

ORDINANCE O-2022-5

AN ORDINANCE PROVIDING FOR THE REGULATION AND CONTROL OF THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOMES WITHIN THE CITY OF DURANGO, ADOPTING BY REFERENCE THE “2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS,” PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Durango is authorized to adopt uniform codes by reference pursuant to C.R.S., §31-16-201, *et. seq.*; and

WHEREAS, the 2018 edition of the International Residential Code for One- and Two-Family Dwellings proposed for adoption provides for the regulation and control of the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhomes; and

WHEREAS, a public hearing has heretofore been held before the City Council of the City of Durango pursuant to notice duly published; and

WHEREAS, the Council has determined, subsequent to said public hearing, that the best interests of the public would be served through the adoption of the 2018 Edition of the International Residential Code for One- and Two-Family Dwellings.

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. That Section 6-140 of Article X of Chapter 6 of the Code of Ordinances of the City of Durango should be amended to read in its entirety, as follows:

Sec. 6-140. Adopted.

Pursuant to C.R.S., §31-16-201, *et seq.*, there is hereby adopted for the purpose of regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhomes within the city, the 2018 International Residential Code for One- and Two-Family Dwellings, published by International Code Council, Inc. One (1) copy of such code is on file in the office of the city clerk and may be inspected during regular business hours.

The following portions of the 2018 International Residential Code for One- and Two-Family Dwellings are specifically omitted from this Article X and are not adopted, at this time, as part of said code:

- (1) All references to the ICC Electrical Code shall be construed to refer to the latest edition of the National Electrical Code as adopted by the State of Colorado.
- (2) All references to the International Property Maintenance Code shall be deleted in their entirety.

Section 2. Section 6-144 is amended to read in its entirety as follows:

Sec. 6-144. Amendments.

- I. **Section R105.2 Work exempt from Permits** is amended in part to read as follows:

R105.2 (1) One story detached accessory structures, provided that the floor area does not exceed 120 square feet (11m²).

105.2 (2) and (3) are deleted and replaced with the Land Use and Development Code section 3-5-1-1.

- II. **Section R108** is amended to read, in its entirety, as follows:

R108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. On buildings, structure, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fees established by resolution of the City Council.

R108.3 Building permit valuations. Building permit valuations shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

R108.4 Related fees. The payment of the fee for the construction, alteration, removal, or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

R108.5 Refunds. The code official shall authorize the refunding of fees, where appropriate. Refunds may be up to but shall not exceed eighty percent (80%) of the amount paid, except in cases where a permit was applied for or issued erroneously, in which event a full refund shall be allowed. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

R108.6. Work commencing before permit issuance. Any person who commences work before obtaining the necessary permits shall pay subject to a permit fee equal to 300% of the usual permit fee.

- III. **Section R112.1** shall be amended to read as follows:

R112.1 Board of Appeals General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have not vote on any matter before the board. Unless otherwise provided by separate action of the City Council, the members of the board of appeals created herein shall be the same as the members of the Durango Board of Adjustment appointed by the City Council under the terms of the City Charter and the City Land Use and Development Code and they shall serve in that capacity at the pleasure of the City Council. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

IV. **R113.4** is amended to read as follows:

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as provided in Section 1-16 of the City of Durango Municipal Code.

V. **Section R302.13 Fire protection of floors** is deleted.

VI. **Section R311.7.5.1 Risers** shall have exception 3 added to read as follows:

3. Open risers at exterior stairs shall be permitted.

VII. **Section R313** is amended to read as follows:

R313. Automatic Fire Sprinkler Systems. Automatic Fire Sprinkler Systems are not mandatory unless they are otherwise required by special conditions, such as plat notes, condition of approval of specific development or other Codes.

IX. **Chapter 11 Energy Efficiency** is deleted. The provisions are replaced with the International Energy Conservation Code as adopted by the City.

X. **Section P2503.5.1** is amended to read as follows:

P2503.5.1 Rough plumbing. DWV systems shall be tested on completion of the rough piping installation by water or by air with no evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed, as follows:

1. Water test. Each section shall be filled with water to a point not less than 10 feet (3048mm) above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.
2. Air test. The portion under test shall be maintained at a gauge pressure of 5 pounds per square inch (psi) (34 kPa) or 10 inches of mercury column (34 kPa). This pressure shall be held without introduction of additional air for a period of 15 minutes.

XI. **Section P2603.2.1** is amended to read as follows:

Section P2603.2.1 Protection against physical damage. In concealed locations, where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters, or similar members less than 1 ½ inches (38 mm) from the nearest edge of the member, the pipe shall be protected by steel shield plates. Such shield plates shall have a thickness of not less than 0.0575 inch (1.463 mm) (No. 16 Gage). Such plates shall cover the area of the pipe where the member is notched or bored and shall extend not less than 2 inches (51 mm) above sole plates and below top plates.

XII. **Section P3009 Subsurface Landscape Irrigation Systems** (Gray Water Recycling Systems) is deleted.

XIII. **Appendix F, Radon Control Methods** is adopted.

XIV **Appendix M, Home Day Care – R-3 Occupancy** is adopted.

XV. **Appendix Q, Tiny Houses, 2018 IRC** is adopted

Section 3. Validity.

If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 4. Repeal.

Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

Section 5. Publication.

The City Clerk shall certify to the passage of this ordinance, cause notice of its contents and passage to be published or posted, and make not less than one (1) copy of the adopted Code available for inspection by the public during regular business hours.

Section 6. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF DURANGO

/s/ Kim Baxter
Mayor

Attest:

/s/ Amy Phillips
City Clerk

STATE OF COLORADO)

) ss.

COUNTY OF LA PLATA)

I, Amy Phillips, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2022-5 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 2nd day of March, 2022, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 5th day of March, 2022, prior to its final consideration by the City Council.

/s/ Amy Phillips
City Clerk