

ORDINANCE O-2015-60

A BILL FOR AN ORDINANCE REPEALING AND REENACTING CHAPTER 16.20 OF THE LONGMONT MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 6. International Property Maintenance Code Adopted.

Chapter 16.20 of the Longmont Municipal Code is hereby repealed and reenacted to read as follows:

16.20.010. - International Property Maintenance Code adopted.

Pursuant to Part 2 of Article 16 of Title 31, CRS, as amended, and Article IV, Municipal Charter of the City of Longmont, Colorado, there is adopted as the property maintenance code of the City, by reference thereto, the International Property Maintenance Code, 2015 Edition, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, that code to have the same force and effect as if set forth in this chapter in every particular, save and except such portions as are added, amended, deleted, or replaced in this chapter. All references in this code to the International Property Maintenance Code are to the edition referenced above.

16.20.020. - Copies—Filing for public inspection.

At the time of adoption, one certified true copy of the International Property Maintenance Code, published by the International Code Council, is on file in the office of the city clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The city shall keep a copy of the adopted code in the office of the chief enforcement officer for public inspection. The building code, as finally adopted, is available for sale at the office of the city clerk, at a price reflecting cost to the city as established by the city manager, pursuant to this municipal code.

16.20.030. - Section 101.1 amended—Title.

Section 101.1 of the International Property Maintenance Code is amended by the insertion of “the City of Longmont” within the brackets.

16.20.040. - Section 102.3 amended—Application of other codes.

Section 102.3 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

Repairs, additions or alterations to a structure, or change of use or occupancy, shall be done in accordance with all current adopted codes.

16.20.050. - Section 103.1 amended—General.

Section 103.1 of the International Property Maintenance Code is amended by the addition of the following to sentence one:

“or designee.”

16.20.060. - Section 103.5 replaced—Fees.

Section 103.5 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

Fees for the administration and enforcement of this code shall be established from time to time by resolution of the city council.

16.20.070. - Section 106 replaced—Violations.

Section 106 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

106.1 Unlawful acts. It is unlawful for any person to erect, install, alter, repair, relocate, add to, replace, demolish, use, occupy or maintain any building or structure, or cause or permit the same to be done, in violation of this code.

106.2 Violation. Any person committing or permitting a violation of this code commits a separate offense for each day or part of a day during which the violation exists. Offenses are punishable according to Chapter 1.12 of the Longmont Municipal Code.

106.3 Violation penalties. Imposition of one penalty for any violation shall not excuse the violation nor permit it to continue, and all such persons shall correct or remedy such violations or defect within a reasonable time. In addition to any other penalties, any violation of this code is a public nuisance and shall be enjoined by a court of competent jurisdiction. For provisions relating to public nuisance see Longmont Municipal Code Chapter 9.04. Nothing in this code shall prevent the city attorney from seeking appropriate legal or equitable relief from any court of competent jurisdiction. The chief building official shall certify, to the city clerk, as a proposed charge and lien against the subject property, the cost, plus a twenty percent administrative service charge, of any such action taken pursuant to such court action or pursuant to the following sections of the International Property Maintenance Code:

§108.1.3, Closing of vacant structures unfit for human habitation and occupancy, or

§110.3 Demolition of structures dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, that are un-repairable, un-repaired or on which normal construction has ceased for more than two years.

106.4. Notice of Assessment; Appeal of Charges.

(a) Upon receipt of the statement of charges, the city clerk shall mail to the owner of record of the subject property a notice, stating the amount and grounds for the charges; that the City proposes to assess the charges against the property; and that, pursuant to section 16.30.040 of Longmont Municipal Code, any objections to the proposed assessment must be made in writing and filed with the office of the city clerk within fourteen (14) days from the date of receipt of such notice. Upon the expiration of the fourteen (14) day period, if the city clerk receives no objections, the finance director shall, pursuant to C.R.S § 31-20-105, certify such charges to the office of the treasurer of the county that includes the property, for collection in the same manner as taxes authorized by C.R.S. Title 31.

(b) If the property owner files an appeal with the city clerk before the expiration of the fourteen (14) day period, the finance director shall refer the matter to the master board of appeals for determination, according to Chapter 16.30 of the Longmont Municipal Code.

(c) Upon conclusion of administrative review, the master board of appeals shall determine, in writing, whether the charges are proper. The city shall have the burden of proof, by a preponderance of the evidence. According to that determination, the master board of appeals shall affirm, cancel or reduce the charges. The master board of appeals shall furnish a copy of this determination to the person making the objections together with a notice of such person's right to appeal to the District Court, according to Chapter 16.30 of the Longmont Municipal Code.

(d) The master board of appeals, on appeal, may reduce or cancel a proposed assessment if it is determined that any of the following did not conform to the provisions of this Ordinance:

- (1) Any required notice to correct the subject violations; or
- (2) The work performed in abating the nuisance; or
- (3) The computation of charges.

(e) Upon a final determination by the master board of appeals affirming or reducing the charges, the City Clerk shall certify a copy of the determination to the finance director, who shall certify such charges to the office of the treasurer of the county, as provided above.

16.20.080. - Section 107.5 amended—Penalties.

Section 107.5 of the International Property Maintenance Code is amended by deleting the reference to "106.4" and substituting "106.2 and 106.3" as amended.

16.20.090. - Section 108.1.5 amended—Dangerous structure or premises.

Section 108.1.5 of the International Property Maintenance Code is amended by the addition of the following:

12. Any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

13. Any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

14. The exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

15. The building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

16. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

17. Any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-

resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

16.20.100. - Section 110.1 amended—General.

Section 110.1 of the International Property Maintenance Code is amended by deleting the last sentence in this section and adding, “Where deemed necessary by the code official, boarding per Appendix A may be required.”

16.20.110. - Section 111 replaced—Means of appeal.

Section 111 of the International Property Management Code is deleted in its entirety and replaced with the following:

111.1 General. For provisions relating to Means of Appeal, see Chapter 16.30 of the Longmont Municipal Code.

16.20.110. - Section 112.4 amended—Failure to comply.

Section 112.4 of the International Property Management Code is amended to read as follows:

It shall be a violation of this code for any person to 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.

16.20.120. - Section 202 addition—Definitions.

Section 202 of the International Property Maintenance Code is amended by the deletion of the definition for bedroom and replacing it with the following:

BEDROOM/SLEEPING ROOM: An enclosed space within a dwelling unit, used or intended to be used for sleeping purposes, meeting the minimum area requirements of the building code or containing a closet or similar area which is easily converted into a closet (such space needs only doors to become a closet).

Section 202 of the International Property Maintenance code is amended by deleting the definition for Historic Building and replacing it with the following:

HISTORIC BUILDINGS: Buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.

16.20.130. - Section 302.1 amended—Sanitation.

Section 302.1 of the International Property Maintenance Code is amended by the addition of the following:

For provisions relating to offensive premises see 9.04.100 of the Longmont Municipal Code.

16.20.140. - Section. 302.3 amended—Sidewalks and driveways.

Section 302.3 of the International Property Maintenance Code is amended by the addition of the following section:

Section 302.3.1 Surfacing. Any required front or side yard setback adjacent to a street, on which a vehicle is driven or parked, must be surfaced with asphalt, concrete or gravel. If gravel, the parking surface must be at least three inches deep and must be kept free of vegetation

and, if necessary, provide a border to prevent parking surface from spreading. At least sixty percent of any yard adjacent to a street and seventy-five percent for all yards adjacent to a street on a corner lot, shall be landscaped. No parking shall be permitted in landscape areas.

16.20.150. - Section 302.4 amended—Weeds.

Section 302.4 of the International Property Maintenance Code is amended by the addition of the following:

For provisions relating to weeds see chapter 9.32 of the Longmont Municipal Code.

16.20.160. - Section 302.5 amended—Rodent harborage.

Section 302.5 of the International Property Maintenance Code is amended by the addition of the following:

For provisions relating to rodents see chapter 9.16 of the Longmont Municipal Code.

16.20.170 Section 302.8 amended—Motor vehicles.

Section 302.8 of the International Property Maintenance Code is amended by the addition of the following:

For provisions relating to motor vehicles see chapter 11.12 of the Longmont Municipal Code.

16.20.180. - Section 302.9 amended—Defacement of property.

Section 302.9 of the International Property Maintenance Code is amended to read as follows:

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to promptly report defacement of private property exterior surface and to cooperate with the code official to ensure that said surface is restored to an approved state of maintenance and repair.

Upon determining that the measures outlined in the preceding paragraph of this section will not restore the surface to an approved state of maintenance, the code official is authorized, pursuant to section 107 of this code, to issue a correction order to the owner. Upon failure of the owner to satisfy the correction order through any available public agency or by contract or arrangement by private persons and may pursue assessment and collection of the cost thereof according to sections 106.3 and 106.4. (Ord. O-2006-40 § 1)

16.20.190. - Section 303.1 amended—Swimming pools.

Section 303.1 of the International Property Maintenance Code is amended by the addition of “spas, hot tubs, ornamental ponds or any other water features” after the word swimming pools in the first sentence.

16.20.210. - Section 304.1.1 amended—Unsafe conditions.

Section 304.1.1 of the International Property Maintenance Code is amended by replacing the words “shall be repaired or replaced” with the words “may be required to be repaired or replaced.”

16.20.220. - Section 304.14 replaced—Insect screens.

Section 304.14 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

Insect screens shall be provided on every exterior door, all operable windows and any outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screen of not less than 16 mesh per inch and every door used for insect control shall have a self-closing device in good working condition. Screens shall be maintained free from tears, holes, or other imperfections of either screen or frame that could admit insects such as flies or mosquitoes.

16.20.230. - Section 304.15 amended—Doors.

Section 304.15 of the International Property Maintenance Code is amended by deleting the words “operator systems if provided” in sentence one.

16.20.240. - Section 304.19 replaced—Gates.

Section 304.19 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

304.19 Automated gates. All exterior automated gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

16.20.250. - Section 305.1.1 amended—Unsafe conditions.

Section 305.1.1 of the International Property Maintenance Code is amended by replacing the words “shall be repaired or replaced” with the words “may be required to be repaired or replaced.”

16.20.260. - Section 306.1.1 amended—Unsafe conditions.

Section 306.1.1 of the International Property Maintenance Code is amended by replacing the words “shall be repaired or replaced” with the words “may be required to be repaired or replaced.”

16.20.270. - Section 307.1 replaced—General.

Section 307.1 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

Every interior and exterior stairway shall comply with the International Building Code Sections 1003, 1009, 1012 and 1015 and residential stairways in one and two family dwellings shall comply with International Residential Code sections R311 and R312.

16.20.280. - Section 402.2 replaced—Common halls and stairways.

Section 402.2 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

Every common hall and stairway shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided the spacing between lights is not greater than 30 feet. Means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by

the means of egress is occupied, with a minimum of 1 foot-candle at floors, landings, ramps, and treads.

16.20.290. - Section 404.4.1 replaced—Room area.

Section 404.4.1 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.

16.20.300. - Section 404.5 replaced—Overcrowding.

Section 404.5 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

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

16.20.310. - Section 503.4 replaced—Floor surface.

Section 503.4 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

503.4 Sanitation. In other than dwelling units, floors of toilet rooms shall be finished with a smooth nonabsorbent material that extends upward on the walls at least 5 inches (127mm). Walls within 2 feet (610mm) of the front and sides of urinals and water closets shall be finished with a smooth nonabsorbent material to a height of 4 feet (1219mm).

16.20.320. - Section 506.1 replaced—General.

Section 506.1 of the International Property Maintenance Code is deleted in its entirety and replaced with the following:

All plumbing fixtures shall be properly connected to a public sewer system.

16.20.330. - Section 601.1 amended—Scope.

Section 601.1 of the International Property Maintenance Code is amended with the addition of the following section:

Section 601.1.1 Carbon monoxide detection. Carbon monoxide detection must be provided in all residential occupancies having a fuel fired appliance or attached garage, when the property has any interior work performed requiring a building permit or whenever the unit has a change in ownership or tenancy. The detectors shall be installed within 15 feet of any sleeping area and may be battery powered, hard wired or cord and plug type.

16.20.340. - Section 602.3 amended—Heat supply.

Section 602.3 of the International Property Maintenance Code is amended by the following:

Insert in the date “September 1st” to “May 1st” into the brackets.

16.20.350. - Section 602.4 amended—Occupiable work spaces.

Section 602.4 of the International Property Maintenance Code is amended by the following:

Insert in the date “September 1st” to “May 1st” into the brackets.

16.20.360. - Section 604.3.1.1 amended—Electrical equipment.

Section 604.3.1.1 of the International Property Maintenance Code is amended by replacing the words “shall be repaired or replaced” with the words “may be required to be repaired or replaced,” and replacing the reference to the “International Building Code” with “adopted electrical code.”

16.20.370. - Section 604.3.2.1 amended—Electrical equipment.

Section 604.3.2.1 of the International Property Maintenance Code is amended by replacing the words “shall be repaired or replaced” with the words “may be required to be repaired or replaced,” and replacing the reference to the “International Building Code” with “the adopted electrical code.”

16.20.320. - Section (F) 704.1.2 amended—Fire department connection.

Section (F) 704.1.2 of the International Property Maintenance Code is amended by the addition of the words “Where required by the fire code official as necessary to protect public safety” at the beginning of the first sentence. Chapter 13 of the International Plumbing Code is deleted in its entirety.

16.16.240. - Chapter 14 deleted—Subsurface landscape irrigation systems.

Chapter 14 of the International Plumbing Code is deleted in its entirety.

16.16.250. - Appendix D amended—Degree day and design temperatures.

Appendix D of the International Plumbing Code is amended by adding the following after the title:

The design parameters in Longmont shall be -2 degrees Fahrenheit heating design and 91 degrees Fahrenheit cooling design.

Exception:

Boiler design parameters may be -10 degrees Fahrenheit heating design.