

ORDINANCE NO. 2344  
INTRODUCED BY: Humbert

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, PROVIDING FOR THE ADOPTION OF ARTICLE 15-2, BRIGHTON ADMINISTRATIVE CODE, OF THE BRIGHTON MUNICIPAL CODE; AND

PROVIDING FOR THE REPEAL IN THEIR ENTIRETY AND READOPTION, BY REFERENCE, OF THE FOLLOWING BUILDING AND CONSTRUCTION CODES FOR INCLUSION IN THE BRIGHTON MUNICIPAL CODE AS SPECIFIED:

- A) THE 2018 INTERNATIONAL BUILDING CODE IN ARTICLE 15-4,
- B) THE 2020 NATIONAL ELECTRICAL CODE IN ARTICLE 15-12,
- C) THE 2018 INTERNATIONAL FIRE CODE IN ARTICLE 15-20,
- D) THE 2018 INTERNATIONAL RESIDENTIAL CODE IN ARTICLE 15-28,
- E) THE 2018 INTERNATIONAL MECHANICAL CODE IN ARTICLE 15-32,
- F) THE 2018 INTERNATIONAL PLUMBING CODE IN ARTICLE 15-36,
- G) THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE IN ARTICLE 15-40,
- H) THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE IN SECTION 15-42,
- I) THE 2018 INTERNATIONAL EXISTING BUILDING CODE IN SECTION 15-46, AND
- J) THE 2018 INTERNATIONAL FUEL GAS CODE IN SECTION 15-50; AND

PROVIDING FOR THE ADOPTION, BY REFERENCE, OF THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE IN ARTICLE 15-44 FOR INCLUSION IN THE BRIGHTON MUNICIPAL CODE; AND

PROVIDING FOR THE REPEAL IN ITS ENTIRETY OF ARTICLE 15-8, DANGEROUS BUILDINGS ABATEMENT CODE, OF THE BRIGHTON MUNICIPAL CODE, AND

PROVIDING FOR THE REPEAL IN ITS ENTIRETY AND READOPTION OF ARTICLE 15-16, CONTRACTOR LICENSES, OF THE BRIGHTON MUNICIPAL CODE; AND

PROVIDING FOR THE REPEAL IN ITS ENTIRETY OF ARTICLE 15-54, THE SAFETY CODE FOR ELEVATORS AND ESCALATORS, AND ADOPTION OF THE ELEVATOR AND CONVEYANCE CODE, CRS TITLE 9 AND ARTICLE 5.5 AND COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF OIL AND PUBLIC SAFETY REGULATIONS, CONVEYANCE REGULATIONS, 7 C.C.R. 1101-8 IN ARTICLE 15-54, OF THE BRIGHTON MUNICIPAL CODE

WHEREAS, the City Council finds and determines that it is necessary and proper for the City Council to reasonably regulate Buildings and Construction activity within the City of Brighton, and in particular to establish minimum standards to safeguard and protect life, limb, health and safety, and to further enhance and protect public welfare and the value of property within the City; and

WHEREAS, the City Council further finds and determines, based upon the recommendations of City staff and code enforcement officials, that certain of the uniform codes repealed herein are outdated and insufficient to further the purposes of the protection of the public health, safety and welfare, and therefore must necessarily be replaced, and that the comprehensive terms and provisions of the International Codes adopted herein are desirable, sufficient, and proper for adoption by the City, and enforcement and administration by City staff, as provided herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Chapter 15, Buildings and Construction is amended to adopt Article 15-2, Brighton Administrative Code, to read as follows:

## **ARTICLE 15-2 – BRIGHTON ADMINISTRATIVE CODE**

### **Section 15-2-10 – Title, Purpose and Scope.**

- (a) Title. These regulations shall be known as the “Brighton Administrative Code,” may be cited as such and will be referred to herein as “this Code.”
- (b) Purpose. The purpose of this Code is to provide for the administration and enforcement of the Codes adopted by the City of Brighton which include the Brighton Building Code, Brighton Residential Code for One and Two Family Dwellings, Brighton Plumbing Code, Brighton Mechanical Code, Brighton Energy Conservation Code, Brighton Existing Building Code, Brighton Swimming Pool and Spa Code, Brighton Property Maintenance Code, Brighton Code for the Abatement of Dangerous Buildings, Safety Code for Elevators and Escalators, Brighton Fire Code and Brighton Fuel Gas Code all of which are hereinafter referred to as the *Brighton Technical Codes*.
- (c) Scope. The provisions of this Code shall serve as the administrative, organizational and enforcement rules and regulations for the *Brighton Technical Codes* which regulate the site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the City of Brighton.

### **Section 15-2-20 - Application to Existing Buildings and Building Service Equipment.**

**General.** Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the *Brighton Technical Codes* for new facilities, except as specifically provided in this Section.

- (a) **Additions, Alterations or Repairs.** Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the *Brighton Technical Codes*, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

Additions or alterations shall not be made to an existing building or building service equipment, which will cause the existing building or building service equipment to be in violation of the provisions of the Brighton Technical Codes, nor shall such additions or alterations cause the existing building or building service equipment to become unsafe.

An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in

compliance with the provisions of the *Brighton Technical Codes* or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the *Brighton Technical Codes* for new buildings. A building plus new additions shall not exceed the height, number of stories and area specified by the *Brighton Technical Codes* for new buildings.

Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the *Brighton Technical Codes* except when the addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

**EXCEPTION:** Alterations of existing structural elements, or additions of new structural elements, which are not required by Chapter 16 of the Brighton Building Code, and which are initiated for the purpose of increasing the lateral-force-resisting strength or stiffness of an existing structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

- (1) The capacity of existing structural elements required to resist forces is not reduced, and
- (2) The lateral loading to required existing structural elements is not increased beyond their capacity, and
- (3) New structural elements are detailed and connected to the existing structural elements as required by these regulations, and
- (4) New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations, and
- (5) An unsafe condition as defined above is not created.

Alterations or repairs to an existing building or structure, which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance, may be made with the same materials of which the building or structure is constructed, subject to approval by the Chief Building Official. Installation or replacement of glass shall be as required for new installations.

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the *Brighton Technical Codes* in effect at the time the original installation was made, subject to approval of the Chief Building Official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, unsanitary or overloaded.

- (b) **Existing Installations.** Building service equipment lawfully in existence at the time of the adoption of the *Brighton Technical Codes* where the equipment has been maintained in accordance with the original design, may have their use continued when it is determined that there is no hazard to life, health or property being created by such building service equipment.
- (c) **Existing Occupancy.** Buildings in existence at the time of the adoption of the *Brighton Technical Codes* may have their existing use or occupancy continued if such use or occupancy was legal at the time of the adoption of the *Brighton Technical Codes*, provided such continued use is not dangerous to life, health and safety.

Any change in the use or occupancy of any existing building or structure shall comply with the provisions of the *Brighton Technical Codes*.

- (d) **Maintenance.** All buildings, structures and building service equipment, existing and new, and all parts thereof shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the *Brighton Technical Codes*, shall be maintained in conformance with the *Brighton Technical Codes* under which installed. The owner or his designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this subsection, the Chief Building Official may cause any structure to be re-inspected.
- (e) **Elevators, Escalators etc.** In order to determine that proper maintenance has been performed and to assure a continued safe condition, all elevators will be registered with the building department, require a biannual re-inspection and 5 year witnessed test. The fee for such registration shall be in accordance with the fee schedule adopted by the City. A certificate of inspection or re-inspection will be issued after a satisfactory review of the elevator condition. All new elevators, dumbwaiters, escalators, moving walks, etc., shall be permitted, installed, and inspected in accordance with the *Brighton Technical Codes* and the *Brighton Administrative Code*.
- (f) **Moved Building.** Buildings, structures and their building service equipment moved into or within the City of Brighton shall comply with the provisions of the *Brighton Technical Codes* for new buildings or structures and their building service equipment.
- (g) **Temporary Structures.** Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Chief Building Official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the *Brighton Technical Codes*. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

- (h) **Historic Buildings.** Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the *Brighton Technical Codes* when authorized by the Chief Building Official, provided:
- (1) The building or structure has been designated by official action of the legally constituted authority of the City of Brighton as having special historical or architectural significance.
  - (2) Unsafe conditions as described in this Code are corrected.
  - (3) The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building.
  - (4) The building meets all regulations set forth in the City of Brighton Existing Building Code.

### **Section 15-2-30 - Definitions.**

- (a) For the purpose of this Code, certain terms, phrases, words and their derivatives shall be construed as specified in this Section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged, Copyright 2002, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.
- (1) *Addition* is an extension or increase in floor area or height of a building or structure.
  - (2) *Alter* or *alteration* is any change or modification in construction or building service equipment.
  - (3) *Approved*, as to materials, types of construction, equipment and systems, refers to approval by the Chief Building Official as the result of investigation and tests conducted by him or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.
  - (4) *Approved agency* is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the Chief Building Official.
  - (5) *Authority having jurisdiction* is the Chief Building Official.
  - (6) *Brighton Elevator and Conveyance Code* is the current code and standard editions as adopted by The State of Colorado, C.R.S. Title 9, Article 5.5 and Colorado Department of Labor and Employment, Division of Oil and Public Safety Regulations, Conveyance Regulations, 7 C.C.R. 1101-8.
  - (7) *Brighton Technical Codes* refer to those codes adopted by the City of Brighton containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and building service equipment as herein defined. Refer to definitions for Brighton Building Code, Brighton Residential Code for One and Two Family Dwellings,

Brighton Electric Code, Brighton Plumbing Code, Brighton Mechanical Code, Brighton Energy Conservation Code, Brighton Fuel Gas Code, Brighton Property Maintenance Code, Brighton Swimming Pool and Spa Code, Brighton Existing Building Code, Brighton Safety Code for Elevators and Escalators and the Brighton Fire Code.

- (8) *Building* is any structure used or intended to be used for supporting or sheltering any use or occupancy.
- (9) *Building, existing* is a building either erected prior to the adoption of this Code, or one for which a legal building permit has been issued.
- (10) *Building service equipment* refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy.
- (11) *Chief Building Official* is the officer charged with the administration and enforcement of the *Brighton Technical Codes*, or his duly authorized representative.
- (12) *Code Enforcement Agency* is the Brighton Building Division.
- (13) *Construction materials* is tangible personal property which, when combined with other tangible personal property, loses its identity to become an integral and inseparable part of a completed structure or project, including public and private improvements. *Construction materials* include, but are not limited to, such things as: asphalt, bricks, builder's hardware, caulking material, cement, concrete, conduit, electric wiring and connections, glass, gravel, insulation, lath, lead, lime, lumber, macadam, millwork, mortar, oil, paint, piping, pipe valves and pipe fittings, plaster, plumbing fixtures, putty, reinforcing mesh, road base, roofing, sand, sanitary sewer pipe, sheet metal, site lighting, steel, stone, stucco, tile, trees, shrubs and other landscaping materials, wall board, wall coping, wallpaper, weather stripping, wire netting and screen, water mains and meters, and wood preserver. The above materials, when used for forms or other items, which do not remain as an integral or inseparable part of a completed structure or project, are not *construction materials*.
- (14) *Fire Department*: The Brighton Fire and Rescue District.
- (15) *ICC standards* are the International Code Council Standards as promulgated by the International Code Council.
- (16) *International Building Code*, also known as the *Brighton Building Code* is the 2018 Edition of the International Building Code promulgated by the International Code Council and as adopted and amended by the City of Brighton.
- (17) *International Energy Conservation Code*, also known as the *Brighton Energy Conservation Code* is the 2018 Edition of the International Energy Conservation Code promulgated by the International Code Council and as adopted and amended by the City of Brighton.
- (18) *International Existing Building Code*, also known as the *Brighton Existing Building Code* is the 2018 Edition of the International Existing Building Code promulgated by the International Code Council and as adopted and amended by the City of Brighton.

- (19) *International Fire Code*, also known as the *Brighton Fire Code* is the 2018 Edition of the International Fire Code promulgated by the International Code Council and as adopted and amended by the City of Brighton and the Brighton Fire and Rescue District.
- (20) *International Fuel Gas Code*, also known as the *Brighton Fuel Gas Code* is the 2018 Edition of the International Fuel Gas Code promulgated by the International Code Council and as adopted and amended by the City of Brighton.
- (21) *International Mechanical Code*, also known as the *Brighton Mechanical Code* is the 2018 Edition of the International Mechanical Code promulgated by the International Code Council and as adopted and amended by the City of Brighton.
- (22) *International Plumbing Code*, also known as the *Brighton Plumbing Code* is the 2018 Edition of the International Plumbing Code promulgated by the International Code Council and as adopted and amended by the City of Brighton.
- (23) *International Property Maintenance Code*, also known as the *Brighton Property Maintenance Code* is the 2018 Edition of the International Property Maintenance Code promulgated by the International Code Council and as adopted and amended by the City of Brighton.
- (24) *International Residential Code*, also known as the *Brighton Residential Code for One and Two Family Dwellings* is the 2018 Edition of the International Residential Code for One and Two Family Dwellings promulgated by the International Code Council and as adopted and amended by the City of Brighton.
- (25) *International Swimming Pool and Spa Code*, also known as the *Brighton Swimming Pool and Spa Code* is the 2018 Edition of the International Swimming Pool and Spa Code promulgated by the International Code Council and as adopted and amended by the City of Brighton.
- (26) *Listed* and *listing* are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current production and whose listing states that the equipment complies with recognized safety standards.
- (27) *May*, as used in this Code, is permissive for compliance.
- (28) *National Electrical Code*, also known as the *Brighton Electrical Code* is the National Electrical Code sponsored by the National Fire Protection Association, Quincy, Massachusetts, as adopted by the State of Colorado State Electrical Board and as may be amended from time to time, and as adopted and amended by the City of Brighton.
- (29) *Occupancy* is the purpose for which a building, or part thereof, is used or intended to be used.
- (30) *Owner* is any person, agent, firm or corporation having a legal or equitable interest in the property.
- (31) *Permit* is an official document or certificate issued by the Chief Building Official authorizing performance of a specified activity.
- (32) *Person* is a natural person, his heirs, his executors, administrator or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

- (33) *Repair* is the reconstruction for renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.
- (34) *Shall*, as used in this Code, is mandatory.
- (35) *Structure*, is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite matter.
- (36) *Valuation* or *value*, as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs, including labor and materials, except as used in determining the cost of permits in Section 15-2-160.

#### **Section 15-2-40 - Conflicting Provisions.**

- (a) Wherever conflicting provisions or requirements occur between, the *Brighton Technical Codes* and any other codes or laws of the City of Brighton, the most restrictive shall govern.
- (b) Where conflicts occur between the *Brighton Technical Codes*, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.
- (c) Where in any specific case different sections within any of the *Brighton Technical Codes* specify different materials, methods of construction or other requirements, the most restrictive shall govern.
- (d) Where conflicts occur between any specific provisions of this Code and any administrative provisions in any *Brighton Technical Codes*, which is then applicable within the City of Brighton, those provisions becoming law last in time shall prevail.

#### **Section 15-2-50 - Alternate Materials and Methods of Construction.**

The provisions of the *Brighton Technical Codes* are not intended to prevent the use of any material or method of construction not specifically prescribed by the *Brighton Technical Codes*, provided any alternate has been approved and its use authorized by the Chief Building Official.

- (a) The Chief Building Official may approve any alternate, provided he finds that the proposed design is satisfactory and complies with the provisions of the *Brighton Technical Codes* and that the material, method of work offered is, for the purpose intended, at least the equivalent of the prescribed in the *Brighton Technical Codes* in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.
- (b) The Chief Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the City of Brighton.



### **Section 15-2-60 - Modifications.**

Whenever there are practical difficulties involved carrying out the provisions of the *Brighton Technical Codes*, the Chief Building Official may grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the *Brighton Technical Codes* impractical and the modification does not lessen health, life and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the file of the City of Brighton.

### **Section 15-2-70 - Tests.**

Whenever there is insufficient evidence of compliance with any of the provisions of the *Brighton Technical Codes* or evidence that materials or construction do not conform to the requirements of the *Brighton Technical Codes*, the Chief Building Official may require tests as evidence of compliance to be made at no expense to the City.

The test method shall be as specified by the *Brighton Technical Codes* or by other recognized test standards. In the absence of recognized and accepted test methods for the proposed alternate, the Chief Building Official shall determine test procedures.

All tests shall be made by an *approved* agency. Reports of such tests shall be retained by the Chief Building Official for the period required for the retention of public records.

### **Section 15-2-80 - Organization and Enforcement Authority.**

- (a) **Creation of Enforcement Agency.** There is hereby established in the City of Brighton a Building Division shall be under the administrative and operational control of the Chief Building Official.
- (b) **General.** Whenever the term or title “administrative authority”, “responsible official”, “Chief Building Official”, “chief inspector”, “authority having jurisdiction”, or other similar designation is used herein or in any of the *Brighton Technical Codes*, it shall be construed to mean the Chief Building Official designated by the appointing authority of the City of Brighton.

### **Section 15-2-90 - Powers and Duties of Chief Building Official.**

- (a) **General.** The Chief Building Official is hereby authorized and directed to enforce all the provisions of this Code and the referenced *Brighton Technical Codes*. For such purposes, the Chief Building Official shall have the powers of a law enforcement officer.

The Chief Building Official shall have the power to render interpretations of the *Brighton Technical Codes*, and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Code.

- (b) **Deputies.** In accordance with prescribed procedures and with the approval of the appointing authority, the Chief Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The Chief Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the Code Enforcement Agency.
- (c) **Right of Entry.** Whenever necessary to make an inspection to enforce any of the provisions of the *Brighton Technical Codes*, or whenever the Chief Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Chief Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Chief Building Official by such *Brighton Technical Codes*; provided that if such building or premises be occupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. Should entry be refused, the Chief Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Chief Building Official or his authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person have charge, care or control of the building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Chief Building Official or his authorized representative for the purpose of inspection or examination pursuant to this Code.

- (d) **Stop Orders.** Whenever any work is being done contrary to the provisions of this Code and the *Brighton Technical Codes*, the Chief Building Official may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Chief Building Official to proceed with the work.
- (e) **Occupancy Violations.** Whenever any building, structure, or building service equipment therein regulated by the *Brighton Technical Codes* is being used contrary to the provisions of such codes, the Chief Building Official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use in the time prescribed by the Chief Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of the *Brighton Technical Codes*.
- (f) **Authority to Disconnect Utilities.** The Chief Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by the *Brighton Technical Codes* in case of emergency where necessary to eliminate an immediate hazard to life or property. The Chief Building Official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect

prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

- (g) **Authority to Condemn Building Service Equipment.** Whenever the Chief Building Official ascertains that any building service equipment regulated in the *Brighton Technical Codes* has become hazardous to life, health, property, or becomes unsanitary, he shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice. When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the *Brighton Technical Codes* and in violation of any notice issued pursuant to the provisions of this Section, the Chief Building Official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

- (h) **Connection after Order to Disconnect.** No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Chief Building Official or the use of which has been ordered to be discontinued by the Chief Building Official until the Chief Building Official authorizes the reconnection and use of such equipment.

#### **Section 15-2-100 - Unsafe Buildings, Structures or Building Service Equipment.**

- (a) All buildings or structures regulated by the *Brighton Technical Codes* which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, are for the purpose of this Section unsafe.
- (1) Building service equipment regulated by the *Brighton Technical Codes*, which constitutes a fire, electrical, health hazard, or unsanitary condition, or is otherwise dangerous to human life is, for the purpose of this Section unsafe. Any use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this Section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the *Brighton Technical Codes* are hereby designated as unsafe building appendages.

- (2) Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the *Brighton Technical Codes* or such alternate procedure as may be adopted by the City of Brighton. As an alternative, the Chief Building Official or other employee or official of the as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

## **Section 15-2-110 - Board of Appeals.**

### **(a) Appointment and qualifications.**

There is hereby established a Board of Appeals which shall consist of five (5) residents of this City who are qualified by experience or training to pass upon matters pertaining to building construction. The Board shall act in order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code. The Board shall consist of five (5) individuals, one (1) from each of the following professions or disciplines:

- (1) Professional with architectural experience or a builder or superintendent of building construction with at least ten (10) years' experience, five (5) years of which shall have been in responsible charge of work.
- (2) Professional with structural engineering experience.
- (3) Professional with mechanical and plumbing engineering experience or a mechanical contractor with at least ten (10) years' experience, five (5) years of which shall have been in responsible charge of work.
- (4) Professional with electrical engineering experience or an electrical contractor with at least ten (10) years' experience, five (5) years of which shall have been in responsible charge of work.
- (5) Professional with fire protection engineering experience or a fire protection contractor with at least ten (10) years' experience, five (5) years of which shall have been in responsible charge of work.

### **(b) Term of office.**

The Board of Appeals shall be appointed by the Mayor, with the advice and consent of the City Council and shall hold office at the pleasure of the City Council. Three (3) consecutive unexcused absences of any member from meetings of the Board shall render any such member subject to immediate removal from office.

### **(c) Procedure.**

Three (3) members of the Board shall constitute a quorum. In rendering any decision on an appeal hereunder, no less than three (3) affirmative votes shall be required. No Board member shall act in a case in which he has a personal interest. The Chief Building Official, or his or her designated representative or appointee, shall act as secretary of the Board of Appeals without vote and shall set forth the reasons for the Board's decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote. The Board may adopt rules and regulations for its own procedure, including designation of officers, other than the secretary, not inconsistent with the provisions of this Code, by motion duly made at a meeting of the Board of Appeals.

(d) **Meetings.**

The Board shall meet at such time as is determined by the Chairman or any two (2) members within a reasonable time after the filing of an appeal with such Board, provided that such hearing date shall not be less than five (5) days nor more than sixty (60) days from the date the appeal was filed with the Building Official.

(e) **Appeals.**

- (1) Whenever it is claimed that the provisions of this Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, then the owner of such building or structure or his or her duly authorized agent may appeal from the decision of the Building Official to the Board of Appeals. Such appeal shall be in writing and shall be made within thirty (30) days of the action causing the appeal.
- (2) Decision of the Board of Appeals. The Board of Appeals, when acting upon an appeal and after a hearing, shall determine the suitability of alternate materials and methods of construction and make interpretations of the provisions of this Code consistent with its purpose and intent. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be filed in the office of the Building Official within thirty (30) days of such decision and shall be open to public inspection. A copy of the decision shall be sent by mail or otherwise delivered to the applicant. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay, and the Building Official shall immediately act in accordance with such decision. A decision of the Board of Appeals, which in effect shall modify the provisions of this Code, shall not be considered a precedent for future decisions of the Building Official or Board of Appeals.
- (3) Appeals from Board's decision. All decisions made by the Board of Appeals are final and may not be appealed except to a court of law.

- (4) Limitations of authority. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code, nor shall the Board be empowered to waive requirements of this Code

## **Section 15-2-120 - Permits and Inspections.**

- (a) **Permits Required.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure or make any installation, alteration, repair, replacement, or remodel any building service equipment by this Code and the *Brighton Technical Codes*, except as specified in 15-2-120(g)(10) of this Section, or cause the same to be done without first obtaining a separate, appropriate permit for each building, structure or building service equipment from the Chief Building Official.
- (b) **Exempted Work.** A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of the *Brighton Technical Codes* shall not be deemed to grant authorization for any work to be done in violation of the provisions of the *Brighton Technical Codes* or any other laws or ordinances of the City of Brighton.
- (c) **Building Permits.** A building permit will not be required for the following:
  - (1) One-story detached accessory buildings used as tool and storage sheds, playhouses and similar use, provided floor area does not exceed 120 square feet.
  - (2) Movable cases, counters and partitions not over 5 feet nine inches high.
  - (3) Retaining walls, which are not over 4 feet in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
  - (4) Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed two to one.
  - (5) Painting, papering and similar finish work.
  - (6) Platforms (other than residential decks), walls and driveways not more than 30 inches above grade and not over any basement or story below.
  - (7) Temporary motion picture, television and theater stage sets and scenery.
  - (8) Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches (1372 mm).
  - (9) Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5000 gallons and if the water depth is less than 24”.
  - (10) Swings and other playground equipment.
  - (11) “One and two family dwelling window replacements of like size where framing is not altered and any required emergency egress dimensions are not diminished from existing.

Unless otherwise accepted by this Code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

- (d) **Plumbing Permits.** A plumbing permit will not be required for the following:
- (1) The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this Code.
  - (2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- (e) **Mechanical Permits.** A mechanical permit will not be required for the following:
- (1) Any portable heating appliance.
  - (2) Any portable ventilating equipment.
  - (3) Any portable cooling unit.
  - (4) Any portable evaporative cooler.
  - (5) Replacement of any component part or assembly of an appliance, which does not alter its original approval and complies with other applicable requirements of the *Brighton Technical Codes*.
  - (6) Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
  - (7) Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.
- (f) **Elevator and Escalator Permits.** A separate permit for an elevator or escalator installation is required when the plans, specifications and support documents for the elevator or escalator are included in the plans reviewed for an entire building.

The fees for elevator and escalator plan review and inspection shall be conformance with the adopted fee resolution of the City.

- (g) **Electrical Permits.** An electrical permit will not be required for the following:
- (1) Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Brighton Electrical Code.
  - (2) Minor repair or replacement of fixed motors, transformers, ballasts or fixed approved appliances of the same type and rating in the same location.
  - (3) Temporary decorative lighting.

- (4) Minor repair or replacement of any switch, contactor or control device of the same size and capacity.
- (5) Reinstallation of attachment plug receptacles, but not the outlets therefore.
- (6) Repair or replacement of any overcurrent device of the required capacity in the same location.
- (7) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
- (8) Removal of electrical wiring.
- (9) The wiring for temporary theater, motion picture or television stage set
- (10) A permit shall not be required for the installation, alteration or repair of electrical wiring apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

### **Section 15-2-130 - Application for Permit.**

- (a) To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the City of Brighton for that purpose. Every such application shall:
  - (1) Identify and describe the work to be covered by the permit for which application is made.
  - (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
  - (3) Indicate the use or occupancy for which the proposed work is intended.
  - (4) Be accompanied by plans, diagrams, computations, specifications, and other data as required in Section 15-2-140.
  - (5) State the valuation of any new building or structure of any addition, remodeling or alteration to an existing building.
  - (6) Be signed by permittee, or his authorized agent, who may be required to submit evidence to indicate such authority.
  - (7) Give such other data and information as may be required by the Chief Building Official.
  - (8) Be accompanied by a recent survey, plat and legal description of the proposed building site or property, prepared by a registered land surveyor, licensed to practice in the State of Colorado at the time of application for a building permit. The surveyor making the plat shall certify thereon that it is correct and that the perimeter monuments described therein have been placed as described and affix his name and seal. Permanent reference monuments shall be set and marked and shall be made of #5 reinforcing bar with a metal cap at least one and three-eighths (1-3/8) inches in diameter, and shall protrude no more than four (4) inches from the ground. The plat submitted shall reflect the type of monuments set on property corners and the location and the dimension of all easements or rights-of-way of record or known, except when a building permit is sought to reconstruct or remodel totally within the limits of an existing building or structure.



- (9) When construction is proposed in “a flood plain area”, the application shall be accompanied by elevations of the lowest floor of new or substantially improved structures in said areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be submitted.
- (10) Plans and specifications for fire alarm components and any fire suppression systems shall be submitted to the Brighton Fire and Rescue District. Specifications are to list components by brand name and type whenever possible, and drawings showing actual locations for system components are to accompany the specifications.

#### **Section 15-2-140 - Plans and Specifications.**

- (a) **Submittal Documents.** Plans, specifications, engineering calculations, diagrams, social investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit.

EXCEPTION: The Chief Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.

- (b) **Plans.** Computations and specifications are to be prepared and designed by an engineer or architect licensed by the State of Colorado.

EXCEPTION: Plans submitted for review for construction exempted by Section 12-4- 112, “Exemptions” CRS.

- (c) The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building. Plans, which do not require a licensed design professional, the permittee, shall be responsible for reviewing and coordinating all submittal documents prepared by others.
- (d) **Information on Plans and Specifications.** Plans and specifications shall be drawn to scale upon substantial paper or cloth as well as a digital copy and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the *Brighton Technical Codes* and all relevant laws, ordinances, rules and regulations.

#### **Section 15-2-150 - Permit Issuance.**

- (a) **Issuance.** Plans shall be reviewed and a permit for the work issued prior to the start of any construction. The application plans and specifications, and other data, filed by an applicant for permit shall be reviewed by the Chief Building Official. Such plans may be reviewed by other departments of the City of Brighton to verify compliance with any applicable laws under their jurisdiction. If the Chief Building Official finds that the work described in the application for a permit and the plans, specifications and other data filed therewith substantially conform to

the requirements of the *Brighton Technical Codes* and other pertinent laws and ordinances, and that the fees specified in the Adopted Fee Resolution of the City have been paid, he shall issue a permit therefore to the applicant.

When the Chief Building Official issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications “REVIEWED FOR CODE COMPLIANCE”. Such plans and specifications shall not be changed, modified or altered without authorization from the Chief Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

In order to simplify the permit issuance and subsequent inspections a single “universal permit” shall be issued for R-3 (One and Two Single Family Dwellings and Townhouses) Occupancies (new buildings and additions or alterations thereto). See Exception to 304.1. The Chief Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the *Brighton Technical Codes*. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure or building service will be granted.

The Chief Building Official may not issue a permit for any project that requires new or additional utilities without first receiving written evidence that service is readily available upon payment of all required tap fees, and that the proposed new construction can adequately be served.

- (b) **Retention of Plans.** One set of Reviewed for Code Compliance plans and specifications shall be filed electronically. The applicant shall print a full size set of plans that shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress. One set of Reviewed for Code Compliance plans, specifications and computations shall be retained by the Chief Building Official until final approval of the work.
- (c) **Master Plans.** The plans for a One or Two Family Dwelling and Townhouses may be used more than once for identical construction on different building sites without rechecking each time. These plans will be identified as Master Plans; “Master Plans” may be built an unlimited number of times. A site specific using a Master Plan will not be charged a full plan check fee as specified herein after the first initial review; however, there will be a handling charge for each additional use as follows:

All fees shall be per the adopted fee schedule of the City of Brighton.

- (d) **Validity of Permit.** The issuance of a permit or the approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the *Brighton Technical Codes*, or of any other ordinance of the City of Brighton. No permit presuming to give authority to violate or cancel the provisions of the *Brighton Technical Codes* shall be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the Chief Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of the *Brighton Technical Codes* or of any other ordinances of the City of Brighton.

- (e) **Expiration.** Every permit issued by the Chief Building Official under the provisions of the *Brighton Technical Codes* shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this Section for good and satisfactory reasons. The Chief Building Official may extend the time for action by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

- (f) **Suspensions or Revocation.** The Chief Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code and the whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of the *Brighton Technical Codes*.
- (g) **Electrical and Plumbing Applications.** Only State of Colorado licensed Electrical Contractors and Plumbing Contractors may take out permits for their respective fields with the exception of homeowners performing work on their personal residence.

#### **Section 15-2-160 - Fees.**

- (a) **Permit Fees.** The fee for each permit shall be as set forth in this Section, and as further set forth in the Adopted Fee Resolution of the City.

The determination of value or valuation under any of the provisions of the *Brighton Technical Codes* shall be *approved*. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

EXCEPTION: R-3 Occupancies (One and Two Family Dwellings and Townhouses)

In order to simplify the permit/fee process for applicant's only one permit shall be required for work to be done either on the initial construction or subsequent alterations to R-3 Occupancies.

The valuation specified above shall be based on either:

- (1) The value of the permitted work provided by the applicant  
  
OR
  - (2) The cost figures per square foot shown in the Building Valuation Data Chart published in the Building Safety Journal of the International Code Council, if the Building Official determines that the applicant underestimated the value of the permitted work. The cost figures from the Building Valuation Data shall be revised each year as the cost figures are adjusted in the Building Safety Journal, August edition. The new cost data will become effective January 1 of each year in accordance with the Fee Schedule adopted by the City.
- (b) **Use Tax Valuation.** See Article 3-28 of the Brighton Municipal Code, as amended.
- (c) **Plan Review Fees.** When a plan or other data are required to be submitted by Section 15-2-140, a preliminary plan review fee shall be established at the time of submitted plans and specifications for review. \$500.00 of this fee shall be paid to the City at this time. After a complete review of the plans submitted, a more accurate evaluation will be made and the plan check fee adjusted accordingly. The balance will be due at the time the permit is issued. Said plan review fee for buildings or structures shall be 65 percent of the building permit fee as shown in this Section. The plan review fee for electrical, mechanical and plumbing work shall be based on the contract installation price of the work and using also 65 percent of the figure found in the tables in this Section.

Where the *Brighton Technical Codes* have been adopted by the City of Brighton for which no fee schedule is shown in this Code, the fee required shall be in accordance with the schedule established by the City Fee Res. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the adopted fee schedule.

At the discretion of the Chief Building Official, an outside consultant may be used for plan review. In this case, the actual cost of the consultant plus 10% administrative charge will be charged if this fee exceeds the fee defined in the Adopted Fee Schedule of the City.

- (d) **Expiration of Plan Review.** Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Chief Building Official while following the adopted records retention policy. The Chief Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.
- (e) **Investigation Fees: Work without a Permit.**
  - (1) **Investigation.** Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work at the digression of the Chief Building Official.
  - (2) **Fee.** An investigation fee in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The permit investigation fee shall be equal to the amount of the permit fee required by this Code. The minimum investigation fee shall be the same as the permit fee set forth in the fee schedule adopted by the City. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this Code or the *Brighton Technical Codes* nor from any penalty prescribed by law.
- (f) **Fee Refunds.**
  - (1) The Chief Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
  - (2) The Chief Building Official may authorize the refunding of no more than 80 percent of the permit fee paid when no work has been initiated under a permit issued in accordance with this Code. The remaining 20% is to cover administrative costs.

#### **Section 15-2-170 - Inspections.**

- (a) **General.** All construction or work for which a permit is required shall be subject to inspection by the Chief Building Official, and certain types of construction may have continuous inspection by special inspectors as specified in Section 15-2-190.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the *Brighton Technical Codes* or of other ordinances of the City of Brighton. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the City of Brighton shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Chief Building Official nor the City of Brighton shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot or Improvement Location Certificate may be required by the Chief Building Official to verify that the structure is located in accordance with the approved plans.

- (b) **Inspection requests.** It shall be the duty of the person doing the work authorized by a permit to notify the Chief Building Official that such work is ready for inspection. Requests for inspections must be filed the day before such inspection is desired. Such request may be electronic or by telephone at the option of the Chief Building Official.

It shall be the duty of the person requesting any inspections required by the *Brighton Technical Codes* to provide access to and means for proper inspection of such work.

- (c) **Inspection Record Card.** Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in such position as to allow the Chief Building Official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until final approval has been issued by the Chief Building Official.
- (d) **Approval Required.** No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Chief Building Official. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in Section 15-2-170.

There shall be a final inspection and approval on all buildings and building service equipment when completed and ready for occupancy and use.

- (e) **Required Building Inspections.** Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Chief Building Official.

The Chief Building Official, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with this Code.

- (1) **Footing and Foundation Inspection.** To be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized

standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the Chief Building Official. A letter from the engineer of record may be provided in lieu of this inspection.

- (2) **Foundation damp proofing** is required prior to backfilling of foundation. A letter from the engineer of record may be provided in lieu of this inspection.
- (3) **Perimeter Drain Inspection** is required prior to backfilling foundation. A letter from the engineer of record may be provided in lieu of this inspection.
- (4) **Concrete Slab or Under-Floor Inspection.** To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.
- (5) **Water Resistive Barrier/Flashing Inspection.** To be made after the water resistive barrier is installed and openings are flashed. Installation of the exterior covering is not allowed prior to this inspection.
- (6) **Rough Inspections.** To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating (wires, pipes and ducts) are complete.
- (7) **Insulation/Air Barrier Inspection.** To be made after all rough inspections have passed, insulation and air barriers have been installed. Certification as required by the *Brighton Technical Codes* may be used in lieu of this inspection.
- (8) **Lath and/or Wallboard Inspection.** To be made after all lathing and wallboard, interior and exterior, is in place but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
- (9) **Final Inspection.** To be made after finish grading and the building is completed and ready for occupancy.

#### **Section 15-2-180 - Required Building Service Equipment Inspections.**

- (a) **General.** All building service equipment for which a permit is required by this Code shall be inspected by the Chief Building Official. No portion of any building service equipment intended to be concealed by any permanent portion of the building shall be concealed until inspected and approved. When the installation of any building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the mechanical codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the Chief Building Official.
- (b) **Operation of Building Service Equipment.** The requirements of this Section shall not be considered to prohibit the operation of any building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the Chief Building Official not more than 48 hours after such replacement work is completed, and before any portion of such building service equipment is concealed by any permanent portion of the building.

- (c) **Other Inspections.** In addition to the called inspections specified above, the Chief Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the *Brighton Technical Codes* and other laws, which are enforced by the agency.
- (d) **Re-inspections.** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called for are not made.

This subsection is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the *Brighton Technical Codes*, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

A re-inspection fee may be assessed when the permit card is not properly posted on the work site; the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the Chief Building Official.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

#### **Section 15-2-190 - Special Inspections.**

- (a) **General.** In addition to the inspections required by Section 15-2-170, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction on the following types of work:
  - (1) EXCEPTION:
    - a. The Chief Building Official may waive the requirement for the employment of a special inspector if the construction is of a minor nature.
- (b) **Concrete:** During the taking of test specimens and placing of all reinforced concrete and pneumatically placed concrete.
  - (1) EXCEPTIONS:
    - a. Concrete for foundations conforming to the minimum requirements of the *Brighton Technical Codes* and for Group R, Division 3 and Group M, Division 1 Occupancies, provided the Chief Building Official finds no special hazards exist.
    - b. For foundation concrete when the structural design is based on an  $f'c$  no greater than 2000 psi.
    - c. Nonstructural slabs on grade, including pre-stressed slabs on grade when effective pre-stress in concrete is less than 150 pounds per square inch.



- d. Site work concrete fully supported on earth and concrete where no special hazard exists.
- (c) **Ductile Moment-Resisting Concrete Frame.** As required by the *Brighton Technical Codes*.
- (d) **Reinforcing Steel and Pre-stressing Steel.**
  - (1) During all stressing and grouting of pre-stressed concrete.
  - (2) During placing of reinforcing steel, placing of tendons and pre-stressing steel for all concrete required to have special inspection.
  - (3) EXCEPTION:
    - a. The special inspector need not be present during entire reinforcing steel and pre-stressing steel placing operation, provided he has inspected for conformance with the approved plans, prior to the closing of forms or the delivery of concrete to the job site.
- (e) **Welding.**
  - (1) A ductile moment-resisting steel frame. As required by the *Brighton Technical Codes*.
  - (2) All structural welding including welding of reinforcing steel.
  - (3) EXCEPTIONS:
    - a. When welding is done in an approved fabricator's shop.
    - b. When approved by the Chief Building Official, single pass fillet welds when stressed to less 50 percent of allowable stresses and floor and roof deck welding and welding studs when used for structural diaphragm or composite systems may have periodic inspections as defined in Section 15-2-180 of this Code. For periodic inspection, the inspector shall check qualification of welders at start of work and then make final inspection of all welds for compliance prior to completion of welding.
- (f) **High-Strength Bolting.** During all bolt installations and tightening operations.
  - (1) EXCEPTIONS:
    - a. The special inspector need not be present during the entire installation and tightening operation provided he has:
    - b. Inspected the surface and bolt type for conformance to plans and specifications prior to start of bolting.
    - c. And will upon completion of all bolting, verify the minimum specified bolt tension for 10 percent of the bolts for each "type" of

- connection for a representative number of total connections established by the plans and specifications.
- d. In bearing type connections when threads are not required by design to be excluded from the shear plane, inspections prior to or during installation will not be required.
- (g) **Structural Masonry.** During preparation of masonry wall prisms, sampling and placing of all masonry units, placement of reinforcement, and inspection of grout space immediately prior to closing of cleanouts, and during all grouting operation. Where the  $f'c$  is less than 2600 and special inspection stresses are used, test specimens may consist of either one-prism test for each 5000 square feet of wall area or a series of tests based on both grout and mortar for the first three consecutive days and each third day thereafter.
- (1) EXCEPTION:
- a. Special inspection will not be required for structures designed in accordance with the values in appropriate tables for non-continuous inspection.
- (h) **Reinforced Gypsum Concrete.** When cast-in-place Class B gypsum concrete is being missed and placed.
- (i) **Insulating Concrete Fill.** During the application of insulating concrete fill when used as part of a structural system.
- (1) EXCEPTION:
- a. The special inspections may be limited to an initial inspection to check the deck surface and placement of reinforcing. The special inspector shall supervise the preparation of compression test specimens during this initial inspection.
- (j) **Sprayed-on Fireproofing.** As required by the I.C.C. Standard.
- (k) **Piling, Drilled Piers and Caissons.** During driving and testing of piles and construction of cast-in place drilled piles or caissons. See 15-2-190(b) and 15-2-190(d) for concrete and reinforcing steel inspection.
- (l) **Special Grading, Excavation and Filling.** During earthwork excavations, grading and filling operations inspection to satisfy requirements of this Code.
- (m) **Special Cases.** Work which, in the opinion of the Chief Building Official, involved unusual hazards or construction techniques.

#### **Section 15-2-200 - Duties and Responsibilities of the Special Inspector.**

- (a) **Special Inspector.** The special inspector shall be a qualified person who shall demonstrate his competence, to the satisfaction of the Chief Building Official, for

inspection of the particular type of construction or operation requiring special inspection.

- (1) The special inspector shall observe the work assigned to be certain it conforms to the design drawings and specifications.
  - (2) The special inspector shall furnish inspection reports to the Chief Building Official, the engineer or architect of record, and other designated persons. All discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the Chief Building Official.
  - (3) The special inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of his knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of these codes.
- (b) **Waiver of Special Inspection.** The Chief Building Official may waive the requirement for the employment of a special inspector if he finds that the construction is of minor nature.
- (c) **Periodic Special Inspection.** Some inspections may be made on a periodic basis and satisfy the requirements of continuous inspection, provided this periodic scheduled inspection is performed as outlined in the project plans and specifications and approved by the Chief Building Official.
- (d) **Approved Fabricators.** Special inspections required by this Section and elsewhere in the *Brighton Technical Codes* shall not be required where the work is done on the premises of a fabricator registered and *approved* by the Chief Building Official to perform such work without special inspection. The certificate of registration shall be subject to revocation by the Chief Building Official if it is found that any work done pursuant to the approval is in violation of the *Brighton Technical Codes*. The *approved* fabricator shall submit a Certificate of Compliance that the work was performed in accordance with the approved plans and specifications to the Chief Building Official and to the engineer or architect of record. The *approved* fabricator's qualifications shall be contingent on compliance with the following:
- (1) The fabricator has developed and submitted a detailed fabrication procedural manual reflecting key quality control procedures, which will provide a basis for inspection control of workmanship and the fabricator plant.
  - (2) Verification of the fabricator's quality control capabilities, plant and personnel as outlined in the fabrication procedural manual shall be by an approved inspection or quality control agency.
  - (3) Periodic plant inspections shall be conducted by an approved inspection or quality control agency to monitor the effectiveness of the quality control program.
  - (4) It shall be the responsibility of the inspection or quality control agency to notify the approving authority in writing of any change to the procedural manual. Any fabricator approval may be revoked for just cause. Re-approval of the fabricator shall be contingent on compliance with quality control procedures during the past year.

## **Section 15-2-210 - Site Maintenance.**

- (a) **Energy Connections.** Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the *Brighton Technical Codes* and for which a permit is required by this Code, until approved by the Chief Building Official.
- (b) **Temporary Connections.** The Chief Building Official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

## **Section 15-2-220 - Certificate of Occupancy.**

- (a) **Use or Occupancy.** Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the Chief Building Official has issued a certificate of occupancy therefore as provided herein.
- (b) Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the *Brighton Technical Codes* or of other ordinances of the City of Brighton. Certificates presuming to give authority to violate or cancel the provisions of the *Brighton Technical Codes* or of other ordinances of the City of Brighton shall not be valid.
  - (1) **Change in Use.** Changes in the character or use of a building shall not be made except as specified in the *Brighton Technical Codes*.
  - (2) **Certificate Issued.** After the Chief Building Official inspects the building or structure and finds no violations of the provisions of this Code or other laws, which are enforced by the City of Brighton, the Chief Building Official shall issue a certificate of occupancy, which shall contain the following:
    - a. The building permit number.
    - b. The address of the building.
    - c. The name and address of the owner.
    - d. A description of that portion of the building for which the certificate is issued.
    - e. A statement that the described portion of the building has been inspected for compliance with the requirements of this Code for the group and division of occupancy and the use for which the proposed occupancy is classified.
    - f. The name of the Chief Building Official.
    - g. If a required Fire Suppression System is installed:
      - (i) **Temporary Certificate.** If the Chief Building Official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, and a justifiable cause has been determined, a

temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure. This TCO will only be issued for circumstances beyond the control of the permit holder.

- (ii) **Posting.** The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Chief Building Official.
- (iii) **Revocation.** The Chief Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this Code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this Code.

### **Section 15-2-230 - Foundation Only Permits.**

- (a) **General.** A foundation permit for all occupancies may be issued prior to the issuance of the full construction permit for the building provided:
  - (1) Drawings for the proposed superstructure containing sufficient detail relating to the design of the foundation or substructure are submitted to the Chief Building Official. Complete calculations shall be submitted to validate the design of footings, caissons and all other structural elements.
  - (2) All approvals required are obtained prior to the issuance of the permit.
- (b) **Fee.** The fee charged at the time of issuance of the foundation only permit shall be based on the total valuation of the construction for the entire permit. No additional fees will be required at delayed submittal.
- (c) **Deviations.** Any deviation from the approved foundation permit drawings must be approved by the Chief Building Official.
- (d) **Responsibility.** The contractor shall assume full responsibility for the installation of all utilities in the substructure. Any changes in design or construction to meet the requirements of the *Brighton Technical Codes* for combined substructure and superstructure shall be the sole responsibility of the contractor. A permit issued under this Section shall not be construed, as approval for any portion of the structure not covered by the foundation permit.

Section 2. Article 15-4 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

### **ARTICLE 15-4 – INTERNATIONAL BUILDING CODE**

#### **Section 15-4-10 – Code adopted; purpose.**

- (a) The "International Building Code, 2018 Edition," published by the International Code Council, Inc., is hereby adopted as the Brighton Building Code of and for the City with the exception of Chapter 1 and any appendices.
- (b) The International Building Code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures unless regulated under the provisions of the International Residential Code.
- (c) Such code and said appendices and standards are adopted for the purpose of providing minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City and certain equipment specifically regulated herein.
- (d) The purpose of the International Building Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the International Building Code.
- (e) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

#### **Section 15-4-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

#### **Section 15-4-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the International Building Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

#### **Section 15-4-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the International Building Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the International Building Code or the appendices and standards hereby adopted

regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof.

#### **Section 15-4-40 - Amendments to the Brighton Building Code**

- (a) Whenever the term *Building Official* is used in the International Building Code or the appendices thereto hereby adopted, the term *Chief Building Official of the City of Brighton or his or her duly authorized representatives, designees or appointees* shall be inserted in lieu thereof.
- (b) Whenever the term International Building Code is used in this Article or the appendices thereto hereby adopted, the term *The City of Brighton Building Code* shall be inserted in lieu thereof.
- (c) Whenever there are references to the International Residential, Plumbing, Mechanical, Fire, Property Maintenance, Energy Conservation, Existing or Swimming Pool Codes or the appendices thereto hereby adopted, the term *The City of Brighton Technical Codes* shall be inserted in lieu thereof.
- (d) Section [A] 109.6 Refunds. Amend to read, "The building official shall authorize the refunding of fees as follows:
  - (1) The full amount of any fee paid hereunder that was erroneously paid or collected.
  - (2) Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Article
  - (3) Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
- (e) The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment."

#### **Section 15-4-50.** Section 1608.1, Snow loads, is amended to read:

- (a) "Design snow load shall be determined in accordance with Chapter 7 of ASCE 7, but the design roof load shall not be less than determined by Section 1607, and the uniform snow load shall not be less than 30 pounds per square foot."

#### **Section 15-4-60.** Section 1609.1, Wind Loads, is amended to read:

- (a) Wind Load shall be 90 mph, for a 3 second gust and 115 mph ultimate or as determined by Chapters 26 to 30 of ASCE 7.

#### **Section 15-4-70.** Section 1613.1 is amended to read:

- (a) The seismic design category for a structure is C coefficient.

**Section 15-4-80.** Section 903.2.8 is amended to read:

Add: [F] 903.2.8.3 Exceptions:

- (1) One and two family dwellings are not required to install fire suppression systems, but may do so.  
Exception: In subdivision(s) that require per the PUD that residential fire sprinklers are required.

**Section 15-4-90.** Section 2902.6 Small Occupancies.

- (a) Add to end of Section. "In other than Assembly uses and Educational facilities, drinking fountains are not required for an occupant load of 25 or fewer."

**Section 15-4-100.** [P] Table 2902.1 Minimum Number of Required Plumbing Fixtures.

- (a) Add second sentence to footnote "f of table, "In other than Group A and E Occupancies, drinking fountains are not required for an occupant load of 25 or fewer."

Section 3. Article 15-8 of the Brighton Municipal Code is repealed in its entirety.

Section 4. Article 15-12 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

#### **ARTICLE 15-12 – NATIONAL ELECTRICAL CODE**

**Section 15-12-10 – Code adopted; purpose.**

- (a) The 2020 edition of the "National Electrical Code," sponsored by the National Fire Protection Association, Quincy, Massachusetts, as adopted by the State of Colorado State Electrical Board and as may be amended from time to time, is hereby adopted as the Brighton Electrical Code of and for the City.
- (b) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

**Section 15-12-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.



**Section 15-12-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the National Electrical Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

**Section 15-12-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the National Electrical Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the National Electrical Code or the appendices and standards hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof.

Section 5. Article 15-16 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

**ARTICLE 15-16 – CONTRACTOR LICENSES**

**Section 15-16-10 – Purpose and intent.**

This Article is adopted to protect the health, safety and welfare of the general public and to preserve life, limb and the value of property within the City, by assuring that building and construction contractors working within the City are appropriately qualified and duly licensed.

**Section 15-16-15 – Non-liability.**

- (a) The adoption of the ordinance codified in this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article. Nothing in this Article shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

**Section 15-16-20 – License required.**

- (a) A contractor license is required for any person, firm, partnership, corporation, association or any combination thereof, which undertakes to perform any of the work for which a license is authorized in this Article within the City for any compensation.
- (b) The following are exempted from the requirements of this Article:

- (1) Any person performing work under the direction of a licensed contractor;
- (2) An owner performing work on his or her own personal residence and buildings accessory thereto. Pursuant to this exception, he or she may construct only one (1) residence as his or her personal residence within a period of three (3) consecutive years;
- (3) Owners of commercial buildings may, at the discretion of the Building Official, be issued permits for minor remodel projects not involving structural changes, such as relocations of counters, construction of partitions and facade, provided that, in the opinion of the Building Official, the building owner is capable of doing the work. All electrical and plumbing work must be done by licensed electricians and licensed plumbers respectively;
- (4) Public utility companies and water and sanitation districts when engaged in the installation, operation and maintenance of equipment used in production or service from their source through the facilities owned or operated by such utility company to the point of customer service;
- (5) Contractors installing fabricated or manufactured units such as cabinets, counter tops, storm windows, carpet, gutters, downspouts and landscaping materials; and
- (6) Electrical contractors registered pursuant to Section 15-16-30.

**Section 15-16-30. - Responsibility of licensee and Electrical Code registrants.**

- (a) Contractors licensed as provided in this Article and persons registered pursuant to the Electrical Code under this Article shall be responsible for the proper conduct of their business in the City, to include:
  - (1) Obtaining required permits before commencing work;
  - (2) Completion of construction in accordance with drawings and specifications filed and approved and permit issued by the City, except for good cause and/or under City-approved changes;
  - (3) Calling for all required inspections and giving twenty-four-hour minimum notice;
  - (4) Maintaining building plans, permits and inspection records on the job site accessible to City inspectors;
  - (5) Providing adequate job site sanitary facilities and safety measures to protect workers and the general public;
  - (6) Paying for all licenses and fees as required by the City's fees and charges resolution; and
  - (7) Proper supervision of all subcontractors and employees.

**Section 15-16-40 – Application for license.**

- (a) Applicants for a contractor license and for Electrical Code registration pursuant to Article 15-16 of this Code shall submit an application form provided by the City and pay the required application fees. Such form shall be accurately completed and signed by the applicant.

- (b) Any applicant for a contractor license shall establish his or her competence to perform the activities authorized by the license to the satisfaction of the Chief Building Official.

#### **Section 15-16-50 – License classifications.**

- (a) The following classes of contractor licenses are established and the holder of each license shall be authorized to perform work permitted by such license. All licenses shall be valid for twelve (12) months from the date of issue.
  - (1) Class A - Unlimited General Contractor. The holder of this license shall be authorized to construct, alter, repair or demolish any building or structure.
  - (2) Class B - Limited General Contractor. The holder of this license shall be authorized to construct Type III, IV or V buildings which do not exceed three (3) stories in height and which would not be used for Group E or I Occupancy. This class license authorizes interior nonstructural work on all building types and all occupancy groups. The holder may perform work authorized by C and D class licenses.
  - (3) Class C - Residential General Contractor. The holder of this license shall be authorized to construct, alter, repair or demolish residential buildings not exceeding three (3) stories in height above grade and not involving reinforced concrete above grade. The holder may perform work authorized by a Class D or E license.
  - (4) Class D - Jobbing Contractor. The holder of this license shall be authorized to construct, alter, repair or demolish uninhabitable buildings or portions of buildings or structures such as private garages, carports, patios, sheds, swimming pools, fences and signs. The license holder may also perform work authorized by a Class E license.
  - (5) Class E - Specialty Trades. The holder of this license shall be authorized to perform one (1) specified building trade such as house mover, mobile home setup, masonry, concrete flatwork, framing, drywall, roofing, glazing, irrigation systems, fire protection systems, elevator systems, security systems, solar energy collection/conversion systems, drain laying, water and sewer mains and paving, but shall not authorize electrical or mechanical work or connections to a potable water system.
  - (6) Class P - Plumbing Contractor. The holder of this license shall be authorized to perform all work described in the adopted plumbing code. This class license shall be issued to an individual, or to a business entity employing, in a supervisory capacity, an individual holding a current and valid State Master's Plumbing License.
  - (7) Class M - Mechanical Contractor. The holder of this license shall be authorized to construct, install, repair or alter all mechanical systems described in the adopted mechanical code, but shall not authorize electrical work or connections to a potable water system.
  - (8) Electrical Contractor. This Registration shall be issued to an individual, or to a business entity employing, in a supervisory capacity, an individual holding a current and valid State Master's Electrical License and State Electrical Contractor's License. No fee is required for this registration.

#### **Sec. 15-16-60. - Insurance required.**

- (a) Before any contractor license shall be issued to an applicant, the applicant shall furnish to the Building Official a certificate of general liability insurance in favor of the City and valid for the period of the license. Coverage shall not be less than one hundred thousand dollars (\$100,000.00) for injury or death to one (1) person and three hundred thousand dollars (\$300,000.00) for injury or death to more than one (1) person in any single accident or event, and not less than fifty thousand dollars (\$50,000.00) for property damage or destruction. Lapse of insurance shall render the license suspended until such insurance is reinstated.

**Sec. 15-16-70. - License nontransferable.**

- (a) A change in name or ownership of a licensed business entity shall have the legal effect of terminating the license. All such changes shall be reported to the Building Official and a new license applied for. Licenses are not transferable.

**Sec. 15-16-80. - Suspension or revocation of license.**

- (a) The City Council shall have the right to suspend or revoke a contractor license for violation of the provisions of this Article or violation of any other ordinance, code or statute in effect within the City.
- (b) The City Manager shall notify the licensee in writing by certified mail or by personal service at least seven (7) calendar days prior to the City Council meeting at which the suspension or revocation is to be considered.

**Sec. 15-16-90. - Denial of license.**

- (a) The Building Official may deny an application for a license or license renewal under this Article upon a determination that:
  - (1) The applicant has provided false information on the application form;
  - (2) The applicant is not qualified by education, training or experience to perform the work authorized by the license; or
  - (3) The applicant has previously failed to comply with ordinances and regulations of the City relating to contractor licenses or construction.

**Sec. 15-16-100. - Appellate review for denial or renewal.**

- (a) The Board of Appeals, as established under this Code, shall hear any appeal submitted by an applicant whose contractor license application or renewal has been denied by the Building Official.
- (b) The applicant shall submit his or her appeal in writing to the Board of Appeals within ten (10) calendar days after his or her application has been denied.
- (c) The Board of Appeals, after a hearing, shall determine whether the City abused its discretion in denying the application for a license authorized in this Article.
- (d) The Board of Appeals shall make its decision in writing, and shall have the decision delivered to the applicant by certified mail or personal service within

thirty (30) days of the hearing. The City shall immediately act in accordance with the decision.

Section 6. Article 15-20 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

## **ARTICLE 15-20 – INTERATIONAL FIRE CODE**

### **Section 15-20-10 – Code adopted; purpose.**

- (a) The "International Fire Code, 2018 Edition, “including Appendix B - Fire Flow Requirements for Buildings, Appendix C - Fire Hydrant Locations and Distribution, Appendix D – Fire Apparatus Access Road, Appendix E - Hazard Categories, Appendix F - Hazard Ranking and Appendix G - Cryogenic Fluids Weight and Volume Equivalents. The 2018 International Fire Code is published by the International Code Council.; Inc.4051 Flossmoor Road, Country Club Hills, IL 60478-5795, and is hereby adopted as the Brighton Fire Code of and for the City.
- (b) The purpose of this Article is not to recreate or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the International Fire Code, but, rather, for the purpose of prescribing regulations governing the conditions hazardous to life and property from fire or explosion within the limits of the City. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.
- (c) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

### **Section 15-20-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

### **Section 15-20-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the International Fire Code and appendices as adopted, is on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

**Section 15-20-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the International Fire Code and appendices thereto hereby adopted, which is now or hereafter inconsistent with other specific ordinances of the City, is deleted and not adopted by the ordinance codified in this Article. Any reference in the International Fire Code or the appendices hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy, etc., shall be replaced by reference to the fee schedule as adopted by the Board of the Greater Brighton Fire Protection District or the fee schedule as adopted by the Board of the South Adams Fire Protection District, as applicable, in lieu thereof.

**Section 15-20-40 – Substitution of particular terms.**

- (a) Whenever the term *Chief, Chief of Fire Department, Chief of Bureau of Fire Prevention, Fire Prevention Bureau, Fire Prevention Engineer* or similar title is used in the International Fire Code, including the appendices thereto as hereby adopted, the term *Fire Chief of the Greater Brighton Fire Protection District or Fire Chief of the South Adams Fire Protection District*, as applicable, shall be inserted in lieu thereof, as appropriate.
- (b) Whenever the term *corporation counsel* is used in the codes adopted hereby, it shall be held to mean the City Attorney.
- (c) Whenever the term *municipality* or *jurisdiction* is used in the codes adopted hereby, it shall be held to mean the City, as represented by the City Council, unless specifically otherwise defined or referred to herein or in such code.
- (d) Whenever the term *administrator, manager, officer* or similar title is used in the codes adopted hereby, the term *City Manager of the City of Brighton or his or her duly authorized agents, representatives, designees or appointees* shall be inserted in lieu thereof.

**Section 15-20-50 – Specific amendments to code.** The 2018 International Fire Code and the appendices adopted herein are amended to read as follows:

- (a) **Chapter 1 – Administration.**

- (1) Subsection 101.1 is amended to read as follows:

- “101.1 Title.** These regulations shall be known as the *Fire Code of the City of Brighton*, hereinafter referred to as ‘this code.’”

- (2) Subsection 102.7 is amended to read as follows:

**“102.7 Referenced codes and standards.** The codes and standards referenced in this Code shall be those that are listed in chapter 80 and such codes and standards shall be considered to be part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.”

- (3) Subsection 102.8 is amended to read as follows:

**“102.8 Subjects not regulated by this Code.** Where no applicable standards or requirements are set forth in this Code, or are contained within other laws, codes, regulations, ordinances or standards adopted by the City of Brighton, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this Code. Nothing herein shall derogate from or diminish the authority of the fire code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.”

- (4) Section 103, Department of Fire Prevention, is amended to read as follows:

**"103.1 General.** The Department of Fire Prevention is established under the direction of the Fire Chief. The function of the Department shall be the implementation, administration, and enforcement of the provisions of this Code, within the corporate limits of the City of Brighton, in consultation or in connection with the Chief Building Official of the City of Brighton.

**"103.2 Appointment.** The Fire Chief is appointed by the Board of Directors of the Greater Brighton Fire Protection District and shall serve as the fire code official.

**"103.3 Deputies.** In accordance with the prescribed procedures of the Greater Brighton Fire Protection District, the Fire Chief shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors, and other employees.

**"103.4.1 Legal defense.** Any suit instituted against any officer or employee of the Greater Brighton Fire Protection District because of a lawful act performed by that officer or employee in the lawful discharge of his or her duties under the provisions of this Code shall be defended by the legal representative of the Greater Brighton Fire Protection District until the final determination of the proceedings. The fire 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 division of fire and life safety, 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.”



- (5) Subsection 105.1.7 Fees, is added to read as follows:

**"105.1.7 Fees.** The required fee for each Fire Code inspection required prior to the issuance of a permit or certificate of occupancy shall be calculated or otherwise established by referring to the current fee schedule as adopted by the Board of the Greater Brighton Fire Protection District or the current fee schedule as adopted by the Board of the South Adams Fire Protection District, as applicable, or as otherwise set forth in the current City of Brighton Fee Resolution."

- (6) Subsection 105.3.3 is amended to read as follows:

**"105.3.3 Occupancy prohibited before approval.** A building or structure shall not be occupied prior to the issuance of a certificate of occupancy by the building official of the City of Brighton, nor shall operations within or upon such premises be commenced prior to the issuance of an operational permit, when required by the fire code official pursuant to this Code."

- (7) The first sentence in Subsection 105.3.6 is amended to read as follows:

**"105.3.6 Compliance with code.** The issuance or granting of a permit shall not be construed to be a permit for, or a waiver or approval of, any violation of any of the provisions of this Code or any other ordinance of the City of Brighton."

- (8) Subsection 105.4.1 is amended to read as follows:

**"105.4.1 Submittals.** Construction documents shall be submitted through the City's One Stop Center located at 500 South 4th Avenue.

Plans should include; fire protection system construction documents, including shop drawings, calculations, specifications, and other required information shall be reviewed and signed by a design professional certified as a NICET Level 111, as defined by the National Institute for Certification in Engineering Technologies, a NICET Level IV, or licensed Professional Engineer."

- (9) Subsection 105.6 is amended to read as follows:

**"105.6 Required operational permits.** The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.2, 105.6.4, 105.6.12, 105.6.13, 105.6.14, 105.6.16 (4, 6, and 10), 105.6.21, 105.6.23 (1 and 5), 105.6.26, 105.6.36, and 105.6.43 of the 2018 International Fire Code."

- (10) Subsection 107.9 is amended to read as follows:



**“105.7.9 Flammable and combustible liquids.** A permit is required to install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.”

- (11) Subsection 109.3 is amended by replacing the word “jurisdiction” with “City of Brighton.”

- (12) Subsection 110.4 is amended to read as follows:

**“110.4 Violation penalties.** Persons who violate a provision of this Code or fail to comply with any of the requirements hereof, or who shall erect, install, alter, repair or do work in violation of the approved construction documents or contrary to any directive of the fire code official or the terms and provisions of any permit or certificate issued pursuant to the provisions of this Code shall be subject to the fines and penalty provisions of this Article, set forth in Section 15-20-70, Penalties and civil remedies.”

- (13) Subsection 112.4 is amended to read as follows:

**“112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines and/or imprisonment as set forth in Section 15-20-70, Penalties and civil remedies.”

(b) **Chapter 57 – Flammable and Combustible Liquids.**

- (1) Subsection 5704.2.9.6.1 is amended to read as follows;

**“5704.2.9.6.1 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks is prohibited within the corporate limits of the City of Brighton.

**Exception:** Storage tanks in service prior to January 1, 2004.”

- (2) Subsection 5706.2.4.4 is amended to read as follows;

**“5706.2.4.4 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground storage tanks outside of buildings is prohibited within the corporate limits of the City of Brighton.

**Exception:** Storage tanks in service prior to January 1, 2004.”

(c) **Chapter 58 – Flammable Gasses and Flammable Cryogenic Fluids.**

- (1) Subsection 5806.2 is amended to read as follows;

**“5806.2 Limitations.** Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the corporate limits of the City of Brighton.”

(d) **Chapter 61 – Liquefied Petroleum Gas.**

- (1) Subsection 6104.2 is amended to read as follows, with the exception deleted:

**“6104.2. Maximum capacity within established limits.** The aggregate capacity of any one installation within the corporate limits of the City of Brighton shall not exceed a water capacity of 2,000 gallons (7570 L).”

**Section 15-20-60 – Appeals Task Force and Process.**

- (a) Section 109 - Board of Appeals of the 2018 International Fire Code is amended to read as follows:

**“109.1 Appeals process established.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this Code, there shall be and is hereby created an Appeals Task Force. The Appeals Task Force shall be comprised of the following individuals:

- The Brighton Fire Rescue District Fire chief, the Chief Building Official of the City of Brighton, and five (5) other individuals meeting the requirements of Subsection 109.3.
- The Fire Chief and Building Official shall be ex-officio advisory members of the Task Force and shall have no authority to vote on any matter coming before the Task Force.
- The Appeals Task Force may adopt reasonable rules of procedure for conducting its business and shall render its decisions and findings in writing to the appellant.
- The Appeals Task Force shall conduct its business and proceedings consistent with the administrative provisions and appeals procedures of Section 15-4-50 of the Brighton Municipal Code, which set forth the guidelines and procedures for the Board of Appeals under the International Building Code.”

- (b) The last sentence of Subsection 109.2 is amended to read as follows:

“The Appeals Task Force shall have no authority to waive the requirements of this Code.”

- (c) Section 109.3 is amended to read as follows:

**“109.3 Qualifications.** The Appeals Task Force shall consist of members who are qualified by professional experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and except for the individuals identified in Subsection 109.1, such individuals shall not be employees of the City of Brighton or the Greater Brighton Fire Protection District.”

**Section 15-20-70 – Penalties and Civil.**

- (a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to and in violation of any of the provisions of this Article, the International Fire Code and appendices and standards hereby adopted or any order issued by the Fire Chief or Fire Chief hereunder. If any person, including but not limited to owners, occupants, tenants, the officers, agents, employees and representatives of a corporation responsible for its actions or inaction, and the partners or members of a partnership, firm or joint venture, shall violate or cause the violation of this Article, they and each of them shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, permitted or continues. Upon conviction thereof, any person, including but not limited to such owners, occupants, tenants, partners, members, officers, agents or representatives, shall be subject only to the penalties provided for in Article 1-24, General penalties, of this Code.
- (b) In any case of a failure to comply with any requirements of this Article or of the International Fire Code, including all appendices thereto hereby adopted, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violations.
- (c) The regulations, standards and provisions of the International Fire Code, including all appendices and standards thereto hereby adopted, may be enforced by withholding related building permits, suspending or revoking building permits previously granted or issuing stop work orders effective until violations have been corrected.
- (d) The remedies above are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the City to seek alternative and/or cumulative sanctions or remedies.

#### **Section 15-20-80 – Conflict with Other Codes.**

- (a) If a dispute or conflict arises between the International Fire Code and appendices as adopted herein, and any plumbing, mechanical, building, electrical, fire or other uniform code adopted by the City or the State, then the more stringent provisions of each respective code shall prevail.

Section 7. Article 15-28 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

### **ARTICLE 15-28 – INTERNATIONAL RESIDENTIAL CODE**

#### **Section 15-28-10 – Code adopted; purpose.**

- (a) The "International Residential Code, 2018 Edition," published by the International Code Council, Inc., is hereby adopted as the Brighton Residential Building Code of and for the City with the exception of Chapter 1 and any

appendices. The International Residential Code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories in height with a separate means of egress.

- (b) The purpose of this Article is to provide a just, equitable and practical method to be cumulative with and in addition to, any other remedy provided by the provisions of this Chapter, or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished.
- (c) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

#### **Section 15-28-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

#### **Section 15-28-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the International Residential Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

#### **Section 15-28-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the International Residential Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the International Residential Code or the appendices and standards hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof.

**Section 15-28-40 -** The Residential Code for One and Two Family Dwellings is hereby amended as follows:

- (a) Whenever there are references to the International Building, Plumbing, Mechanical, Fire, Property Maintenance, Energy Conservation, Existing or Swimming Pool Codes or the appendices thereto hereby adopted, the term *The City of Brighton Technical Codes* shall be inserted in lieu thereof.

**Section 15-28-50 - R313.2 One and two family dwelling automatic fire sprinkler systems.**

An automatic residential fire sprinkler system shall “may” be installed in one and two-family dwellings.

**Section 15-28-60 - Section N1102.4 (R402.4) Air Leakage (Mandatory).** Add to end of section, "Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section N1102.4.1.2 or N1102.4.1.3."

**Section 15-28-70 - Section N1102.4.1.2 (R402.4.1.2) Testing.** Amend Section title to read, "N1102.4.1.2 (R402.4.1.2) Testing option."

**Section 15-28-80 - Create new Section, "N1102.4.1.3 Visual inspection option.** The components listed in Table N1102.4.1.1, applicable to the method of construction, are field verified. Where required by the building official, an approved party independent from the installer of the insulation, shall inspect the air barrier and insulation."

Section 8. Article 15-32 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

**ARTICLE 15-32 – INTERNATIONAL MECHANICAL CODE**

**Section 15-32-10 – Code adopted; purpose.**

- (a) The “International Mechanical Code, 2018 Edition,” published by the International Code Council, Inc. with the exception of Chapter 1 and any appendices is hereby adopted as the Brighton Mechanical Code of and for the City. The International Mechanical Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings.
- (b) The purpose of this Article is not to recreate or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the code. The purpose of this Article is to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling and refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the City.
- (c) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

### **Section 15-32-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

### **Section 15-32-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the International Mechanical Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

### **Section 15-32-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the International Mechanical Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the International Mechanical Code or the appendices and standards hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof.

Section 9. Article 15-36 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

## **ARTICLE 15-36 – INTERNATIONAL PLUMBING CODE**

### **Section 15-36-10 – Code adopted; purpose.**

- (a) The "International Plumbing Code, 2018 Edition," published by the International Code Council, Inc., is hereby adopted as the Brighton Plumbing Code of and for the City with the exception of chapter 1 and any appendices. The International Plumbing Code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems and regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems.
- (b) The purpose of this Article is to provide minimum requirements and standards regarding plumbing systems for the protection of the public health, safety and welfare, and not to create or otherwise establish or designate any particular class or group or persons who will or should be especially benefited or protected by the

terms of this Article. This Article is adopted for the purpose of providing minimum standards to safeguard life, limb, health, property and public welfare by regulating plumbing methods, services and materials within the City.

- (c) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

#### **Section 15-36-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

#### **Section 15-36-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the International Plumbing Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

#### **Section 15-36-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the International Plumbing Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the International Plumbing Code or the appendices and standards hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof.

Section 10. Article 15-40 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

### **ARTICLE 15-40 – INTERNATIONAL ENERGY CONSERVATION CODE**

#### **Section 15-40-10 – Code adopted; purpose.**

- (a) The "International Energy Conservation Code, 2018 Edition," published by the International Code Council, Inc., and in particular Commercial (CE) Chapters and Residential Chapters (RE) 1 adopted as the Brighton Energy Conservation Code of and for the City with the exceptions of Chapter 1 of both the Commercial (CE) and Residential (RE) and any appendices.. The International

Energy Conservation Code shall regulate the design and construction of buildings for the use and conservation of energy over the life of each building.

- (b) The purpose of this Article is to provide requirements and standards regarding energy conservation systems that adequately conserve energy; do not unnecessarily increase construction costs or restrict the use of new materials, products or methods of construction; do not give preferential treatment to particular types or classes of materials, products or methods of construction. The provisions hereof are for the protection of the public health, safety and welfare, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Article.
- (c) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

**Section 15-40-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

**Section 15-40-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the International Energy Conservation Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

**Section 15-40-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the International Energy Conservation Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the International Energy Conservation Code or the appendices and standards hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof.



**Section 15-40-40 - Section R 402.4 Air Leakage (Mandatory).** Add to end of section, "Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section N1102.4.1.2 or N1102.4.1.3."

**Section 15-40-50 - Section R402.4.1.2 Testing.** Amend Section title to read, R402.4.1.2 Testing option."

**Section 15-40-60 - Create new Section, R402.4.1.3 Visual inspection option.** The components listed in Table N1102.4.1.1, applicable to the method of construction, are field verified. Where required by the building official, an approved party independent from the installer of the insulation, shall inspect the air barrier and insulation."

Section 11. Article 15-42 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

## **ARTICLE 15-42 – INTERNATIONAL PROPERTY MAINTENANCE CODE**

### **Section 15-42-10 – Code adopted; purpose.**

- (a) The “International Property Maintenance Code, 2018 Edition,” published by the International Code Council, Inc., with the exception of Chapter 1 and any appendices is hereby adopted as the Brighton Property Maintenance Code of and for the City. The International Property Maintenance Code shall apply to minimum maintenance standards for light, ventilation, heating, sanitation, and fire safety for existing buildings.
- (b) The purpose of this Article is not to recreate or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the International Property Maintenance Code, but, rather, for the purpose of prescribing regulations governing the conditions hazardous to life and property within the limits of the City. The purpose of this Article is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection in new and existing buildings, structures and premises.
- (c) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

### **Section 15-42-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any

immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

**Section 15-42-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the International Property Maintenance Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

**Section 15-42-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the International Property Maintenance Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the International Property Maintenance Code or the appendices and standards hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof.

Section 12. Article 15-44 of the Brighton Municipal Code is hereby adopted to read as follows:

**ARTICLE 15-44 – INTERNATIONAL SWIMMING POOL AND SPA CODE**

**Section 15-44-10 – Code adopted; purpose.**

- (a) The "International Swimming Pool and Spa Code, 2018 Edition," published by the International Code Council, Inc., with the exception of Chapter 1 and any appendices along with the American National Standard for Suction Entrapment Avoidance in swimming pools et al (ICC-7) inclusive is hereby adopted as the Brighton Swimming Pool and Spa Code of and for the City. The International Swimming Pool and Spa Code shall apply to the construction, alteration, repair and maintenance of Aquatic recreation facilities, pools and spas that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading.
- (b) The purpose of this Article is to provide requirements and standards regarding the installation of swimming pools and spas. The provisions hereof are for the protection of the public health, safety and welfare, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Article.
- (c) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

**Section 15-44-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

#### **Section 15-44-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the International Swimming Pool and Spa Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

#### **Section 15-44-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the International Swimming Pool and Spa Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the International Swimming Pool and Spa Code or the appendices and standards hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof.

Section 13. Article 15-46 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

### **ARTICLE 15-46 – INTERNATIONAL EXISTING BUILDING CODE**

#### **Section 15-46-10 – Code adopted; purpose.**

- (a) The "International Existing Building Code, 2018 Edition," published by the International Code Council, Inc., with the exception of Chapter 1 and any appendices is hereby adopted as the Existing Building Code of and for the City. The International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.
- (b) The purpose of this Article is not to recreate or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the International Existing Building Code, but, rather, for the purpose of prescribing regulations governing the conditions hazardous to life and property within the limits of the City. The purpose of this Article is to establish the minimum requirements consistent with nationally recognized good

practice for providing a reasonable level of life safety and property protection in existing buildings, structures and premises.

- (c) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

#### **Section 15-46-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

#### **Section 15-46-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the International Existing Building Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

#### **Section 15-46-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the International Existing Building Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the International Existing Building Code or the appendices and standards hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof.

Section 14. Article 15-50 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

### **ARTICLE 15-50 – INTERNATIONAL FUEL GAS CODE**

#### **Section 15-50-10 – Code adopted; purpose.**

- (a) The "International Fuel Gas Code, 2018 Edition," published by the International Code Council, Inc., with the exception of Chapter 1 and any appendices is hereby adopted as the Brighton Fuel Gas Code of and for the City. The International Fuel Gas Code shall apply to the installation of fuel-gas piping systems, fuel gas appliances, gaseous hydrogen systems and related accessories. This Article covers

pipng systems for natural gas with an operating pressure of 125 psig or less and for LP-gas systems with an operating pressure of 20 psig or less.

- (b) The purpose of the code is not to recreate or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the International Fuel Gas Code, but, rather, for the purpose of prescribing regulations governing the conditions hazardous to life and property within the limits of the City, including fire and explosion. The purpose of this Article is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations.
- (c) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

#### **Section 15-50-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

#### **Section 15-50-20 – Copy of code on file.**

- (a) Not less than one (1) copy of the International Fuel Gas Code has been, and is now on file in the office of the City Clerk, and from the effective date of the ordinance codified herein amending this Article, the provisions of said Code shall be controlling within the limits of the City.

#### **Section 15-50-30 – Deletions and substitutions; fees.**

- (a) Anything contained in the International Fuel Gas Code or the appendices thereto hereby adopted which is now or is hereafter inconsistent with other specific ordinances of this City is deleted and not adopted by this Article. Any reference in the International Fuel Gas Code or the appendices and standards hereby adopted regarding permit fees, inspection fees, grading fees, fees for certificates of occupancy or the like shall be replaced by specific reference to the phrase *the current City of Brighton Fee Resolution*, in lieu thereof.

Section 15. Article 15-54 of the Brighton Municipal Code is repealed in its entirety and readopted to read as follows:

## **ARTICLE 15-54 – BRIGHTON ELEVATOR AND CONVEYANCE CODE**

### **Section 15-54-10 – Code adopted; purpose.**

- (a) CRS Title 9 Article 5.5 and Colorado Department of Labor and Employment, Division of Oil and Public Safety Regulations, Conveyance Regulations, 7 C.C.R. 1101-8 are hereby adopted as the Brighton Conveyance Code of and for the City. The Elevator and Conveyance Code shall apply to all elevators and conveyances in the City for proper and safe operation and maintenance.
- (b) The purpose of this Section and the Codes adopted above is to provide a system of regulations and inspections of elevators and conveyances consistent with state law and generally conforming to similar regulations throughout the State.
- (c) All sections, subsections, terms and provisions of this Article not otherwise specifically repealed or amended shall apply to the code adopted by reference as the same may be amended from time to time.

### **Section 15-54-15 – Non-liability.**

- (a) The adoption of this code by this Article shall not create any duty to any person with regard to the enforcement or non-enforcement of this Article or said code. No person shall have any civil liability remedy against the City or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Article or said code. Nothing in this Article or in said code shall be construed to create any liability, or to waive any of the immunities, limitations of liability or other provisions of the Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

Section 16. The adoption of the National Electric Code and all other changes made to Article 15-12 shall be effective as of the effective date of this ordinance. All remaining amendments, changes, or adoptions contained in this ordinance shall be effective as of January 1, 2021.

Section 17. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

Section 18. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED  
THIS 1<sup>st</sup> DAY OF September, 2020.

PUBLIC HEARING ORDERED TO BE HELD ON THE 6<sup>th</sup> DAY OF October, 2020 AS  
PART OF THE REGULAR BRIGHTON CITY COUNCIL MEETING, WITH NOTICE OF  
SUCH HEARING TO BE PUBLISHED AS REQUIRED BY C.R.S 31-16-203.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY  
TITLE ONLY THIS 6<sup>th</sup> DAY OF October, 2020.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney