

**Structure and Premises Condition Code of the City
2006 International Property Maintenance Code©
Including Fort Collins Amendments from
October 2008 & January 2019**

(Deletions, Strike through)
(Ft Collins Amendments, Highlighted)

CHAPTER 1, ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the **Structure and Premises Condition Code of THE CITY OF FORT COLLINS** hereinafter referred to as "this code.

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

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in **sound working condition**. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises."

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* and the **National Electric Code and all other applicable City codes**. Nothing in this code shall be construed to cancel, modify or set aside any provision of the **Land Use Code**.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a **sound manner** and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

~~**103.1 General.** The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.~~

~~**103.2 Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.~~

~~**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.~~

~~**103.4 Liability.** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.~~

~~**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.~~

~~[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]~~

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The **Neighborhood and Building Services Director** or such other official as may be appointed by the **City Manager** shall serve as the executive code official responsible for supervising the administration, compliance, and enforcement of this Article. In the performance of said duties, such official may delegate authority to the appropriate technical, administrative, and compliance staff under the supervision of said official as he or she deems necessary. The code official is hereby authorized to, and shall, enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; **to enforce all provisions of this Code pursuant to the authority granted by the**

Chief of Police and specified in City Code Section 2-503(b)(2); 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 this code, or of violating accepted engineering methods involving public safety.

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

104.4 Right of entry. When the code official has obtained a warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection, examination or abatement pursuant to this Code. Any such failure to permit entry upon request pursuant to a valid inspection warrant shall be a misdemeanor punishable by the provisions set forth in City Code Section 1-15.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

SECTION 105 APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate

claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in **sound** condition or have been reconditioned and tested when necessary, placed in **sound** working condition and approved.

SECTION 106 VIOLATIONS

106.1 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.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined **in 106.4** 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 charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person who violates Section 108.1.5, or any notices or orders issued for a violation of Section 108.1.5, 108.4.1, 108.5 or any provision of Section 109 commits a misdemeanor and is subject to a fine, imprisonment, costs and fees and any other orders imposed in accordance with §1-15. Any person who violates any other provision of this Code is subject to the provisions of City Code Section 1-15(f). In addition, the code official may revoke or suspend any permit or certificate issued by the City with respect to the building, structure, premises or equipment.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer 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.

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

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

1. Every owner remains liable for violations of duties imposed by this Code even though an obligation is imposed on the occupants of the building and even though the owner has by agreement imposed on the occupant or property manager the duty of furnishing required equipment or of complying with this Code. Nothing herein shall be construed as limiting or interfering with in any way the right of any persons to establish by written contract specific responsibilities of owners, property managers and occupants for the purpose of leasing or renting a building or

premises. Every owner or agent, in addition to being responsible for maintaining the building in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a safe condition, including the shared or public areas in a building containing two (2) or more dwelling units.

2. An owner shall not permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Code.

3. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

4. Every occupant shall, when required by this Code, the City Code or the Health Officer, furnish and maintain approved devices, equipment or facilities necessary to keep the premises safe and sanitary.

An owner of a building or premises remains liable for violations of this Code even though an occupant or manager of those premises is responsible for the premises and regardless of any agreement between the owner and another that imposes or attempts to delegate responsibility for the premises to the other.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

(a) **General.** The code official and any officer, as the term *officer* is defined in City Code Section 19-66, are authorized to give written notice to any owner or occupant whose building or property is in violation of the provisions of this Code. Such notice may be personally served upon such person, or, if not personally served, shall be deposited in the United States mail, addressed to the owner of record at the address on the assessment roll of the Larimer County Assessor or at such other, more recent address as may be available to the city.

(b) **Notice.** The notice shall include a description of the real estate sufficient for identification, include a statement of the violation or violations and why the notice is being issued, and state that if the violation is not corrected on or before the date and time stipulated in the notice, a citation may issue and the correction or demolition may be done by the city and any costs of abatement, repair or demolition, including the cost of inspection, the cost of any grading or sloping necessary to protect the public safety and other incidental costs in connection therewith and an amount not to exceed one hundred (100) percent of the costs for carrying charges and costs of administration will be charged against the property, in addition to any other penalty and costs or orders that may be imposed. The notice shall also state that if the owner desires a hearing before the Building Review Board to contest the declaration and order of vacation, condemnation, repair, removal or demolition, such owner shall request a hearing, in writing, to the code official within ten (10) days of mailing of the notice. The notice shall further state that failure to timely file a request for such hearing shall be a waiver of the right to contest the declaration, assessment or order at any later date.

(c) **Abatement.** If the building or property has not been brought into compliance with this Code within the time period set forth in the notice and, if the owner has not requested a hearing before the Building Review Board to contest said declaration or any other code official's orders as provided in Subparagraph (1) above, the demolition or abatement may be performed by city personnel or by private contractors, as the code official shall determine. In the event of such demolition and abatement by the city, the cost, including inspection, demolition and any other incidental costs in connection therewith, and an amount not to exceed one hundred (100) percent of the costs for carrying charges and administration shall be assessed against the offending property.

(d) **Assessment.** Any cost assessment shall be a lien in the several amounts assessed against each property until paid and shall have priority over all other liens, except general taxes and prior special assessment liens. If any such assessment is not paid within thirty (30) days after it has been certified by the code official and billed by the Financial Officer or his designee to the owner by deposit in the United States mail addressed to the owner of record at the address as shown on the tax rolls or such other, more recent address as may be available to the city, and any agents, representatives or occupants as may be known, the Financial Officer, or his designee is hereby authorized to certify to the county Treasurer the list of delinquent assessments, giving the name of the owner as it appears of record, the number of the lot and block and the amount of the assessment plus a ten-percent penalty. The certification is to be the same in substance and in form as required for the certification of other taxes. The county treasurer, upon receipt of such certified list, is hereby authorized to place it upon the tax list for the current year and to collect the assessment in the same manner as general property taxes are collected, together with any charges as may by law be made by the county treasurer and all laws of the state for the assessment and collection of general taxes, including

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

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 SAFETY OF STRUCTURES AND EQUIPMENT

108.1 General. When any structure or portion thereof is found to be substandard, unfit for human occupancy, unlawful or dangerous, or when any equipment or fixture installed or used therein is found to be substandard, such condition shall be abated or otherwise corrected, repaired, or removed pursuant to the provisions of this code

108.1.1 Substandard structures. A substandard structure is one that may pose a risk to the life, health, property or safety of the occupants thereof or the public, even though it does not constitute a dangerous structure as defined in Section 108.1.5, either because the structure lacks the equipment necessary to protect or warn occupants in the event of fire, or because it contains substandard or missing equipment, systems or fixtures, or is damaged, decayed, dilapidated, or structurally unsound.

108.1.2 Substandard equipment and fixtures. Substandard equipment or fixtures may include any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, potable water, plumbing, sanitation systems or fixtures, or other equipment on the premises or within the structure which is in such disrepair or unsound condition that the equipment or fixtures pose a potential risk to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, the City Code or any other code adopted by the City, or which structure was erected, altered or occupied contrary to law.

108.1.5 Dangerous structure or premises. A structure or premises is dangerous if any part, element or component thereof is no longer within its serviceability limit or strength limit state as defined in this code or, when considered in totality, the structure or premises pose an imminent threat danger to the health and safety of the public or the occupants of the structure or premises as referenced in Appendix A of this code.

108.2 Vacant Buildings and structures.

General. When a building or structure is vacant and unsecured or unfit for human habitation and occupancy the code official is authorized to post a "Vacant Building Notice" on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Dangerous and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an dangerous condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to dangerous structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. For the purposes of this section, the code official shall employ, or cause to be employed, the necessary labor and materials to perform the work required as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises, including a lien upon the property pursuant to Section 107.2 where the dangerous structure is or was located for the recovery of such costs.

109.5.1 Disconnection of service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by this Code and the other codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or service system shall be notified in writing as soon as feasible thereafter.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than (2) two years, to demolish and remove such structure.

110.1.1 Historical is added to read as follows:

110.1.1 Historical. Notwithstanding Subsection 110.1, for any site, structure, or object 50 years of age or older and subject to any of the processes contained in Chapter 14 of the Municipal Code that in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsanitary or otherwise unfit for human habitation or occupancy, the code official shall order the owner to repair the site, structure, or object to make it safe and sanitary unless the owner has complied with all applicable requirements of Chapter 14 or the code official has determined that such site, structure, or object is an imminent danger.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 APPEALS AND ADMINISTRATIVE REVIEW

111.1 General. Except as otherwise provided for in City Code Section 19-36 et seq., the Building Review Board as established in City Code Section 2-117 shall serve to provide final interpretation of the provisions of this Code and to review the code official's orders.

111.2 Application for review. Any person directly affected by an order or decision of the code official shall have the right to seek a final interpretation or other review by the Building Review Board under the provisions of this Section provided that a written application for appeal is filed. Such persons shall include, but not be limited to, the record owner; the holder of any mortgage or deed of trust or other lien or encumbrance of record; any leaseholder of record; the holder of any other estate or legal interest or record in the building or the property on which the building is located; any occupants of such building or property; and the occupants of any other property within eight hundred (800) feet of the subject property.

111.3 Application form. An application for hearing shall be in writing on forms provided by the City and shall be based upon 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. Such form shall include the following: a brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order; a brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant; a brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or actions should be reversed, modified or otherwise set aside; the signatures of all parties named as appellants and their official mailing addresses; and a request for stay of enforcement.

111.4 Filing period. The appeal shall be filed within ten (10) days from the date of service of such order or the action of the code official. If the building or structure is in such condition as to make it immediately dangerous to the life, property or safety of the public or adjacent property and is ordered vacated and is posted, such appeal shall be filed within five (5) days from the date of the service of the notice and order of the code official. The failure of the code official to serve any person required herein to be served shall not invalidate any proceedings.

111.5 Hearing period. Upon receipt of any appeal filed pursuant to this Section, the Code official shall present the appeal to the Building Review Board at a regular or special meeting held as soon as practicable after proper notice, but not more than forty-five (45) days from the date that the appeal was filed.

111.6 Hearing procedures. The appeal shall be heard pursuant to the procedures specified in City Code Section 2-47 et seq. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

111.7 Failure to file request for review. Failure of any person to file an application for a review hearing shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or to any portion thereof.

111.8 Staying of order under review. Except for emergency measures and posting orders made pursuant to this Code, enforcement of any notice and order of the code official issued under this Code may be stayed during the pendency of the review therefrom which is properly and timely filed.

CHAPTER 2, DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the City Code, the Land Use Code and any other code adopted by reference in the City Code, including *International Building Code*, *Fire Code*, *International Plumbing Code*, *International Mechanical Code* or the *National Electric Code (NEC)*, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202 GENERAL DEFINITIONS

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

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

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

ANCHORED. Affixed in a manner that provides a connection that is secured in a sound condition.

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. A habitable room within a dwelling unit designed primarily for the purpose of sleeping. Built-in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

CEILING HEIGHT. The perpendicular distance measured from the finished floor in a room or other interior space to the finished ceiling or surface above.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a connection that is secured in a sound condition.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness and is no longer in sound condition.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXCAVATION or FOUNDATION, ABANDONED or EXPOSED. Any outdoor open hole, pit, foundation or other excavation, or depression, deeper than twenty-four (24) inches below the surrounding ground elevation other than a well, whether excavated by human activity or created by natural forces, including any excavation or foundation intended for a building, pool, pond or other decorative or recreational feature and not backfilled within one hundred eighty (180) days of such excavation or foundation work, or when there is no valid active building permit for such

work, as well and any other type of excavation that poses a health or safety hazard or otherwise poses a public nuisance, except those approved temporary retention ponds and detention ponds and other water features such as pools, ponds, and similar approved excavations designed for recreational or aesthetic purposes that are maintained in a condition that does not pose a health or safety hazard and is not a public nuisance.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

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

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GRADE (ADJACENT GROUND ELEVATION). The lowest point of elevation of the finished surface of the ground, paving or sidewalk with the area between the building and the property line or, when the property line is more than five (5) feet (1.524 m) from the building, between the building and a line five (5) feet (1.524 m) from the building

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE ROOM SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HAZARDOUS. Whatever is dangerous to human life or is detrimental to the public health as determined by the Health Officer, the Fire Marshal, or the Code official.

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

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

HOT WATER. Heated water supplied to plumbing fixtures at a temperature of not less than one-hundred ten (110) degrees Fahrenheit.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

~~**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.~~

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

INFESTATION. The presence of insects, rats, vermin or other pests in such large numbers within or contiguous to a structure or premises as to be harmful to the occupants or the public.”

~~**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.~~

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR RENT. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

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

LOAD-BEARING ELEMENT. Any column, girder, beam, joist, truss, rafter, wall, floor or roof sheathing that supports any vertical load in addition to its own weight or any lateral load.

NEGLECT. The lack of adequate maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

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

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

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

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

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RENTAL DWELLING UNIT. One (1) or more rooms occupied or intended to be occupied as a unit exclusively for residential purposes that is leased, rented or sublet for compensation (including money or services or the sharing of expenses) and that is located in a boarding house or a single-family, two-family or multi-family dwelling.

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

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

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

~~**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.~~

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

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

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURAL MEMBER. A component of a structure that is essential to the structure's intended purpose and design, and without which the structure is incapable of safely fulfilling its intended purpose and supporting the design loads imposed upon the structure.

STRUCTURE. That which is built or constructed or a portion thereof.

SUBSTANDARD. Condition(s) that through neglect, deterioration, or damage no longer meet the minimum requirements of the currently adopted code as it relates to the specific condition(s) identified. Even though such condition(s) may not be found dangerous at the time of their discovery, such condition(s), if not corrected, may pose a risk to the health and safety of the public, the occupants or property thereof pursuant to Section 108.1.5.

SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the flood provisions of this code, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code or the City Code, any repair, alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the

actual repair work performed. The term does not, however, include either: (1) any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the code official and that is the minimum necessary to assure safe living conditions; or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIAL STRUCTURAL DAMAGE. A condition where: (1) in any story, the vertical elements of the lateral-force resisting system, in any direction and taken as a whole, have suffered damage such that the lateral load-carrying capacity has been reduced by more than twenty (20) percent from its pre-damaged condition; or (2) the vertical load-carrying components supporting more than thirty (30) percent of the structure's floor or roof area have suffered a reduction in vertical load-carrying capacity to below seventy-five (75) percent of the City Building Codes required strength levels calculated by either the strength or allowable stress method.

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

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

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land."

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to eighty (80) percent or less of the maximum strength.

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

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

~~**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.~~

YARD. An open space on the same lot with a structure.

CHAPTER 3, GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

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

Exception: Approved retention areas and reservoirs and temporary retention ponds, detention ponds, channels and other water features such as pools, ponds, and similar approved excavations designed for recreational or aesthetic purposes that are maintained in a condition that does not pose a health or safety hazard, or a public nuisance.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

~~**302.4 Woods.** All premises and exterior property shall be maintained free from woods or plant growth in excess of (jurisdiction to insert height in inches). All noxious woods shall be prohibited. Woods shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy woods after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the woods growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.~~

302.5 Infestation. All structures and exterior property shall be kept free from infestation by rodents, insects, and other vermin. Where any such infestation is found, it shall be promptly remedied by approved extermination or other processes that are not injurious to human health, and adequate measures shall thereafter be undertaken to eliminate harborage and prevent re-infestation. The owner of any building or structure shall be responsible for extermination within the structure prior to renting or leasing such. In a structure containing dwelling unit(s) or in a nonresidential structure, the owner(s) thereof shall be responsible for extermination in the public or shared areas of the structure and exterior premises.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained in structurally sound condition.

~~**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.~~

~~**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.~~

~~**302.9 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.~~

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a sanitary and sound condition.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than twenty four (24) inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least forty eight (48) inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than fifty four (54) inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six (6) inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in sound and sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants thereof, the occupants of any adjoining properties, or of the public.

Exterior substandard conditions as described in Appendix A of this code shall be corrected as determined by the code official.

Exception: Owner-occupied, detached, single-family dwellings in which no rooms are leased or rented."

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies and decks shall be maintained in sound condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Paint or any other coating or treatment that is designed to serve as a protective covering shall be eliminated and surfaces repainted or otherwise treated if the paint or other coating is peeling, flaking or chipped and if the affected area exceeds twenty-five (25) percent of the exterior surface to be protected. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be sound, weather resistant and capable of preventing the intrusion of water and moisture resulting from normal precipitation into the structural and non-structural interior assemblies. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion, unless such surfaces are designed for stabilization by oxidation.

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches (102 mm) high with a minimum stroke width of one-half (0.5) inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5. Foundation walls. All foundation walls shall be maintained in stable and sound condition, substantially plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting decayed materials; and maintained weatherproof and adequately surface-coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in **sound condition** and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in **sound condition** with proper anchorage and in a safe condition.

304.9 Overhand extensions. All overhand extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in **sound condition** and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and in **sound condition**. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in **sound condition**.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition and weather tight.

304.14 Insect screens. During the period from **April 1 to November 1**, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than **sixteen** (16) mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in sound working condition. **Rental housing units shall be provided with screens in sound condition at time of each lease signing or renewal.**

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

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in **sound** condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than **one** (1) inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in

sound working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within **six** (6) feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.18.4 Area wells. All area wells, stair wells, light wells and any other bulkhead enclosures attached to any building shall be protected with guards conforming to this section around the entire opening, or be provided with an equivalent barrier, when such wells are located less than thirty six (36) inches (914 mm) from the nearest intended walking surface and are deeper than thirty six (36) inches below the surrounding ground level, creating an opening with a horizontal dimension greater than twenty four (24) inches (610 mm) measured perpendicular from the building, with the side walls of such well having a slope steeper than two (2) horizontal to one (1) vertical.

Exceptions:

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

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in sound and sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel a dormitory, two (2) or more dwelling units or two (2) or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Interior substandard conditions as described in Appendix A of this code shall be corrected as determined by the code official.

Exception: Owner-occupied, detached, single-family dwellings in which no rooms are leased or rented."

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in **sound** and sanitary condition. Peeling, chipping, flaking or abraded paint that was originally produced and/or applied prior to 1978 shall be repaired, removed or covered in accordance with federal and Colorado standards applicable to lead-based paints. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in **sound** condition.

305.4.1 Public stairways. Public stairways used for egress routes in areas serving more than one (1) rental dwelling unit or guestroom shall have the following minimum dimensions:

1. A width of thirty (30) (762 mm) inches;
2. Seventy-five (75) (1905 mm) inches of headroom measured vertically from the nose of the tread at tread level to the soffit above;

3. A rise of steps not exceeding eight (8) (203 mm) inches and a tread not less than nine (9) (229 mm) inches in depth;
4. A riser height throughout any one (1) flight of stairs not exceeding the smallest by more than three-eighths (3/8) inch (10 mm).

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in **sound** condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than **thirty** (30) inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than **thirty** (30) inches (762 mm) high or more than **forty two** (42) inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than **thirty** (30) inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

~~**SECTION 307 RUBBISH AND GARBAGE**~~

~~**307.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.~~

~~**307.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.~~

~~**307.2.1 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.~~

~~**307.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.~~

~~**307.3 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.~~

~~**307.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.~~

~~**307.3.2 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.~~

SECTION 307 COMPONENT SERVICEABILITY

307.1 General. The components of a structure and equipment therein shall be maintained in structurally sound and in a sanitary condition.

Components declared to be substandard as described in Appendix A of this code shall be corrected as determined by the code official.

Exception: Owner-occupied, detached, single-family dwellings in which no rooms are leased or rented.

SECTION 308 EXTERMINATION

308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

308.2 Owner. The owner(s) shall be responsible for extermination in the public or shared areas of the structure and exterior premises.

~~**308.3 Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.~~

308.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If re-infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

308.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4, LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces: Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent (8 %) of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent (8 %) of the floor area of the interior room or space, but not less than twenty five (25) square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served."

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a sixty -watt (60w) standard incandescent light bulb for each two hundred (200) square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than thirty (30) feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one (1) footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least **forty-five** (45) percent of the minimum glazed area required in Section 402.1. **Each window must open directly onto a street or public alley or a yard or court located on the same lot as the building.**

Exceptions:

1. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least **eight** (8) percent of the floor area of the interior room or space, but not less than **twenty-five** (25) square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

2. Required windows may open into a roofed porch where the porch abuts a street, yard or court; has a ceiling height of not less than seven (7) feet (2134 mm); and has the longer side at least **sixty-five** (65) percent open and unobstructed."

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.

2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404 OCCUPANCY ~~LIMITATIONS~~ **STANDARDS**

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

~~**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.~~

~~**404.3 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).~~

~~**Exceptions:**~~

~~1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.~~

~~2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.~~

~~3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 foot (2134 mm) over not less than one third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 foot (1524 mm) or more shall be included.~~

~~**404.4 Bedroom and living room requirements.** Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.~~

~~**404.4.1 Room area.** Every living room shall contain at least 120 square foot (11.2m²) and every bedroom shall contain at least 70 square foot (6.5 m²).~~

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two (2) bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one (1) water closet and one (1) lavatory without passing through another bedroom.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

~~**404.5 Overcrowding.** The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.~~

~~**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:~~

~~1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square foot (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square foot (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.~~

~~2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.~~

~~3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.~~

~~4. The maximum number of occupants shall be three.~~

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5, PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own **approved** bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of **five hundred** (500) feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of **five hundred** (500) feet (152 m) from the employees' regular working area to the facilities."

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks,

lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than **one hundred ten degrees Fahrenheit** (110° F) (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6, MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

~~**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.~~

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

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during

the period from September 15 to May 15 to maintain a temperature of not less than sixty-eight degrees Fahrenheit (68°F) (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature of four degrees Fahrenheit (4F), maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

~~602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (19°C) during the period the spaces are occupied.~~

~~**Exceptions:**~~

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

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.1.1 Solid Fuel Appliances and Fireplaces. No solid fuel appliances or fireplaces shall be located in any sleeping room unless; (1) permanent combustion air from the exterior or from spaces connecting directly with the exterior is provided and is adequate to ensure proper combustion and chimney operation; and (2) the total area of such openings is at least one-half (½) of the cross-sectional area of the chimney serving the appliance or fireplace.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-gas cooking appliances installed in accordance with applicable international codes adopted by the City."

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.4.1 Rental dwelling units. All mechanical equipment within any rental dwelling unit and guestroom shall be of an approved type for the location and all gas or liquid fuel-burning equipment shall have an approved automatic safety fuel shutoff, an accessible manual fuel shutoff valve, a listed appliance fuel connector, and a vent as specified in the International Mechanical Code and International Fuel-Gas Code as adopted in City Code Section 5-106.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.5.1 Liquid or gas fuel-burning appliances. A gas or liquid fuel-burning appliance shall not be located in any bedroom or bathroom of a rental dwelling unit or in any other confined space that has access only through such room or space unless the appliance is of an approved direct-vent type. Gas cooking appliances shall not be used for space heating of any portion of a dwelling or guestroom.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

603.7 Portable fuel appliances. Portable fuel burning appliances are prohibited.

603.8 Carbon monoxide alarms. Every rental housing unit containing fuel-burning appliances(s) or constructed with an attached garage shall be provided with an approved carbon monoxide alarm maintained in sound operational condition.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *National Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than sixty (60) amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one (1) receptacle with a ground fault circuit interrupter. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. Receptacle outlets installed in kitchens, garages, unfinished basements and exterior locations shall have ground fault circuit interrupters.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one (1) electric luminaire.

605.4 Extension cords. All extension cords which have been installed in any rental dwelling unit by being wired directly to permanent wiring or in inside walls, through floors, under carpets, attached to trim or walls and by similar methods shall be eliminated, and permanent outlets shall be installed to provide necessary electrical supply.

605.5 Circuits. Each branch circuit, feeder, appliance and sub-panel shall have overcurrent protection not exceeding its rating.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, as specified by the State of Colorado.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only (1) one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7, FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. The minimum net clear opening size shall comply with the City Building Code that was in effect at the time of construction or shall provide a minimum net clear opening of no less than seven hundred twenty (720) square inches, whichever is greater, and shall not have a sill height greater than forty-eight (48) inches as measured above the interior floor level of the room in which such opening is located.

702.4.1 Rental dwelling unit emergency escape/access. Every rental dwelling unit or guestroom shall have access directly to the outside or to a public corridor which leads to an exterior exit. Such exits shall be maintained in a safe condition and installed in accordance with all applicable laws at the time of their construction and shall be enlarged or expanded in relation to any increase in occupant load, alteration, addition or any change in occupancy as defined in the City Building Code as adopted in § 5-26. For Group R, Division 1, 2 and 3 occupancies, as defined in the City Building Code as adopted in § 5-26 more than two (2) stories in height, the provisions of Chapter 34, Existing Buildings, or the equivalent provisions of the City Building and Fire Codes, whichever is currently in effect, shall apply. All occupants shall have unobstructed access to the public way.

702.4.2 Rental dwelling sleeping room egress. Where any sleeping room within a rental dwelling unit is located below the first story, such sleeping room shall be provided with an egress window having a maximum sill height of forty-eight (48) inches above the floor and a minimum openable area of seven hundred twenty (720) square inches.

SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the **adopted Fire Code**.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the **adopted Fire Code**.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

APPENDIX A

Appendix A is intended to provide the code official and property owner with a sample list of conditions that are considered to be substandard or dangerous for the purposes of this code so that such conditions require some degree of repair or correction. Substandard conditions are conditions which, if not corrected, may become dangerous conditions at any time. Substandard conditions shall be corrected as specified in this code. Dangerous conditions shall be corrected as determined by the code official.

The following lists are intended to address most commonly observed conditions and are not to be considered totally inclusive.

A101. Exterior Substandard Conditions. The following conditions shall be determined as substandard and repaired or replaced to comply with the International Building Code as required for existing buildings:

1. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is displaced or has deteriorated;
2. Structures or components thereof have reached their limit state;
3. Siding and masonry joints, including joints between the building envelope and the perimeter of windows, door, and skylights, are not maintained, weather resistant or water-tight;
4. Structural members have evidence of substantial deterioration or deflection;
5. Foundation systems lack support, are not substantially plumb and free from open cracks and breaks.
6. Exterior walls are not adequately anchored or supported elements are not substantially plumb and free of holes, cracks, breaks or loose or deteriorated materials.
7. Roofing or roofing components have defects that admit rain, roof surfaces have inadequate drainage, or any portion of the roof framing is not in sound condition or shows signs of deterioration or fatigue or lack adequate anchorage.
8. Flooring and flooring components have defects that affect serviceability or flooring components show signs of substantial deterioration or fatigue or are not adequately anchored.

9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features are not adequately anchored.

10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts are not adequately anchored.

11. Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are significantly deteriorated or are inadequately anchored.

12. Chimneys, cooling towers, smoke stacks and similar appurtenances are significantly deteriorated or are inadequately anchored.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of substandard conditions shall be permitted when approved by the code official."

A102. Interior substandard conditions. The following conditions shall be repaired or replaced to comply with the International Building Code or as required for existing buildings:

1. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is no longer in place or has deteriorated;

2. Structures or components thereof have reached their limit state;

3. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are significantly deteriorated or are inadequately anchored;

4. Foundation systems are not lack support, are not substantially plumb and free from open cracks and breaks.

Exceptions:

1. When substantiated otherwise by an approved method.

2. Demolition of substandard conditions shall be permitted when approved by the code official.

A103. Substandard component conditions. Where any of the following conditions cause the component or system to reach its limit state, the component or system shall be deemed substandard and shall be repaired or replaced so as to comply with the International Building Code as required for existing buildings:

1. Conditions that have resulted in any of the following:

1.1. Movement or displacement of footing or foundation system;

1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;

1.3. Adverse effects to the footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

1.4. Inadequate soil as determined by a geo-technical investigation;

1.5. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Structural/concrete that has been subjected to any of the following conditions:

- 2.1. Significant deterioration;
- 2.2. Fractures;
- 2.3. Fissures;
- 2.4. Spalling;
- 2.5. Exposed reinforcement; or
- 2.6. Detached, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

- 3.1. Significant deterioration;
- 3.2. Corrosion;
- 3.3. Elastic deformation;
- 3.4. Stress or strain cracks;
- 3.5. Joint fatigue; or
- 3.6. Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

- 4.1. Significant deterioration;
- 4.2. Fractures in masonry or mortar joints;
- 4.3. Fissures in masonry or mortar joints;
- 4.4. Spalling;
- 4.5. Exposed reinforcement; or
- 4.6. Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

- 5.1. Significant deterioration;
- 5.2. Elastic deformation;
- 5.3. Metal fatigue; or
- 5.4. Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

- 6.1. Significant deterioration;
- 6.2. Damage from insects, rodents and other vermin;
- 6.3. Fire damage beyond charring;
- 6.4. Significant splits and checks;
- 6.5. Horizontal shear cracks;
- 6.6. Vertical shear cracks;
- 6.7. Inadequate support;
- 6.8. Detached, dislodged or failing connections; or
- 6.9. Excessive cutting and notching.

Exceptions:

- 1. When substantiated otherwise by an approved method.
- 2. Demolition of substandard conditions shall be permitted when approved by the code official.

A104 Dangerous elements, structures, or equipment shall include, but not be limited to condition(s) in which:

- 1. Any door, aisle, passageway, stairway, exit or other means of egress does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings;
- 2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, damaged or otherwise unsafe as to not provide safe and adequate means of egress;
- 3. Any portion of a building, structure or appurtenance has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged;
- 4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of

sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads equal to or greater than seventy-five (75) percent of the original designed value;

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way;

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy;

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might enter the building; becomes a harbor for vagrants, criminals or immoral persons; or enables persons to resort to the building or structure for committing a nuisance or an unlawful act;

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety;

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official, in consultation with the Health Officer, to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;

10. Any building or structure, because of a lack of sufficient or proper fire-resistive construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health; or

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.