAINTENANCE CODE AND ADOPTING THE 2021
INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH AMENDMENTS

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

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

WHEREAS, the nine interconnected basic construction codes are the *International Building Code*, *International Residential Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Energy Conservation Code*, *International Property Maintenance Code*, *International Swimming Pool and Spa Code*, *International Existing Building Code*, and the *International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code*; and

WHEREAS, the City Council has determined that the 2021 publication year of the nine interconnected basic construction codes should be adopted and that any counterpart *International* codes previously adopted should be repealed, both to align the publication years of the codes and because the 2021 publications contain improvements in construction code regulation; and

WHEREAS, the *International Property Maintenance Code* constitutes minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance of such structures; and

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

WHEREAS, the adoption of the nine interconnected basic construction codes has been presented to community groups and feedback has been received from the Water Commission, Energy Board, Commission on Disability, Natural Resource Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that the *2021 International Property Maintenance Code* be adopted, with local amendments as set forth in this Ordinance; and

WHEREAS, pursuant to the City Charter, Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such

publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing; and

WHEREAS, in compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2021 International Codes on January 20, 2022, and February 6, 2022; and

WHEREAS, attached as Exhibit “A” and incorporated herein by reference is the Notice of Public Hearing dated January 24, 2022, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

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

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

Section 2. The City Council hereby repeals the 2006 *International Property Maintenance Code* (“IPMC”) and hereby adopts the 2021 IPMC as amended by this Ordinance.

Section 3. That Section 5-46 of the Code of the City of Fort Collins is hereby amended to read as follows:

Pursuant to the power and authority conferred on the City Council by C.R.S. § 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the *2021 International Property Maintenance Code*, published by the International Code Council, as amended by the City, which shall have the same force and effect as if set forth in full herein. The subject matter of the codes adopted herein includes minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. As provided in the *2021 International Property Maintenance Code*, Appendices are not adopted except as expressly set forth in Section 5-47.

Section 4. That Section 5-47 of the Code of the City of Fort Collins is hereby repealed and re-enacted to read as follows:

Sec. 5-47. – Amendments and deletions to the 2021 International Property Maintenance Code.

The *2021 International Property Maintenance Code* adopted in Section 5-46 is hereby amended to read as follows:

1. **Section 101.1 Title** is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of the City of Fort Collins, hereinafter referred to as “this code.”

2. **Section 101.2 Scope** is hereby amended to read as follows:

101.2 Scope. Except as otherwise specified, the provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an *owner's* authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

3. **Section 102.2 Maintenance** is hereby amended to read as follows:

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working condition. An *owner*, *owner's* authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

4. **Section 102.3 Application of other codes** is hereby amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, the *International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code*, NFPA 70 and all other applicable City codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City's Land Use Code.

5. **SECTION 103 CODE COMPLIANCE AGENCY** is hereby deleted in its entirety, and replaced with the following:

SECTION 103

CODE ADMINISTRATION

103.1 Entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code*, entitled “CODE ADMINISTRATION.”

6. **SECTION 104 FEES** is hereby deleted in its entirety, and replaced with the following:

SECTION 104 FEES

104.1 Fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code*, entitled “FEES.”

7. **Section 105.1 General** is hereby deleted in its entirety and replaced with the following:

105.1 General. The Community Development and Neighborhood Services Department (CDNS) is charged with the administration and enforcement of this code. The *code official*, appointed by the City Manager, is charged with the direct overall administration and enforcement of this code and, in the performance of said duties, may delegate the necessary authority to the appropriate technical, administrative, and compliance staff under the supervision the *code official*.

8. **Section 105.2 Inspections** is hereby amended to read as follows:

105.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the *code official* has probable cause to believe that there exists in any building or upon any premises any condition or violation which makes such building or premises unsafe, dangerous, unfit for occupancy, or unlawful, the *code official* may enter such building or *premises* at all reasonable times to inspect it or to perform any duty imposed upon the *code official* by this code. If such building or *premises* is occupied, the *code official* shall present proper credentials and request entry. If such building or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other persons having charge or control of the building or *premises* and request entry. If such entry is refused, or, if after reasonable efforts to contact the *owner* or *occupant*, the *owner* or *occupant* cannot be found or fails to respond or consent to the request, the *code official* may seek an inspection warrant from the Municipal Judge to secure entry for inspection or abatement.

9. **Section 105.3 Right of entry** is hereby deleted in its entirety and replaced with the following:

105.3 Right of entry. When the *code official* has obtained a warrant or other remedy provided by law to secure entry, no *owner* or *occupant* or any other persons having

charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the *code official* for the purpose of inspection, examination or abatement pursuant to this code. Any such failure to permit entry upon request pursuant to a valid inspection warrant shall be a misdemeanor punishable by the provisions set forth in City Code §1-15.

10. **SECTIONS 107 MEANS OF APPEAL and SECTION 108 BOARD OF APPEALS**, are hereby deleted in their entirety and replaced with the following:

SECTION 107 MEANS OF APPEAL

107.1 Means of Appeal. Appeals of decisions, determinations and interpretations of this *code* shall be made pursuant to the applicable provisions of Section 113 of the adopted *International Building Code*, entitled “MEANS OF APPEALS.”

11. **Section 109.3 Prosecution of violation** is hereby amended to read as follows:

109.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

12. **Section 109.4 Violation penalties** is hereby amended to read as follows:

109.4 Violation penalties. Any person who violates a provision of this code, or fails to comply therewith, or with any of the requirements thereof, commits a civil infraction and is subject to §1-15 of the City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

13. **Section 111.4.1 Form** is hereby amended to read as follows:

111.4.1 Form. Such notice shall be in accordance with all of the following:

1. **General.** The *code official* and any officer, as the term *officer* is defined in City Code §19-63, are authorized to give written notice to any *owner* or *occupant* whose building or property is in violation of the provisions of this code. Such notice may be personally served upon such person or, if not personally served, shall be deposited in the United States mail, addressed to the *owner* of record at the address on the assessment roll of the Larimer County Assessor or at such other, more recent address as may be available to the City.

2. **Notice.** The notice shall include a description of the real estate sufficient for identification, include a statement of the violation or violations and why the notice is being issued, and state that if the violation is not corrected on or before the date and time stipulated in the notice, a citation may issue and the correction or demolition may be done by the City and any costs of abatement, repair or demolition, including the cost of inspection, the cost of any grading or sloping necessary to protect the public safety, and other incidental costs in connection therewith, and an amount not to exceed one hundred percent of the costs for carrying charges and costs of administration, will be charged against the property, in addition to any other penalty and costs or orders that may be imposed. The notice shall also state that if the *owner* desires a hearing before the Building Review Commission to contest the declaration and order of vacation, condemnation, repair, removal or demolition, such owner shall request a hearing, in writing, to the *code official* within ten days of mailing of the notice. The notice shall further state that failure to timely file a request for such hearing shall be a waiver of the right to contest the declaration, assessment or order at any later date.
3. **Abatement.** If the building or property has not been brought into compliance with this code within the time period set forth in the notice and, if the *owner* has not requested a hearing before the Building Review Commission to contest said declaration or any other *code official's* orders as provided in Subparagraph #1 above, the demolition or abatement may be performed by City personnel or by private contractors, as the *code official* shall determine. In the event of such demolition and abatement by the city, the cost, including inspection, demolition and any other incidental costs in connection therewith, and an amount not to exceed one hundred percent of the costs for carrying charges and administration, shall be assessed against the building or property.
4. **Assessment.** Any cost assessment shall be a lien in the several amounts assessed against each property until paid and shall have priority over all other liens, except general taxes and prior special assessment liens. If any such assessment is not paid within thirty days after it has been certified by the *code official* and billed by the City to the *owner* by deposit in the United States mail addressed to the owner of record at the address as shown on the tax rolls or such other, more recent address as may be available to the City, and any agents, representatives or *occupants* as may be known, the Financial Officer, or their designee is hereby authorized to certify to the County Treasurer the list of delinquent assessments, giving the name of the *owner* as it appears of record, the number of the lot and block and the amount of the assessment plus a ten-percent penalty. The certification is to be the same in substance and in form as required for the certification of other taxes. The County Treasurer, upon receipt of such certified list, is hereby authorized to place it upon the tax list for the current year and to collect the assessment in the same manner as general property taxes are collected, together with any charges as may by law be made by the county treasurer and all laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes, and the

redemption thereof shall apply to and have full force and effect for the collection of all such assessments. Notwithstanding the foregoing, if the offending building or property is not subject to taxation, the City may elect alternative means to collect the amounts due pursuant to this code, including the commencement of an action at law or in equity and, after judgment, pursue such remedies as are provided by law.

14. A new **Section 111.10 Responsibilities and obligations** is hereby added to read as follows:

111.10 Responsibilities and obligations. Every *owner* and *occupant* shall be subject to the responsibilities and obligations set forth in this code as follows:

1. Every *owner* remains liable for violations of duties imposed by this code even though an obligation is imposed on the *occupants* of the building and even though the *owner* has by agreement imposed on the *occupant* or *property manager* the duty of furnishing required equipment or of complying with this code. Nothing herein shall be construed as limiting or interfering with in any way the right of any persons to establish by written contract specific responsibilities of *owners*, *property managers* and *occupants* for the purpose of leasing or renting a building or premises. Every *owner* or agent, in addition to being responsible for maintaining the building in a sound structural condition, shall be responsible for keeping that part of the building or *premises* which the *owner* occupies or controls in a safe condition, including the shared or public areas in a building containing two or more dwelling units.
2. An *owner* shall not permit another person to occupy *premises* which are not in a sanitary and safe condition, and which do not comply with the requirements of this code.
3. *Occupants* of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or *premises* which they occupy and control.
4. Every *occupant* shall, when required by this code, the City Code or the *Health Officer*, furnish and maintain approved devices, equipment or facilities necessary to keep the *premises* safe and sanitary.

15. **Section 112.5 Cost of emergency repairs** is hereby amended to read as follows:

112.5 Costs of emergency repairs. For the purposes of this section, the *code official* shall employ, or cause to be employed, the necessary labor and procure materials to perform the work required as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action, including a lien upon the property pursuant to section 111.4.1, against the *owner* of the *premises* or *owner's* authorized agent where the unsafe *structure* is or was located for the recovery of such costs.

16. A new **Section 113.5 Historical** is added to read as follows:

113.5 Historical. For any site, *structure*, or object 50 years of age or older and subject to any of the processes contained in Chapter 14 of the City Code that in the *code official's* judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsanitary or otherwise unfit for human habitation or *occupancy*, the *code official* shall order the *owner* to repair the site, *structure*, or object to make it safe and sanitary unless the owner has complied with all applicable requirements of Chapter 14 or the *building official* has determined that such site, structure, or object is an *imminent danger*.

17. **Section 201.3 Terms defined in other codes** is hereby amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the City Code, the Land Use Code and any other code adopted by reference in the City Code, including the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, the *International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code*, *International Residential Code*, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Exception: When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the *International Existing Building Code*.

18. **SECTION 202 GENERAL DEFINITIONS** is hereby amended to modify, or add, in alphabetical order, the following definitions:

ABANDONED. Any building or *premises* covered under this code that is unoccupied or *vacant* and in such a state of disrepair, lack of maintenance, or neglect as to pose a public nuisance.

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or *addition*.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code and any duly authorized representatives. The term *code official* is interchangeable with the term *building official*.

EXCAVATION or FOUNDATION, ABANDONED or EXPOSED. Any outdoor open hole, pit, foundation or other excavation, or depression, deeper than twenty-four inches below the surrounding ground elevation other than a well, whether excavated by human activity or created by natural forces, including any excavation or foundation intended for a building, pool, pond or other decorative or recreational feature and not backfilled within one hundred eighty days of such excavation or foundation work, or

when there is no valid active building permit for such work, as well and any other type of excavation that poses a health or safety hazard or otherwise poses a public nuisance, except *approved* temporary retention ponds and detention ponds and other water features such as pools, ponds, and similar *approved excavations* designed for recreational or aesthetic purposes that are maintained in a condition that does not pose a health or safety hazard and is not a public nuisance.

FLOOD HAZARD AREA. All references to “flood hazard” and “areas prone to flooding” in this code and appendices adopted therewith shall be as specified in the Code of the City, “Chapter 10, Flood Prevention and Protection.

GRADE PLANE. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building between the structure and a point 6 feet (1829 mm) from the building.

GOOD CONDITION. A condition that is fully functional, operational and substantially free from decay, deterioration, damage or other defects and capable of performing the tasks for which designed and in the manner intended without risk of injury or damage to persons or adjoining property resulting from detachment or failure of such elements or components thereof.

HAZARDOUS. Whatever is dangerous to human life or is detrimental to the public health as determined by the *Health Officer*, the Poudre Fire Authority Fire Chief, or the *code official*.

HEALTH OFFICER. The legally designated head of the Larimer County Department of Health and Environment or such person’s authorized agent.

HISTORIC BUILDING is a building or *structure* that has been designated by official action of the legally constituted authority of the City Council as having special historical, architectural or geographical significance. For purposes of this code, this term also shall include buildings or structures listed in the State Register of Historic Properties as published by the History Colorado or the National Register of Historic Places as published by the United States Department of the Interior.

IMMINENT DANGER. An existing condition that is reasonably likely to cause immediate serious or life-threatening injury or death.

LIMIT STATE. A condition beyond which a *structure* or member becomes unfit for service and is judged to be no longer useful for its intended function (serviceability limit state) or to be unsafe (strength limit state).

OWNER. Any person whose name appears on the tax bill for the property or who, alone or jointly or severally with others, has legal title to any dwelling or *dwelling unit*,

with or without actual possession thereof, or has charge, care or control of any dwelling or *dwelling unit* as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or assignee of rents. *Owner* shall not include, except for vacant *structures* or *premises* as provided for in state law, any person, group of persons, company, association or corporation who holds only a security interest or easement on the real property upon which the dwelling or *dwelling unit* is situated.

PRIMARY FUNCTIONS. A major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer service lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, and janitorial closets are not areas containing a primary function. Entrances, corridors and restrooms are considered areas containing a primary function.

PROPERTY MANAGER. Any person, group of persons, company, firm or corporation charged with the care and control of a building, structure or *premises* who performs services with respect to such building, *structure* or *premises* under a contract with the *owner* thereof or who otherwise acts as representative of an *owner* with respect to such building, *structure* or *premises*.

RENTAL DWELLING UNIT. One or more rooms occupied or intended to be occupied as a unit exclusively for residential purposes that is leased, rented or sublet for compensation (including money or services or the sharing of expenses) and that is located in a boarding house or a single-family, two-family or multi-family *dwelling*.

RENTAL HOUSING. Any building or mobile home or portion thereof, including the lot, tract or parcel of land on which the same is located, containing any *dwelling unit*, or guest room which is leased, rented or sublet to a family or person(s) for compensation.

REPAIR. The restoration to *good condition* of any part of an existing building for the purpose of its maintenance.

SUBSTANDARD. Condition(s) that through neglect, deterioration, or damage no longer meet the minimum requirements of the currently adopted code as it relates to the specific condition(s) identified. Even though such condition(s) may not be found dangerous at the time of their discovery, such condition(s), if not corrected, may pose a risk to the health and safety of the public, the occupants or property thereof pursuant to Section 111.1.5.

SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the flood provisions of this code, damage of any origin sustained by a *structure* whereby the cost of restoring the *structure* to its before-damaged condition would equal or exceed fifty percent of the market value of the *structure* before the damage occurred.

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code or the City Code, any repair, alteration, addition, or improvement of a building or *structure*, the cost of which equals or exceeds fifty (50) percent of the market value of the *structure* before the improvement or repair is started. If the *structure* has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the *code official* and that is the minimum necessary to assure safe living conditions; or (2) any alteration of a historic *structure*, provided that the alteration will not preclude the *structure's* continued designation as a historic *structure*.

SUBSTANTIAL STRUCTURAL DAMAGE. A condition where: (1) in any story, the vertical elements of the lateral-force resisting system, in any direction and taken as a whole, have suffered damage such that the lateral load-carrying capacity has been reduced by more than twenty percent from its pre-damaged condition; or (2) the vertical load-carrying components supporting more than thirty percent of the *structure's* floor or roof area have suffered a reduction in vertical load-carrying capacity to below seventy-five percent of the *Building Code's* required strength levels calculated by either the strength or allowable stress method.

SUBSTANTIALLY PLUMB. A wall or other vertical member shall be considered substantially plumb when a plumb line passing through the center of gravity does not fall outside the middle one-third (1/3) of the base.

TECHNICALLY INFEASIBLE. An alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

VACANT. The state of *premises* or a *structure* thereon being indefinitely uninhabited or unoccupied by lawfully authorized *tenants, owners*, and other persons.

19. **Section 302.2 Grading and drainage** is hereby amended to read as follows:

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon. Drainage of paved areas, yards and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance. Abandoned or unprotected excavations shall be considered a nuisance and shall be filled to the original or adjoining site elevation.

Exception: *Approved* retention areas and reservoirs and temporary retention ponds, detention ponds, channels and other water features such as pools, ponds, and similar

approved excavations designed for recreational or aesthetic purposes that are maintained in a condition that does not pose a health or safety hazard, or a public nuisance.

20. A new **Section 302.3.1 Walkway surfaces** is hereby added to read as follows:

302.3.1 Walkway surfaces. Walkways shall be stable, slip resistant, flush, and even to the extent possible. Where walkways cannot be made flush and even, they shall conform to the following requirements:

1. Adjoining walkway surfaces shall be made flush and level, to the extent practicable.
2. Changes in levels up to ½" (6mm) may be vertical and without edge treatment.
3. Changes in levels greater than ½" and less than 4" shall be considered a trip hazard and shall be transitioned by means of a ramp that complies with the *International Building Code* or the *International Residential code*, whichever applies.

21. **Section 302.5 Rodent harborage** is hereby amended to read as follows:

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly eliminated by *approved* means or processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. The *owner* of any building or *structure* shall be responsible for pest elimination within the *structure* prior to renting or leasing such. The *owner(s)* of any building or structure shall be responsible for pest elimination in the public or shared areas of the *structure* and *exterior premises*.

22. **Section 304.14 Insect screens** is hereby amended to read as follows:

304.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in sound working condition.

Exception: Screens shall not be required for owner-occupied dwelling units where no rooms are leased or rented.

23. A new **Section 304.20 Area wells** is hereby added to read as follows:

304.20 Area wells. All area wells, stair wells, light wells and any other bulkhead enclosures attached to any building shall be protected with guards conforming to this section around the entire opening, or be provided with an equivalent barrier, when such

wells are located less than thirty-six (36) inches (194 mm) from the nearest intended walking surface and are deeper than thirty-six inches below the surrounding ground level, with the side walls of such well having a slope steeper than two horizontal to one vertical.

Exceptions:

1. The access side of stairways need not be barricaded.
2. Area wells provided for emergency escape and rescue windows may be protected with approved grates or covers that are releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
3. Covers and grates may be used over stairways and other openings used exclusively for services access or for admitting light or ventilation.

24. A new **Section 305.4.1 Public stairways** is hereby added to read as follows:

305.4.1 Public stairways. Public stairways used for egress routes in areas serving more than one rental *dwelling unit* or guestroom shall be maintained in good condition.

25. **Section 309.2 Owner** is hereby amended to read as follows:

309.2 Owner. The *owner* of any *structure* shall be responsible for *pest elimination* within the *structure* prior to renting or leasing the *structure*. The *owner(s)* shall be responsible for pest elimination in the public or shared areas of the *structure* and exterior premises.

26. **Section 309.3 Single Occupant** is hereby deleted in its entirety.

27. **Section 404.2 Minimum room widths**, is hereby deleted in its entirety.

28. **Section 404.3 Minimum ceiling heights** is hereby deleted in its entirety.

29. **Section 404.4 Bedroom and living room requirements** is hereby deleted in its entirety.

30. **Section 404.4.1 Room area** is hereby deleted in its entirety.

31. **Section 404.5 Overcrowding** is hereby deleted in its entirety.

32. **Section 404.5.1 Sleeping area** is hereby deleted in its entirety.

33. **Section 404.5.2 Combined spaces** is hereby deleted in its entirety.

34. **Section 404.6 Efficiency unit** is hereby deleted in its entirety.

35. **Section 602.2 Residential occupancies** is hereby amended to read as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature indicated in Table R301.2 in the *International Residential Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

36. **Section 602.3 Heat supply** is hereby amended to read as follows:

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from September 15 to May 15 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature indicated in Table R301.2 in the *International Residential Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

37. **Section 602.4 Occupiable work spaces** is hereby amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to May 15 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

38. **Section 605.2 Receptacles** is hereby amended to read as follows:

605.2 Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle

outlets shall have the appropriate faceplate cover for the location. Receptacle outlets installed in kitchens, bathrooms, garages, unfinished basements, exterior locations and/or any receptacles that are installed within 6 ft from the top inside edge of the bowl of a sink or outside edge of a bathtub or shower shall have ground fault circuit interrupter protection.

39. **Section 606.1 General** is hereby amended to read as follows:

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, as specified by the State of Colorado's Conveyance Regulations at 7 CCR 1101-8.

40. **Section 702.4, Emergency escape and rescue openings**, is hereby amended to read as follows:

702.4 Emergency escape and rescue openings. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Chapter 9 of the *International Fire Code*, as adopted. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
3. The minimum net clear opening size shall comply with the *Building Code* that was in effect at the time of construction or shall provide a minimum net clear opening of no less than 720 square inches, whichever is greater, and shall not have a sill height greater than forty-eight inches as measured above the interior floor level of the room in which such opening is located.

41. **APPENDIX A BOARDING STANDARD** is hereby adopted in its entirety.

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

Introduced, considered favorably on first reading, and ordered published this 15th day of February, A.D. 2022, and to be presented for final passage on the 5th day of April, A.D. 2022.



Mayor

A handwritten signature in blue ink, written over a horizontal line. The signature is stylized and appears to read "Jim Smith".

ATTEST:

A handwritten signature in blue ink, written over a horizontal line. The signature is stylized and appears to read "Christy Johnson".

City Clerk

Passed and adopted on final reading on this 5th day of April, A.D. 2022.



Mayor

A handwritten signature in blue ink, written over a horizontal line. The signature is stylized and appears to read "Jim Smith".

ATTEST:

A handwritten signature in blue ink, written over a horizontal line. The signature is stylized and appears to read "Christy Johnson".

City Clerk

NOTICE OF PUBLIC HEARING

EXHIBIT A

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 15th day of February, A.D., 2022 at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2021 International Building Code, 2021 International Residential Code, 2021 International Energy Conservation Code, 2021 International Mechanical Code, 2021 International Fuel Gas Code, 2021 International Existing Building Code, 2021 International Swimming Pool and Spa Code, 2021 International Property Maintenance Code and the International Plumbing Code*, each promulgated by the International Code Council, and the *Colorado Plumbing Code*, together with local amendments.

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

The purpose of adopting the *International Building Code, International Residential Code, International Energy Conservation Code, International Mechanical Code, International Fuel Gas Code, International Existing Building Code, International Swimming Pool and Spa Code, the International Property Maintenance Code*, and the *Colorado Plumbing Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at <https://zoom.us/j/98241416497>. (The link and instructions are also posted at www.fcgov.com/councilcomments.) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

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 (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

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

Dated this 24th day of January, A.D. 2022.


City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.