



CITY OF TRINIDAD, COLORADO

ORDINANCE NO. 1949

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, REPEALING AND RE-ENACTING CHAPTER 5 (“BUILDINGS”), AND ARTICLE 1 OF CHAPTER 8 (“FIRE PREVENTION”), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSES OF (i) ADOPTING BY REFERENCE UNIFORM CODES FOR THE REGULATION OF BUILDINGS—TO WIT, THE 2009 EDITIONS OF THE *INTERNATIONAL BUILDING CODE*, *INTERNATIONAL RESIDENTIAL CODE*, *INTERNATIONAL FIRE CODE*, *INTERNATIONAL PLUMBING CODE*, *INTERNATIONAL MECHANICAL CODE*, *INTERNATIONAL FUEL GAS CODE*, *INTERNATIONAL EXISTING BUILDING CODE*, *INTERNATIONAL PROPERTY MAINTENANCE CODE*, AND *INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE*; AND THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; AND (ii) REPLACING CURRENTLY-ADOPTED BUILDING CODES IN CONFLICT THEREWITH

WHEREAS, Chapter II, § 2.4, of the Home Rule Charter for the City of Trinidad, Colorado, provides that “[t]he City shall have all powers of local self government and Home Rule possible for a city to have under the Constitution and laws of [the state of Colorado] as fully and completely as though they were specifically enumerated in this Charter.”; and

WHEREAS, § 31-15-601 *et seq.*, C.R.S., confers upon the City general powers to establish building and fire safety regulations; and

WHEREAS, the City Council of the City of Trinidad, Colorado, herein desires to adopt by reference uniform codes for the regulation of buildings—to wit, the 2009 editions of the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Property Maintenance Code*, and *International Private Sewage Disposal Code* and the 2011 edition of the National Electrical Code—to establish minimum requirements to safeguard the public health, safety, and general welfare from fire and other hazards attributed to the built environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, THAT:

Section 1. Repeal and Re-enactment of Chapter 5 (“BUILDINGS”) of the Code of the City of Trinidad, Colorado. Chapter 5 (“BUILDINGS”) of the Code of the City of Trinidad, Colorado, is hereby repealed and re-enacted in its entirety as follows:

CHAPTER 5. BUILDINGS.

ARTICLE 1. IN GENERAL.

Section 5-1. In General.

(1) Entity charged with code administration department having jurisdiction or similar words shall be the Chief Building Official (CBO) who shall be ICC certified. The CBO, 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 of the building official.

(2) Authority of the Chief Building Official.

(a) The CBO is hereby authorized and directed to enforce all the provisions of this Article. For such purposes, the Building Official shall have the authority to adopt and promulgate administrative rules and procedures consistent with the provisions of this Article; to interpret and implement the provisions of this Article; to secure the intent thereof; to enforce all provisions of this Article pursuant to the authority granted; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in the adopted building code, or of violating accepted engineering methods involving public safety.

(b) It shall not be a requirement that the CBO be a certified peace officer.

(3) **Policy making power.** The Chief Building Official may promulgate policies and procedures as necessary for his/her department.

For example:

- (a) Issuance of Notice and Order citations
- (b) Stop Work orders
- (c) Contractor licensing
- (d) Payment of fees
- (e) Accepting plans and specifications. The review of said plans and specifications
- (f) Issuing of permits and performing required inspections

(4) **Inspections.**

(a) *Generally.* When necessary to make an inspection to enforce any provisions of this Code, or when the city has reason to believe there exists in any building or upon any land any condition that constitutes a violation of this Code, an authorized city employee or agent may present proper credentials and request entry. If entry is refused or if the owner cannot be located after reasonable effort, the city shall give the owner or, if the owner cannot be located, leave at the building or premises, a written notice of the city's intent to inspect the property. The notice shall set forth the time, not sooner than twenty-four (24) hours after the notice of intent to inspect is given or left, at which the city will return for inspection. The notice shall state that the owner has the

right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a municipal judge of the city, or by a judge of any other court having jurisdiction.

(b) *Search warrants.* Upon application by the city and a showing of probable cause, the judge shall issue a search warrant entitling the city agent to enter the building or the premises and authorizing the use of reasonable force, if necessary, to gain entry. To establish probable cause, the city agent shall not be required to demonstrate specific knowledge of the violation at issue, but must show some factual or practical circumstances that would cause an ordinary prudent person to believe a violation exists.

(c) *Emergencies.* When an emergency situation exists in relation to the enforcement of any of the provisions of this Code, a city agent may enter any building or upon any premises within the city, using such reasonable force as may be necessary. An emergency situation includes any situation of imminent danger of loss of, or injury or damage to, life, limb, property, or threat to public safety. It is unlawful for any owner of the building or premises to deny entry to a city agent or to resist reasonable force used by such agent acting pursuant to this subsection.

(5) **Violations.**

(a) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

(b) *Notice of violation.* The Chief Building Officer shall serve a notice of violation or order in accordance with Section 107 of the International Property Maintenance Code (IPMC).

(c) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the IPMC shall be deemed guilty of a civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability 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 assessed upon the real estate upon which the structure is located and/or a judgment shall be filed against the owner of record.

(i) *Civil judgment.* In any case in which a public nuisance is established, in addition to a permanent abatement order, the City may seek to have the Court impose a separate civil judgment on every part-defendant who committed,

conducted, promoted, facilitated, permitted, failed to prevent or otherwise let happen any public nuisance in or on the parcel that is the subject of the public nuisance action. This civil judgment shall be for the purpose of compensating the City for costs it incurs in pursuing the remedies under this Section.

(d) *Violation penalties.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(e) *Abatement of violation.* The imposition of the penalties herein described shall not preclude the City Attorney of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

(f) *Unauthorized tampering.* Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

Section 5-2. Abatement of unsanitary or dangerous premises.

(1) If either the City Manager, the City Engineer, the Building Official or the Fire Marshal determines that any premises within the City are unsanitary, as determined by the County Department of Health and Environment, or dangerous to the life or property of persons or constitute a fire hazard, a written notice of such condition shall be given by the City to the owner, agent or occupant of the property ordering the premises to be put in proper condition within such period as is set out in the notice and order. Such period shall not be less than twenty-four (24) hours.

(2) **Abatement by City in cases of emergency.** Nothing herein shall be deemed to limit the power of the City Manager, City Engineer, Building Official or Fire Marshal, in case of an emergency for the preservation of the public health or safety, to summarily remedy, change, repair, abate or order the evacuation of any dangerous or unhealthy condition found to exist without any notice to any person.

(3) **Abatement of nuisances when property owner absent.** If the lot or premises is not occupied and the owner is not found within the City when the notice is about to be given, the City Council may have the premises cleaned, changed, repaired or the nuisance abated without serving personal notice of any kind upon the owner or agent and may assess the costs against the lot or premises.

(4) **Abatement of nuisances by persons other than City.** Any person ordered to clean, repair, change or make safe any property or abate any nuisance may do so at such person's own expense, if suitable arrangements are made with the City Engineer, Building Official or Fire Marshal, prior to the time when the City shall start carrying out any order made under this Article.

(5) **Provisions to be cumulative.** The provisions of Section 5-2, items 1-5 are cumulative to all other provisions relating to unsanitary and dangerous conditions and to nuisances in this Code.

(6) **Recovery of expenses of abatement.** Once a property owner, agent or occupant of a property has received written notice from the City and the property/premises has not been put in proper condition within twenty-four (24) hours, the City may enter upon such property and abate the nuisance pursuant to the provisions of this ordinance. Actual costs thereof, including five (5) percent for inspection, a minimum fee assessment of fifty (\$50.00) dollars and other incidental costs in connect therewith, shall be assessed upon the property/premises.

In any case in which a public nuisance is established, in addition to a permanent abatement order, the City Attorney may seek remedies permitted by law or equity, including those provided in Section 5-1(5).

Section 5-3. Building Maintenance.

(1) **Nuisance declared and prohibited.** No owner or occupant of any real property within the City shall permit the maintenance or existence on such property of defective roofs, windows and decorative facades as said conditions are more particularly addressed and regulated by provisions of this Article, and such conditions are hereby declared to be a nuisance and a menace to the public welfare. This declaration of nuisance and prohibition shall apply to all locations.

(2) **Maintenance.** All roofs, windows and facades shall be in compliance with the current International Building Codes adopted by the City. In effect, building components must meet the climatic and geographic design criteria which are 90 mph winds, seismic B and 30 pound snow loads.

(3) **Abatement.** The owner of any private property on which a nuisance condition occurs is responsible for abating the nuisance. The owner's failure or refusal to abate a nuisance is a civil infraction. A separate offense shall be deemed committed on each day that a violation occurs or continues. The payment of any penalty does not relieve the offender from compliance with the requirements of this Article.

(4) **Violation and penalties; subsequent violation; suspension or revocation of license.**

(a) Whenever, in this Code or in any ordinance of the City, or rule, regulation or order promulgated by any law officer or agency of the City under authority duly vested in him/her or it, any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance or any rule, regulation or order as aforesaid shall be punished by a fine of not less than Three

Hundred Dollars (\$300.00) nor to exceed Two Thousand Six Hundred Fifty Dollars (\$2,650.00) or by imprisonment in the City Jail or other place of legal incarceration for not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

(b) If the penalty for a particular offense is limited by State statute, then such limitation shall be applicable notwithstanding the provisions of this section.

(c) The suspension or revocation of any license, certificate or other privilege conferred by the City shall not be regarded as a penalty for the purposes of this Code but shall be in addition thereto.

(5) **Continuing offense.** Unless otherwise specifically provided, each day any violation of this Code occurs or continues to exist shall constitute a separate and distinct offense.

Section 5-4. Exterior Property Maintenance.

(1) **Nuisance declared and prohibited.** No owner or occupant of any real property within the City shall permit the maintenance or existence on such property of dirt yards, dilapidated fences or walls as said conditions are more particularly addressed and regulated by provisions of this Article, and such conditions are hereby declared to be a nuisance and a menace to the public welfare. This declaration of nuisance and prohibition shall apply only to locations that are visible from a public street or sidewalk. For the purposes of this Section 5-4, the term yard shall mean the open space between buildings and property lines at the front, rear and sides of any property containing one (1) or more buildings which, if newly constructed, would require a certificate of occupancy under this Code.

(2) **Yard maintenance.** No less than twenty five (25) percent of any yard area, excluding sidewalks and driveways, shall be covered with grass, ground cover plants or other landscaping material, such as mulch, decorative gravel, stone or paving bricks. Ground cover consisting of crushed rock, gravel or similar materials shall be one quarter (1/4) inch or larger in size and shall be maintained at a depth that is sufficient to cover all exposed areas of dirt.

(3) **Fence and wall maintenance.** All fences and walls shall be structurally sound and maintained in good repair so that there are no broken, loose, damaged, removed or missing parts (i.e., pickets, slats, posts, wood rails, bricks, panels). Repair of fences and walls shall be made with materials that are comparable in composition, color, size, shape, design and quality to those originally used to construct the fence or wall being repaired. Nothing herein shall be construed to prohibit or restrict the replacement of a fence or wall.

(4) **Abatement.** The owner of any private property on which a nuisance condition occurs is responsible for abating the nuisance. The owner's failure or refusal to abate a nuisance is a civil infraction. A separate offense shall be deemed committed on each day that a violation occurs or continues. The payment of any penalty does not relieve the offender from compliance with the requirements of this Article.

(5) **Violations and penalties.** Any person who violates any provision of this Article commits a civil infraction and is subject to the penalty provisions of Subsection 5-3(4).

Section 5-5. Notice and Order Procedure.

(1) The following procedures will be in place when a Notice and Order is issued to the owner of record when any of the aforementioned violations are noted or any violations specific to the International Property Maintenance Code.

(a) Notice and Order is sent by certified mail to the owner of record and property is posted as “Do Not Enter. Unsafe To Occupy” along with a copy of the Notice and Order. The structure shall remain vacated.

(i) The owner of record may appeal from this notice and order to the Board of Appeals at the City of Trinidad, provided the appeal is made in writing and filed with the Building Official within fifteen (15) days from the date of service of this notice and order. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(ii) Failure to appeal and/or lack of response i.e. non-delivery/acceptance of notice, no communication written or verbal will constitute a waiver of all right to an administrative hearing and determination of the matter. (Section 111.1)

(iii) A Final Notice and Order will be sent via certified mail to the owner of record for the property. Lack of response and/or appeal warrants the following procedures:

(1) A building permit for the repair or demolition shall be secured by 30 days from the date of the certified letter, and the work shall commence on the date of permit. The work shall be completed within 30 days of permit issuance or as set forth by the building official.

(2) If the necessary repairs or demolition is not commenced or completed by the dates as outlined above, the City of Trinidad will proceed to have the work completed and charge the costs thereof against the real estate upon which the structure is located and a lien shall be filed upon such real estate.

(3) Should the owner of record elect to demolish the premises, demolition shall not be considered complete until all debris has been removed and fill material has been placed and compacted to the elevation of the surrounding ground.

(b) A building permit for the repair or demolition shall be secured by 30 days from the date of certified letter, and the work shall commence on the date of permit. The repair work shall be completed within such a time, as the building official shall determine is reasonable under all of the circumstances. The work shall be completed within 30 days of permit issuance.

(c) If the necessary repairs or demolition are not commenced or completed by the dates as outlined above, the City of Trinidad may proceed to have the work completed with costs being charged against the real estate through a special tax assessment upon which the structure is located and/or a judgment shall be filed against the owner of record.

(i) *Civil judgment.* In any case in which a public nuisance is established, in addition to a permanent abatement order, the City Attorney may seek to have the Court impose a separate civil judgment on every part-defendant who committed, conducted, promoted, facilitated, permitted, failed to prevent or otherwise let happen any public nuisance in or on the parcel that is the subject of the public nuisance action. This civil judgment shall be for the purpose of compensating the City for the costs it incurs in pursuing the remedies under this Section.

(d) Should the owner of record elect to demolish the premises, demolition shall not be considered complete until all debris has been removed and fill material has been placed and compacted to the elevation of the surrounding ground.

Section 5-6. Stop Work Order Procedure.

(1) **Authority.** Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

(2) **Issuance.** A stop work order shall be posted on the property in question. Upon issuance of a stop work order, the posted work shall stop immediately. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume. Before resuming any work the code official must be notified.

(3) **Placard removal.** The code official shall remove the stop work placard whenever the defect or defects upon which the posting were based have been eliminated. Any person who defaces or removes a stop work order placard without the approval of the code official shall be subject to the penalties provided by this code.

(4) **Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Three Hundred Dollars (\$300.00) nor more than Two Thousand Six Hundred Fifty Dollars (\$2,650.00).

Section 5-7. International Building Code.

(1) The *International Building Code*, 2009 Edition, including Appendix Chapter J (“Grading”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Building Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Building Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Building Code*, 2009 Edition (“IBC”), are hereby revised:

(a) Amend **IBC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IBC § 109.2, Schedule of permit fees**, as follows: insert the following Schedule of Permit Fees:

Schedule of Permit Fees	
Total Valuation:	Fee:
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00; plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00; plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00; plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00; plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00; plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00; plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 and up	\$18,327 for the first \$5,000,000.00; plus \$1.00 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Plan review fee Fifty percent (50%) of the permit fee
2. Inspections outside of normal business hours \$50.00 per hour* (Minimum charge – two hours)
3. Reinspection fees assessed under provisions of IBC § 108.4 \$50.00 per hour*
4. Inspections for which no fee is specifically indicated \$50.00 per hour*
5. Additional plan review required by changes, additions, or revisions to plans \$50.00 per hour*
6. For use of outside consultants for plan checking and inspections, or both..... Actual Cost**
7. For issuance of each temporary Certificate of Occupancy \$750.00***
8. Administrative Fees \$150.00 min (\$50.00 per hour thereafter)

NOTATION: Reference City of Trinidad Municipal Code Chapter 7, Article 3, Section 7-23 regarding imposition of Use Tax.

* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

*** \$500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.

(c) Amend **IBC § 114.4, Violation penalties**, to read: 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 prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(d) Amend **IBC § 115.3, Unlawful continuance**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(e) Amend **IBC and IFC § 903.2.8, Group R**, as follows: **R-3 only** to be excluded from sprinkler requirements **only if** a two hour minimum fire separation completely separates the R-3 from any and all other occupancy classes and **only** when there is **one** R-3 unit within a commercial building. Said exclusion shall only be effective through December 31, 2016.

(f) Amend **IBC § 1612.3, Establishment of flood hazard areas**, as follows: insert name of jurisdiction as “the City of Trinidad, Colorado,” and insert “April 3, 1984,” as the date of issuance.

(g) Amend **IBC § 3412.2, Applicability**, as follows: insert date of “January 1, 1950.”

Section 5-8. International Residential Code.

(Buildable lot size shall be a minimum of 6,000 square feet. Twenty-five percent (25%) of the total lot area must remain open space. Accessory structures shall not exceed 75% of the *primary structure footprint*.)

(1) The *International Residential Code*, 2009 Edition, including Appendix Chapters E, L, F, and M, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Residential Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of

said *International Residential Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Residential Code*, 2009 Edition (“IRC”), are hereby revised:

(a) Amend **IRC § R101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IRC § R105.2, Permits**, as follows:

(1) Accessory structures require a permit if greater than 120 square feet.

(2) Fences require a permit if over 5 foot 6 inches (5’6”) high.

(c) Amend **IRC § R108.2, Schedule of permit fees**, as follows: **See Building Permit Fees Section 5-7(b). (deleted table)**

(d) Amend **IRC § R113.4, Violation penalties**, to read: 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 prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(e) Amend **IRC § R114.2, Unlawful continuance**, to read: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3.4a and 5 of the Code of the City of Trinidad, Colorado.

(f) Amend **IRC Table R301.2(1), Climatic and geographic design criteria**, as follows: Insert the following table:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Roof Snow Load	Wind Speed (mph)	Seismic Design Category	SUBJECT TO DAMAGE FROM				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay					
30 psf	90 mph Exposure “B”	“B”	Severe	32”	Slight to Moderate	None to Slight	1° F	No	Varies	597	51.7° F

(g) Delete IRC Table R302.1 and replace with:

**TABLE R302.1
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	5 feet ¹
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	5 feet ²
Openings	Not allowed	Not applicable	< 3 feet
	25% maximum of wall area	0 hours	>= 3 feet and < 5 feet
		0 hours	>= 5 feet
Penetrations	All	Comply with IRC § R302.4	< 3 feet
		None required	>= 3 feet

1. Fire separation distance of three (3) feet can be used if the exterior wall cladding and trim are of noncombustible material. (Refer to IRC § R202 for a definition of “noncombustible material.”)
2. Fire separation distance of three (3) feet can be used if the soffit cladding and fascia board are of noncombustible material. (Refer to IRC § R202 for a definition of “noncombustible material.”)

(h) Amend the exception to **IRC § R302.2 , Townhouses**, as follows:

Exception: a common 2-hour [The remainder is unchanged.]

(i) Amend **IRC § R302.2.4, Structural independence**, by deleting exception No. 5 and replacing it as follows:

5. *Townhouses* separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2.

(j) Amend **IRC § R313.1, Townhouse automatic fire sprinkler systems**, to read: Effective January 1, 2017, an automatic residential fire sprinkler system shall be installed in *townhouses*.

(k) Amend **IRC § R313.2, One- and two-family dwellings automatic fire systems**, to read: Effective January 1, 2017, an automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

(l) Amend **IRC § R315.1, Carbon monoxide alarms**, to read: For new construction, an approved carbon monoxide alarm shall be installed within fifteen feet (15’) of the entrance to each bedroom in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages. Any basement, whether finished or not, with fire

fueled appliances requires a carbon monoxide detector hardwired into the smoke detector system.

(m) Add an exception to **IRC § 315.2, Where required in existing buildings**, as follows:

Exception: Work involving the exterior surfaces of dwelling units, such as the replacement of roofing or siding, or the addition of a porch or deck, is exempt from the requirements of this Section.

(n) Delete **IRC Chapter 11**, entitled “**ENERGY EFFICIENCY**,” in its entirety. Please refer to the International Energy Conservation Code, adopted in Section 5-12 of this Article, for energy conservation requirements.

(o) Amend **IRC § P2603.6.1, Sewer depth**, as follows: insert “thirty-two (32)” in two locations.

Section 5-9. International Plumbing Code.

(1) The *International Plumbing Code*, 2009 Edition, including Appendix Chapters C, D, and E, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Plumbing Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Plumbing Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Plumbing Code*, 2009 Edition (“IPC”), are hereby revised:

(a) Amend **IPC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IPC § 106.1, Permits – when required**, to read: Any owner, 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 plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work; provided, however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing plumbing inspections.

(c) Amend **IPC § 106.6.2, Fee schedule**, to read: The fees for all plumbing work requiring a permit from the City of Trinidad, **however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing plumbing inspections.**

(d) Amend **IPC § 106.6.3, Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations, **however, that such a refund shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing plumbing inspections.**

(e) Amend **IPC § 108.4, Violation penalties**, to read: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair plumbing work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(f) Amend **IPC § 108.5, Stop work orders**, to read: Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Three Hundred Dollars (\$300.00) nor more than Two Thousand Six Hundred Fifty (\$2,650.00).

(g) Amend **IPC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

(h) Delete **IPC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.

(i) Amend **IPC § 305.6.1, Sewer depth**, as follows: insert “thirty-two (32)” in two locations.

(j) Amend **IPC § 904.1, Roof extension**, as follows: insert “six (6)” where indicated.

Section 5-10. International Mechanical Code.

(1) The *International Mechanical Code*, 2009 Edition, including Appendix Chapter A (“Combustion Air Openings and Chimney Connector Pass-Throughs”), as published by the

International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Mechanical Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Mechanical Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Mechanical Code*, 2009 Edition (“IMC”), are hereby revised:

(a) Amend **IMC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IMC § 106.5.2, Fee schedule**, as follows: insert the following fee schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$30.00 plus, \$10.00 per each \$1,000.00 valuation or fraction thereof.

(c) Amend **IMC § 106.5.3, Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.

(d) Amend **IMC § 108.4, Violation penalties**, to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(e) Amend **IMC § 108.5, Stop work orders**, to read: Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Three Hundred Dollars (\$300.00) nor more than Two Thousand Six Hundred Fifty (\$2,650.00).

(f) Amend **IMC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this

code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

(g) Delete **IMC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.

Section 5-11. International Fuel Gas Code.

(1) The *International Fuel Gas Code*, 2009 Edition, including Appendix Chapters A, B, C, and D, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Fuel Gas Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Fuel Gas Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Fuel Gas Code*, 2009 Edition (“IFGC”), are hereby revised:

(a) Amend **IFGC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IFGC § 106.1, Where required**, to read: An owner, authorized agent, or contractor who desires to erect, install, enlarge, alter, repair, remove, convert, or replace an installation regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work; provided, however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing fuel gas inspections.

Exception: Where *appliance* and *equipment* replacements and repairs are required to be performed in an emergency situation, the permit application shall be submitted within the City’s next working business day.

(c) Amend **IFGC § 106.6.2 Fee schedule**, to read: The fees for all fuel gas work requiring a permit from the City of Trinidad shall be as indicated in the following schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$30.00 plus \$10.00 per each \$1,000.00 valuation or fraction thereof.

(d) Amend **IFGC § 106.6.3, Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.

(e) Amend **IFGC § 108.4, Violation penalties**, to read: Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof, or erect, install, alter, or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(f) Amend **IFGC § 108.5, Stop work orders**, to read: Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner’s agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(g) Amend **IFGC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

(h) Delete **IFGC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.

Section 5-12. International Energy Conservation Code.

(1) The *International Energy Conservation Code*, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Energy Conservation Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Energy Conservation Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Energy Conservation Code*, 2009 Edition (“IECC”), are hereby revised:

(a) Amend **IECC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IECC § 108.4, Failure to comply**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

Section 5-13. International Existing Building Code.

(1) The *International Existing Building Code*, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Existing Building Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Existing Building Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Existing Building Code*, 2009 Edition (“IEBC”), are hereby revised:

(a) Amend **IEBC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IEBC § 1301.2, Applicability**, as follows: insert “January 1, 2014” as the specified date.

(c) Amend **IEBC § 113.4, Violation penalties**, to read: Any person who violates a provision of this code or who fails to comply with any of the requirements thereof, or who *repairs*, alters, or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official, or of a permit or

certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(d) Amend **IEBC § 114.3, Unlawful continuance**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Three Hundred Dollars (\$300.00) nor more than Two Thousand Six Hundred Fifty (\$2,650.00).

(e) **Add to IEBC § 104.10, Modifications.** Phased Construction (only for existing and historic structures within the city limits).

(i) A Colorado licensed design professional will do an assessment of the building or structure which will be provided to the Building Official for review to ascertain the current type of construction and structural adequacy.

(ii) A building may use a Phase approach to remodel project only if complete, stamped plans including intended occupancy are provided to and approved by the Building Official prior to the initiation of project.

(a) Phased approach plan submittal shall include:

(i) An overall time line.

(ii) A code analysis of all intended occupancies based on construction type.

(iii) Complete construction plans for **ALL** phases.

(iv) Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the code official. The work areas shall be shown along with fire protection system(s) shop drawings, means of egress, exterior wall envelope, interior environment and site plan.

(b) **Use and Occupancy Classification.** Intended occupancy must be submitted for review to the Building Official. If any owner cannot decide on intended occupancy, then the building shall be the most restrictive construction throughout.

(c) If the licensed design professional has an alternative method to meet the intent of the adopted code it will need to be stamped and provided to the Building Official.

(i) Life safety, ingress and egress as well as ADA requirements will not be allowed to change.

(d) With all appropriate assessments and plans approved by the Building Official, work shall be allowed on the first floor. Within 24 months of first floor phase completion, reapplication including stamped plans and intended occupancy would be necessary for each additional floor requiring completion.

Section 5-14. International Property Maintenance Code.

(1) The *International Property Maintenance Code*, 2009 Edition, including Appendix Chapter A (“Boarding Standard”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Property Maintenance Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Property Maintenance Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Property Maintenance Code*, 2009 Edition (“IPMC”), are hereby revised:

(a) Amend **IPMC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IPMC § 103.5, Fees**, as follows: **See Building Permit Fees, Section 5-7(b)**.

(c) Amend **IPMC § 106.4, Violation penalties**, to read: Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(d) Amend **IPMC § 111.1, Application for appeal**, to read: Any person directly affected by an order, decision, or determination of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed no later than fifteen (15) days following the issuance of the order, decision, or determination. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(e) Delete **IPMC §§ 111.2 through 111.6**, regarding membership and procedures of the board of appeals.

- (f) Amend **IPMC § 112.4, Failure to comply**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.
- (g) Amend **IPMC § 302.4, Weeds**, as follows: insert “six inches (6”).”
- (h) Amend **IPMC § 304.14, Insect screens**, as follows: insert “January 1 to December 31.”
- (i) Amend **IPMC § 602.3, Heat supply**, as follows: insert “January 1 to December 31.”
- (j) Amend **IPMC § 602.4, Occupiable work spaces**, as follows: insert “January 1 to December 31.”

Section 5-15. International Private Sewage Disposal Code.

(1) The *International Private Sewage Disposal Code*, 2009 Edition, including Appendix Chapter A (“System Layout Illustrations”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Private Sewage Disposal Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Private Sewage Disposal Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Private Sewage Disposal Code*, 2009 Edition (“IPSDC”), are hereby revised:

- (a) Amend **IPSDC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
- (b) Amend **IPSDC § 106.4.2, Fee schedule**, as follows: insert the following fee schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$30.00 plus \$10.00 per each \$1,000.00 valuation or fraction thereof.

- (c) Amend **IPSDC § 106.4.3, Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.

(d) Amend **IPSDC § 108.4, Violation penalties**, to read: Any person who shall violate a provision of this code or fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair private sewage disposal work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(e) Amend **IPSDC § 108.5, Stop work orders**, to read: Upon notice from the code official, work on any *private sewage disposal system* that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(f) Amend **IPSDC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

(g) Delete **IPSDC § 405**, entitled "**SOIL VERIFICATION.**"

Section 5-16 National Electrical Code.

(1) The *National Electrical Code, 2011 Edition*, is hereby adopted by reference as the Electric Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *National Electrical Code, 2011 Edition*, shall remain on file in the Office of the City Clerk and open to public inspection.

(a) **Permits – when required**, are to be obtained from the Colorado Department of Regulatory Agencies (DORA), 1560 Broadway, Suite 1500, Denver, CO 80202 (www.dora.state.co.us/electrical), 303-894-2985. Permit(s) shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing electrical inspections.

(b) **Violation penalties. If the City of Trinidad is performing electrical**

inspections, the following violation penalties shall be in affect: any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair electrical work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(c) Stop Work Orders. If the City of Trinidad is performing electrical inspections, the following shall apply to Stop Work Orders: upon notice from the code official, work on any electrical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(d) Application for appeal. If the City of Trinidad is performing electrical inspections, the appeal process shall be subject to Chapter 5, Article 4, Section 5-24 of the Code of the City of Trinidad, Colorado. Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

ARTICLE 2. CONTRACTOR LICENSING.

Section 5-17. Definitions, Classifications and Fees.

(1) **Contractor.** Contractor means a person who supervises himself or herself, his or her firm or one (1) or more trades or subcontractors, and who for any compensation undertakes any landscaping, construction, addition, alteration, repair, demolition, removal or moving of any building, structure or utility. A resident homeowner shall not be required to obtain a contractor's license for any landscaping, construction, addition, alteration or repair of the homeowner's occupied residence, or a building or structure accessory to such residence, **provided that** the homeowner shall first assume all duties and responsibilities of a contractor as set forth in this Section by executing a form furnished by the Chief Building Official pursuant to which the homeowner agrees to assume all duties and responsibilities.

(2) **Classification.**

(a) *Contractor A.* A Contractor A license is authorized to work with respect to multi-unit residential buildings, office buildings, commercial buildings, tenant finish and alterations thereto and any work authorized under Contractor B, C and D licenses. This license covers all buildings including those three (3) stories and above. ***Requires proof of ICC testing.***

(b) *Contractor B.* A Contractor B license is authorized to work with respect to multi-unit residential buildings, office buildings, commercial buildings, tenant finish and alterations thereto and any work authorized under Contractor C and D licenses. This license covers buildings under three (3) stories or less. ***Requires proof of ICC testing.***

(c) *Contractor C.* A Contractor C license is authorized to work with respect to detached single-family residential buildings and alterations thereto and any work authorized under Contractor D license. ***Requires proof of ICC testing.***

(d) *Contractor D.* A Contractor D license is authorized to work as a single trade only i.e. home repair, siding, plastering, sheetrock installation, excavation, concrete work not in a city right-of-way. **No proof of ICC testing required.**

(i) Plumbing and electrical contractors fall under D licensing but because they are required to hold a State Masters License are not required to show proof of ICC testing.

(ii) Mechanical and roofing contractors fall under D licensing but are required to show proof of ICC testing.

(3) **Fees.** Contractor's licenses shall be issued for a calendar year. The annual license fee shall be as stated below unless amended by resolution of the City Council in accordance with the licensing classifications as set forth above [Section 5-15(2)]. In addition to the license fee, there is a processing/application fee for new applicants in the amount of \$50.00.

(a) Contractor A - \$150.00

(b) Contractor B - \$125.00

(c) Contractor C - \$100.00

(d) Contractor D - \$75.00 for each license type i.e. roofing and stucco = \$150.00

(e) License fees are not refundable. Any fee paid under this Section shall not be refunded for any reason after the license has been issued.

(4) **Violations.** A fine as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado shall be assessed to the following:

- (a) Any contractor or subcontractor working within the City limits without possessing a current contractor's license; and
- (b) Any contractor or subcontractor performing work outside the scope of their license.

Section 5-18. Testing.

(1) *ICC Standardized Contractor Exams.* Contractors are required to successfully pass the ICC Contractor Exam. The City and its citizens benefit from such commonality having a solid foundation upon which to issue licenses to practice.

Exam ID#	ICC Exam Category	Time	# of Questions	*Reference Codes
614	Building Contractor A	4 Hour	90	IBC
615	Building Contractor B	4 Hour	80	IBC & IRC
616	Building Contractor C	4 Hour	80	IRC
670	Mechanical Contractor A	4 Hour	100	IFGC, IMC & 2005 NEC
671	Mechanical Contractor B	3 Hour	50	IFGC, IMC & 2005 NEC
679	Mechanical Contractor C	3 Hour	70	IRC
765	Roofing Contractor	3 Hour	60	IBC & IPC

** Reference Codes may change due to date of exam.*

Section 5-19. Insurance Requirements.

(1) The City of Trinidad shall be noted as the Certificate Holder on insurance certificates. Every contractor shall procure workers' compensation coverage as required by state law and general liability coverage with the following minimum limits:

- (a) General Aggregate: two million dollars (\$2,000,000.00).
- (b) Products, completed operations: two million dollars (\$2,000,000.00).
- (c) Personal and advertising injury: one million dollars (\$1,000,000.00).
- (d) Each occurrence: one million dollars (\$1,000,000.00).

- (e) A license and permit bond shall be procured for a minimum of \$5,000 for all new contractor licenses and any revoked/suspended licensees seeking reinstatement.
- (2) No contractor's license shall be issued under this Article until the following documents are filed with the Chief Building Official:
- (a) A statement or certificate signed by an authorized agent of an insurance company licensed to do business in the State, stating that a policy or policies have been issued to the applicant with the coverage amounts set forth in Subsection (1) hereof, and including the effective date and expiration date of the policy or policies; and
 - (b) A copy of an endorsement to the policy requiring at least ten (10) days' prior written notice to the Chief Building Official of cancellation of the policy for any reason.
- (3) In the event of cancellation of any policy required by this Section, the Chief Building Official shall immediately suspend the contractor's license. The license shall be reinstated when the licensee furnishes the documentation required by Subsection (2) hereof.

Section 5-20. Duties and Responsibilities of Licensee.

- (1) All licensees under this Article shall be responsible for the following:
- (a) All work covered by his/her permit, whether or not such work is done directly by the licensee or his/her employees or subcontractors. Subcontractors are required to be licensed with the City even if they are working under the supervision of a licensed contractor.
 - (b) All funds or property received by him/her for completion of a specific contract or for a specific purpose.
 - (c) Obtaining any required permits for himself/herself and any subcontractor under his/her supervision.
 - (d) Safety measures and equipment to protect workers and the public in compliance with applicable federal and state laws.
 - (e) Compliance with all applicable City ordinances, codes and regulations.
 - (f) Constructing any building or structure in substantial compliance with the drawings and specifications approved by the Chief Building Official and the permit issued for the same, unless changes are approved by the Chief Building Official.
 - (g) Completing all work authorized by the permit unless there is good cause for the non-completion of the work.
 - (h) Obtaining inspection services where required by this Chapter and any technical

code.

- (i) Paying any fee assessed under the authority of this Code or any technical codes.
- (j) Obeying any order or notice issued pursuant to this Code or any technical code.
- (k) Presenting his/her license when requested by the Chief Building Official.
- (l) Maintaining workers' compensation and liability insurance as required by Section 5-19.

Section 5-21. Suspension and Revocation of License.

(1) The Chief Building Official may suspend or revoke a license for any of the following:

- (a) Failure to comply with any of the duties and responsibilities set forth in Section 5-20.
- (b) Using a contractor's license to obtain a permit required under this code for any other person, corporation or legal entity.
- (c) Violating any provisions of the Trinidad Building Code including any codes which are adopted by reference.
- (d) Failure to reveal any material fact in the application for a contractor's license or permit, or the supplying of information which is untrue or misleading as to any material fact in the application for a contractor's license or permit.
- (e) Failure to obtain a proper permit for any work for which a permit is required.
- (f) Receipt of three (3) or more written verified complaints.

(2) Upon written notification of revocation or suspension of license, the contractor shall have the right to appeal their case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts to the Board of Building Code Appeals.

Suspension or revocation of a contractor's license shall not be construed to release the contractor from liabilities and obligations of completing his contract. During the period prior to the hearing before the Board of Building Code Appeals, the contractor shall not be allowed to submit an application for any other projects.

(3) The Board of Building Code Appeals (BOBCA) may reinstate a license for any contractor whose license has been revoked, provided a majority of the BOBCA votes in favor of such reinstatement for such reason as the BOBCA may deem sufficient. In such case where the

contractor's license has been revoked and the contractor is petitioning the BOBCA for reinstatement, the petitioner shall follow the established policies for requesting such hearing and pay all applicable fees.

Section 5-22. Application Form and Contents.

(1) Along with the application, proof of ICC testing (if required) and certificates of insurance listing the City of Trinidad as the Certificate Holder must be provided. An application for a contractor's license shall be on a form furnished by the City, shall be filed with the Chief Building Official and shall contain the following information under oath:

- (a) Correct business contact information.
- (b) ICC testing information.
- (c) Insurance carrier information.
- (d) Business references.
- (e) Signature, title and date of person making oath of accuracy.

ARTICLE 3. NON-CONFORMANCE

Section 5-23. Non-Conformance.

(1) **Definition.** Legal Non-Conforming refers to uses and structures, excluding single family residences (R-3), which were begun or constructed when the law allowed for them but have since become noncompliant due to a change in legislation (for example, new codes are adopted).

(2) **How a structure loses non-conforming status.** Any structure or building within the city limits is a non-conforming structure meaning that when the City adopts a new code or standard the buildings built to the previous code are no longer conforming to the existing code. A non-conforming structure is allowed to remain as is, as long as it is generating sales tax revenue and is open for business. Once the business ceases to generate revenue or is vacant for no less than twelve consecutive months it loses its non-conforming status. A building under these circumstances must, therefore, be brought up to current code standards. Part of that process requires an assessment by a registered design professional be provided to the Building Official. Owners may apply via the Variance Application Form to the CBO for review and consideration of a six (6) month extension. The CBO will consider all reasons the extension is being requested in making the decision. Additional six (6) month extensions may be considered upon payment of the appropriate variance fee, which shall allow for a total of three possible six-month extensions.

ARTICLE 4. MEANS OF APPEAL

Section 5-24. Board of Building Code Appeals and Means of Appeal.

(1) **Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within fifteen (15) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The Board may only rule on the code interpretation of the CBO.

(2) **Membership of board.** The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The board shall be appointed by the City Council, and shall serve staggered and overlapping two-year terms.

(a) **Alternate Members.** The City Council shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

(b) **Chairperson.** The board shall annually select one of its members to serve as chairperson.

(c) **Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(d) **Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

(e) **Compensation of members.** Compensation of members shall be determined by law.

(3) **Notice of meeting.** The board shall meet upon notice from the chairperson, within 20 days of the filing of an appeal, or at stated periodic meetings.

(4) **Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

(a) **Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not

require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

- (5) **Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- (6) **Board decision.** The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.
 - (a) **Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.
 - (b) **Administration.** The code official shall take immediate action in accordance with the decision of the board.
- (7) **Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.
- (8) **Stays of enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

Section 5-25. Building Code Variance Petition.

- (1) Before any variance from building codes may be granted, the Board of Building Code Appeals must find *all* of the following:
 - (a) **Existence of special conditions or circumstances.** That special conditions and circumstances exist which are peculiar to the structure or building involved and which are not applicable to other structures or buildings in the same zoning district.
 - (b) **Conditions not created by applicant.** That the special conditions and circumstances do not result from the action or negligence of the applicant.
 - (c) **Special privilege not conferred.** That granting the variance requested will not confer upon the applicant any special privileges denied to other buildings or structures in the same zoning district.
 - (d) **Hardship conditions exist.** That literal interpretation of the provisions of the building code regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

(e) **Only minimum variance granted.** That the variance granted is the minimum variance that will make possible the reasonable use of the building or structure.

(f) **Not injurious to the public welfare.** That the grant of the variance will be in harmony with the general intent and purpose of the building code and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

(g). **Existing non-conforming uses of other property not the basis for approval.** No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) **Application and instructions below.**

1. Fill in the owner's information section. It is important to have a complete address and phone number for communication between the applicant and the department.
2. Fill in the project description box. Explain what the building project is i.e. basement alteration, second floor alteration, two-story addition, etc.
3. If there is an agent working for the owner and the agent is a better contact for information regarding the variance, fill in the agent information area.
4. Answer the three questions:
 - a. State the code and section number with a summary of what the code says. Also, indicate what the non-conforming conditions for the project are i.e. COMM21.04 minimum stair width is 36 inches; i.e. will have 34 inches of stair width.
 - b. State why the rule cannot be satisfied i.e. not structurally feasible.
 - c. State what will be done to provide an equivalency to the code. These items should be things that relate to the item the variance is being sought for and exceed code requirements.
5. Print the owner's name on the line indicating to do so.
6. The owner of the property is required to sign where indicated. If the project is for a one or two family home, the form is not required to be notarized. If the project is for a **commercial building, the form is required to be notarized.**

BUILDING CODE VARIANCE PROCEDURE

1. Fill out the variance form.
2. If the variance is for a commercial building and is not for an accessibility code contact the fire department so they can fill out a fire department position statement.

3. Submit the application and a \$250.00 fee for a residential variance or a \$490.00 fee for a commercial variance to the building inspection department. Also, where applicable, submit the fire department position statement.
4. A field inspector may visit the site to verify existing conditions and the completeness of the application.
5. If there have previously been at least 5 variances for the same item approved, the variance may be approved on precedence. In this case the applicant will not have to attend a meeting of the Board of Building Code Appeals and will be notified by letter that the variance is approved. The letter will be sent within 7 days after the scheduled meeting.
6. In all other cases the variance will be presented to the Board of Building Code Appeals at a monthly meeting. Seven days before the meeting the supervisor will review the variance for approval to be put on the agenda. Five days before the meeting the secretary will mail out the agenda to the Board of Building Code Appeals members and to the applicants.
7. When a variance is heard by the board the applicant or agent must attend the meeting to answer questions.
8. The meeting minutes will be mailed within 7 days after the meeting.



**CITY OF TRINIDAD
PETITION FOR VARIANCE
APPLICATION**

VARIANCE FEES

R-3 \$250.00
 COMM \$490.00

Priority = Double Above

Amount Paid:

Building Inspect Dept.
 125 N. Animas
 Trinidad, CO 81082

Name of Owner	Project Description	Agent, architect, or engineering firm
Company (if applicable)		
Street Address	Tenant Name (if applicable)	Street Address
City, State, Zip Code	Building Address	City, State, Zip Code
Phone		Name of Contact Person
E-mail		Phone
		E-mail

1. The rule being petitioned reads as follows: (Cite the specific rule number and language. Also, indicate the non-conforming conditions for your project.)

2. The rule being petitioned cannot be entirely satisfied because:

3. The following alternatives and supporting information are proposed as a means of providing an equivalent degree of health, safety, and welfare as addressed by the rule: (continue on back if necessary)

NOTE: Please attach any pictures, plans, or required position statements.

VERIFICATION BY OWNER - PETITION IS VALID ONLY IF NOTARIZED AND ACCOMPANIED BY A REVIEW FEE AND ANY REQUIRED POSITION STATEMENTS.

Note: Petitioner must be the owner of the building. Tenants, agents, contractors, attorneys, etc. may not sign the petition unless a Power of Attorney is submitted with the Petition for Variance Application.

_____, being duly sworn, I state as petitioner that I have read the foregoing petition, that I believe it to be true, and I have significant ownership rights in the subject building or project.

Signature of Owner _____, Subscribed and sworn to before me this date:

Notary Public _____ My commission expires:

NOTE: ONLY VARIANCES FOR COMMERCIAL CODES ARE REQUIRED TO BE NOTARIZED.

CHAPTER 8. FIRE PREVENTION.

ARTICLE 1. INTERNATIONAL FIRE CODE.

Section 8-1. International Fire Code.

(1) The *International Fire Code*, 2009 Edition, including Appendix Chapters C and D, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Fire Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Fire Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Fire Code*, 2009 Edition (“IFC”), are hereby revised:

(a) Amend **IFC § 101.1, Title**, as follows: insert: “the City of Trinidad, Colorado” where indicated.

(b) Amend **IFC § 105.2, Application**, to read: Application for a permit for new construction or remodeling of existing structures is required by this code and shall be made to the fire code official or the Chief Building Official in such form and detail as prescribed by the fire code official and/or the Chief Building Official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official and the Chief Building Official as set forth in Chapter 5, Section 5-7 regarding the International Building Codes as adopted by the City of Trinidad, Colorado.

(b) Amend **IFC § 109.3, Violation penalties**, to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair, or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(c) Amend **IFC § 111.4, Failure to comply**, to read: Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Three Hundred Dollars (\$300.00) nor more than Two Thousand Six Hundred Fifty (\$2,650.00).

(d) Amend **IFC § 3404.2.9.6.1, Locations where above-ground tanks are prohibited**, to read: The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

(e) Amend **IFC § 3406.2.4.4, Locations where above-grounds tanks are prohibited**, to read: The storage of Class I and II liquids in above-ground tanks is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

(f) Amend **IFC § 3506.2, Limitations**, to read: The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

(g) Amend **IFC § 3804.2, Maximum capacity within established limits**, to read: Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). Such storage is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

Section 2. Repeal and Re-enactment of Sections of the Code of the City of Trinidad, Colorado in conflict with Chapter 5, as adopted. The following sections of the Code of the City of Trinidad, Colorado, are in conflict with Chapter 5 above, and are hereby repealed and/or re-enacted in their entirety as follows:

1. Section 9-59, Contractor defined; 9-60, Contractor's license required; 9-61, Liability and property damage insurance and worker's compensation insurance required; and 9-61.1, Contractor's examination, of Chapter 9, Licenses, Division 9, Contractors, of the Code of Ordinances of the City of Trinidad, Colorado, is hereby repealed.

2. Section 14-140, Appeals from orders of Building Inspector – Procedures; and Section 14-141, Conduct of hearing, of Chapter 14, Article 6, Board of Appeals, of the Code of the City of Trinidad, Colorado, is hereby repealed.

3. Section 15-1, International Plumbing Code, of Chapter 15, Plumbing, shall refer the reader to Section 5-9 of Chapter 5.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Trinidad; that it is promulgated for the health, safety and welfare of the public; and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or of any of the primary or secondary codes adopted by reference herein, be judicially determined unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance or codes adopted by reference. The City Council hereby declares that it would have passed this Ordinance and each

part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 5. Repeal. Any and all other ordinances, codes, or parts thereof not specifically enumerated herein in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, code, or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded, and 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 6. Effective Date. This Ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER MILES, READ AND ORDERED
PUBLISHED this 3rd day of December, 2013.

FINALLY PASSED AND APPROVED this 17th day of December, 2013.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the 27th day of December,
2013.

LINDA VELASQUEZ, Mayor Pro-Tem

ATTEST:

AUDRA GARRETT, City Clerk

Publish: Friday, December 20, 2013
Furnish Proof of Publication

10 Pt. Type