

Title 15

BUILDINGS AND CONSTRUCTION

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(Ord. 4207, 1996; Ord. 4208, 1996; Ord. 4260, 1997; Ord. 4267 § 1, 1997; Ord. 4268, 1997; Ord. 4347, 1998; Ord. 4348, 1998; Ord. 4353, 1998; Ord. 4354, 1998; Ord. 4448, 1998; Ord. 4531, 2000; Ord. 4607, 2001; Ord. 4681, 2001; Ord. 4724, 2002; Ord. 4759, 2002; Ord. 4814, 2003; Ord. 4822, 2003; Ord. 4950, 2004; Ord. 5018, 2005; Ord. 5026, 2005; Ord. 5027, 2005; Ord. 5028, 2005; Ord. 5029, 2005; Ord. 5030, 2005; Ord. 5031, 2005; Ord. 5037, 2005; Ord. 5189, 2006; Ord. 5223, 2007; Ord. 5234, 2007; Ord. 5235, 2007; Ord. 5236, 2007; Ord. 5237, 2007; Ord. 5238, 2007; Ord. 5239, 2007; Ord. 5240, 2007; Ord. 5241, 2007; Ord. 5242, 2007; Ord. 5247, 2007; Ord. 5390, 2009; Ord. 5455, 2009 repeal & reenacted 15.30; Ord. 5485, 2010; Ord. 5606, 2011; Ord. 5600, 2011; Ord. 5601, 2011; Ord. 5602, 2011; Ord. 5603, 2011; Ord. 5604, 2011; Ord. 5605, 2011; Ord. 5606, 2011; Ord. 5607, 2011; Ord. 5659, 2012; Ord. 5765, 2013; Ord. 5772, 2013; Ord. 5773, 2013; Ord. 5774, 2013; Ord. 5775, 2013; Ord. 5776, 2013; Ord. 5777, 2013; Ord. 5778, 2013; Ord. 5779, 2013; Ord. 5780, 2013; Ord. 5781, 2013; 5924, 2015; Ord. 6006, 2015)

Chapter 15.04

BUILDINGS AND CONSTRUCTION--GENERAL PROVISIONS

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15.04.010 Building official.

The position of building official is created. Unless otherwise provided, the building official shall be the chief enforcement officer for all building regulations contained in this title, including the various codes adopted by reference in this title and for Titles 16 and 18 of this code, including the various codes adopted therein by reference. The building official may appoint plans reviewers, building inspectors, other related technical officers and inspectors and assistants as authorized by the city manager. (Ord. 3481 § 1, 1988; Ord. 3091 § 1, 1984; Ord. 1355 § 1, 1974; prior code § 22-1)

15.04.020 General provisions.

The general provisions of this chapter shall apply to all building regulations set forth in this title. (Ord. 1981 § 1, 1981; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2)

15.04.032 No permit issued--When.

No permit shall be issued to any person who is delinquent on the payment of any fees or other charges due the city in connection with such permit or any other permit previously issued to such person, until such fees or charges are paid. (Ord. 3335 § 16, 1986)

15.04.036 Finished grade.

As an integral part of the issuance of a building permit for new construction, the applicant must submit a finished grading plan for review and approval, by the city engineer. This grading plan must be in sufficient detail to insure positive drainage away from all structures and the method of disposal of all drainage runoff for the entire project site. The finished grading plan shall be subject to the review and approval of the city engineer, prior to the issuance of the building permit. (Ord. 1894 § 1, 1980)

15.04.050 Permits--Time limit for procuring.

All permits issued hereunder must be procured and all required building permit fees therefore paid within ninety days after notification by the building official's office that the building permit application has been processed. (Ord. 4354 § 2, 1998; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-1 (part))

15.04.060 Permits--Application--Approval.

Applications for building, plumbing, electrical, mechanical and sign permits shall be made to the building official. Such application shall be accompanied by plans which are sufficient to determine whether the proposed project complies with the provisions of these codes. In the event any changes, additions or amendments are made in said plans and specifications at any time before completion of the work, the changes shall be submitted to the building official for his approval. Such approval shall be noted on the records of the building official. Upon receipt of evidence that the applicant is duly licensed (if the nature of the work for which the permit is sought requires the applicant to be licensed) and that all conditions for the issuance of a permit have been met by the applicant, and that all necessary fees have been paid to the city, the building official shall issue the permits required. (Ord. 5600 § 1, 2011; Ord. 4354 § 3, 1998; Ord. 1659 § 11, 1978; Ord. 1640 § 1, 1978; Ord. 1420 § 3c, 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-2)

15.04.070 Exemption of Certain City Projects from Permit Fees.

Notwithstanding any provision in this Title 15 to the contrary, the city and the Loveland Fire Rescue Authority shall not be required to pay any inspection, building, or any other fees required under this Title 15 with respect to the construction or development of any Loveland Fire Rescue Authority or city funded building, improvement or facility to be used for a city purpose; provided that this exemption shall not apply to those buildings, improvements and facilities funded by, constructed for, and to be used by (i) the city's power, water, wastewater, stormwater, or solid waste utility; or (ii) the city's golf enterprise and all such utility and enterprise development shall continue to be subject to all applicable fees under this Title 15. (Ord. 5986 § 1, 2016; Ord. 5485 § 1, 2010)

15.04.090 Connections--Prohibited until work is approved.

It is unlawful for any person to make any electrical, gas, water or sewer connection to any building or structure until the work has been completed, inspected and approved as set forth in this code and in the codes herein adopted by reference. (Ord. 1420 § 3f, 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-5)

15.04.120 Interpretation.

- A. When the building code or other codes adopted in this title contain a provision that an act or activity must be accomplished in order to secure an approval from, or that an act or activity is subject to the direction of, the inspecting agents or any other officer of the city, then such provision shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance or the respective codes have been complied with. No such provision shall be construed as giving any officer or agent discretionary powers to make any ruling or determination concerning such conditions or things not prescribed by ordinance or code or to enforce ordinance provisions in an arbitrary or capricious manner.
- B. When any reference in this Title, or other codes adopted in this Title, is made to the "International Building Code" such reference shall refer to the building code adopted in this Title.
- C. When any reference in this Title, or other codes adopted in this Title, is made to the "International Residential Code" such reference shall refer to the building code adopted in this Title.
- D. When any reference in this Title, or other codes adopted in this Title, is made to the "International Mechanical Code" such reference shall refer to the building code adopted in this Title.
- E. When any reference in this Title, or other codes adopted in this Title, is made to the "International Fuel Gas Code" such reference shall refer to the building code adopted in this Title.
- F. When any reference in this Title, or other codes adopted in this Title, is made to the "International Plumbing Code" such reference shall refer to the building code adopted in this Title.
- G. When any reference in this Title, or other codes adopted in this Title, is made to the "International Energy Conservation Code" such reference shall refer to the building code adopted in this Title.
- H. When any reference in this Title, or other codes adopted in this Title, is made to the "International Existing Building Code" such reference shall refer to the building code adopted in this Title.
- I. When any reference in this Title, or other codes adopted in this Title, is made to the "ICC Electrical Code" such reference shall refer to the electrical code adopted in this Title.
- J. When any reference in this Title, or other codes adopted in this Title, is made to the "International Fire Code" such reference shall refer to the fire code adopted in this Title.
- K. When any reference in this Title, or other codes adopted in this Title, is made to the "International Private Sewage Disposal Code" such reference shall have no application.
- L. When any reference in this Title, or other codes adopted in this Title, is made to the "International Property Maintenance Code" such reference shall refer to the property maintenance code adopted in this

Title. (Ord. 5781 § 1, 2013; Ord. 5026 § 1 (part), 2005; Ord. 4354 § 4, 1998; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-8)

15.04.140 Liability for damage.

This title shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any materials or equipment related to any permit issued by the city for damages to anyone injured or any property destroyed by reason of the performance of any inspection authorized therein or the issuance of any certificate of inspections as herein provided. (Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-10)

15.04.150 Appeals.

The construction advisory board shall serve as the board of appeals in connection with all codes adopted in this Title 15 by reference with the exception of appeals arising out of the fire code adopted by this Title. (Ord. 5234 § 1, 2007; Ord. 5026 § 2, 2005; Ord. 4354 § 5, 1998; Ord. 1956 § 2, 1981; Ord. 1420 § 3g, 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code 22.2-11; Ord. 5924, §1, 2015)

15.04.151 Appeals to the construction advisory board.

- A. Except as otherwise provided in Section 15.04.152, if under this Title 15 a person is denied any permit or certificate of occupancy, has a permit or certificate of occupancy revoked or suspended, is issued a notice of abatement, or is issued a stop work order by the city's building official, such person may appeal the building official's action to the construction advisory board by filing a written notice appeal with the building official no later than fifteen days after the permit or certificate of occupancy is denied, revoked or suspended or fifteen days after the issuance of the stop work order, which notice shall state the appellant's grounds for appeal.
- B. If the construction advisory board determines that the denial of the permit or certificate of occupancy, the revocation or suspension of the permit or certificate of occupancy, the notice of abatement, or the issuance of a stop work order is not justified under the applicable provisions of this Title 15; the material or methods of construction required are not reasonable for the particular building; that the alternate materials and methods of construction proposed by the appellant are sufficient to insure public health and safety; or that the requirements of the applicable provisions of this Title 15 would work an undue hardship upon the appellant, the board may authorize issuance of the denied permit or certificate of occupancy, rescind the revocation or suspension of the permit or certificate of occupancy, rescind the notice of abatement, or rescind the stop work order and, when doing so, may designate and impose such conditions as it reasonably determine to be justified under the circumstances. (Ord. 5390 § 1, 2009; Ord. 5234 § 2, 2007; Ord. 4354 § 6, 1998)

15.04.152 Appeals to Loveland Fire Rescue Authority.

- A. If under the fire code adopted by this Title 15 a person is denied a permit, has a permit revoked, is issued an order to correct or abate, or issued a stop work order by the code official, such person may appeal the code official's action to the Loveland Fire Rescue Authority appeals board by filing a written notice of appeal to the code official not later than fifteen days after the permit has been denied or revoked or fifteen days after the issuance of an order to correct or abate or stop work order, which notice shall specifically state the appellant's grounds for appeal.
- B. The Loveland Fire Rescue Authority appeals board hearing appeals shall be comprised of three members of the Loveland Fire Rescue Authority board, one from the City, one from the Loveland Fire Protection District and one additional member to serve as hearing chair.
- C. Each appeal will be heard at a public hearing. Notice of the public hearing shall be given at least fifteen days in advance by publication of a notice of the public hearing in a newspaper of general circulation in the city. At the appeal hearing, members of the public, the appellant and the LFRA staff shall be entitled to address the appeals board. The public hearing shall be recorded.
- D. The Loveland Fire Authority appeals board may authorize the issuance of a denied permit or rescind the revocation of a permit, order to correct or abate, or a stop work order, and when doing so may designate

and impose such conditions as it may reasonably determine to be justified under the circumstances only if the board determines the following:

1. That the denial of the permit, the revocation of the permit, order to correct or abate or the issuance of a stop work order is not justified under the applicable provisions of the fire code; or
2. That the alternative design, materials, or methods of construction proposed by the appellant are equivalent to those prescribed by the applicable fire code provisions concerning quality, strength, effectiveness, fire resistance, durability, safety and all other pertinent factors and adequately protect the health safety or welfare of the occupant, intended occupants, surrounding properties and the public generally; or
3. That the applicable requirements of the fire code would work an undue and unique hardship upon the appellant. An appeal based on undue hardship must also include a statement from the appellant specifying the nature and extent of the hardship;
4. And, that the issuance of the denied permit or the rescission of the revocation of a permit, order to correct or abate, or stop work order will not unreasonably jeopardize the health, safety and welfare of the occupant, intended occupants, surrounding properties and the public generally.
(Ord. 5924 § 2, 2015; Ord. 5234 § 2, 2007; Ord. 4354 § 6, 1998)

15.04.153 Public hearings.

Every appeal under Section 15.04.151 and Section 15.04.152 shall be heard by the construction advisory board at a public hearing. Notice of the public hearing shall be given at least fifteen days in advance by publication of a notice of the public hearing in a newspaper of general circulation in the city. At the appeal hearing, members of the public, the appellant and city staff shall be entitled to address the appeals board. The public hearing shall be recorded. (Ord. 5924 § 3, 2015; Ord. 5234 § 3, 2007; Ord. 4354 § 7, 1998)

15.04.155 Review by City Council.

The appellant or the city official whose decision was appealed under Section 15.04.151 to the construction advisory board, and who is aggrieved by the decision of the appeal board, may appeal that decision to the city council. In addition, the Fire Chief may appeal a decision of the construction advisory board reasonably related to a fire related issue. A person appealing a decision of the construction advisory board shall file a written notice of appeal with the city's building official no later than fifteen days after the board's decision and shall in the notice the grounds for appeal. In the event of such appeal to the city council, the powers and duties set forth in Section 15.04.151 shall be exercised by the city council, which shall conduct a new public hearing on the matter. (Ord. 5924 § 4, 2015; Ord. 5234 § 3, 2007; Ord. 4354 § 8, 1998; Ord. 1956 § 3, 1981)

15.04.170 Conflicts Between codes.

Whenever the provisions of the building regulations conflict with the provisions of any other section of the Municipal Code or any codes adopted by reference therein, the provisions which provide the most restrictive requirements shall supersede all other provisions. (Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-13)

15.04.190 Penalties.

- A. It is unlawful for any person to violate any of the provisions of this title or the codes adopted by reference in this title or to violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement or specifications or plans submitted or approved thereunder or any certificate or permit issued thereunder. Any such violation constitutes a violation of this title.
- B. Every person convicted of a violation of any provision stated or adopted in this title or any provision of the codes adopted in this title by reference shall be punished as provided in Section 1.12.010 of this code. This penalty provision shall supersede all penalty provisions set forth in the codes adopted in this title by reference, whether or not said penalty provisions are specifically deleted or repealed. (Ord. 4354 § 9,

1998; Ord. 3845 § 1 (part), 1992; Ord. 1981 § 4, 1981; Ord. 1420 § 3h, 1975; Ord. 1412 § 5(a) (part), 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-14)

15.04.200 Conflict in standards.

Nothing in this chapter shall be construed to conflict with applicable state statutes where such statutes provide for standards more restrictive than those provided herein. Exceptions to applicable state standards shall be considered as provided by state statutes, and the city council shall act as the body responsible for the granting of exceptions, modifications and exemptions to such applicable state standards, as authorized by and pursuant to the provisions of the laws of the state of Colorado. (Ord. 1636 § 4, 1978)

Chapter 15.08

BUILDING CODE

Sections:

- 15.08.010 International Building Code, 2012 Edition – Adopted.**
- 15.08.020 Modifications to the International Building Code, 2012 Edition.**
- 15.08.030 Violations and penalties.**

15.08.010 – International Building Code, 2012 Edition – Adopted.

The International Building Code, 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices C, E, I, and J, is hereby adopted by reference as the building code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the city, and its purpose is to provide minimum standards to safeguard life and 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 therein for the purpose of protecting the public health, safety and general welfare. At least one copy of the International Building Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours. (Ord. 5772 § 1, 2013; Ord. 5600 § 2, 2011)

15.08.020 - Modifications to International Building Code, 2012 Edition.

The International Building Code, 2012 Edition, adopted in this chapter, is modified as follows:

- A. Section 101.1 is amended to read as follows:
 - 101.1 Title.** These regulations shall be known as the Building Code of the City of Loveland, hereinafter referred to as “this code” or “building code.”
 - B. Section 103 is deleted in its entirety.
 - C. Section 104.10.1 is deleted in its entirety.
 - D. Section 105.2 is amended by adding the following to the first paragraph as follows:
 - (1) Item #2 under “Building” is amended to read as follows:
 - 2. Fences not over 6 feet 3 inches high.
 - (2) Item #4 under “Building” is amended to read as follows:
 - 4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of wall, unless supporting a surcharge. Specific manufacturer’s instructions of retaining wall products may be more restrictive regardless of the height of the retaining wall, thereby the more restrictive will apply.
 - (3) A new paragraph number 14 is added under the section titled “Building” to read as follows:
 - 14. Structures or work performed on properties of the government of the United States of America, State of Colorado, and the County of Larimer.
- Unless otherwise exempted in this code, separate plumbing, electrical and mechanical permits may be required to meet the requirements of this subsection.
- E. Section 105 is amended in part by the revision of Subsection 105.5 to read as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. All permits issued shall become null and void regardless of any extensions granted pursuant to the provisions of this section, within eighteen (18) months of issuance.
 - F. Section 105 is amended in part by the addition of a new Subsection 105.8 to read as follows:

105.8 Transfer of permits. A building permit or application may be transferred from one party to the other upon written request to the building official, provided there are no changes to the plans and specifications. Additionally, the party to which the permit is transferred must be licensed in the appropriate license category and in good standing.

G. Section 107 is amended in part by the addition of the following in subsection 107.3.4.1 to read as follows:

In accordance with Section 107.3.4.1 the building official *may* require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed by the Board of Licensure for Architects, Engineers and Land Surveyors of the State of Colorado when, but not limited to:

- (1) Foundations are constructed on caissons or other than spread footings conforming to the requirements of Chapter 18.
- (2) Roof framing or wall framing is “other than standard” construction not conforming to the requirements of Chapter 16 and 23.
- (3) Conformation of beam sizes and spans, loading, or any structural element affecting the integrity of the building.

H. Section 109.2 is amended in part by the revision of Subsection 109.2 to read as follows:

109.2 Schedule of permit fees. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

I. Section 109.2 is amended by the addition of a new subsection 109.2.1 to read as follows:

109.2.1 Plan Review Fee. When submittal documents are required by Section 105.1, a plan review fee shall be paid. The plan review fees specified in this section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees.

J. Section 109 is amended in part by the addition of a new subsection 109.2.2 to read as follows:

109.2.2 Expiration of plan review. Applications for which no permit is issued within ninety (90) days following the date of last action of review without any response or additional information submitted by the applicant shall expire. Plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding sixty (60) days upon written request by the applicant demonstrating that circumstances beyond control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and review fee.

K. Section 109 is amended in part by the revision of Subsection 109.4 to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. This fee can equal up to the amount of the permit fee required by this code. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or other requirements nor from the penalty prescribed by law.

L. Section 109 is amended in part by the revision of Subsection 109.6 to read as follows:

109.6 Refunds. The building official shall be permitted to authorize a refund of not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official shall be permitted to authorize a refund of not more than fifty percent (50%) 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 provided that no examination time has been expended.

The building official shall not be permitted to authorize a refund of any fee paid except upon written application filed by the original permit tee not later than sixty (60) days after the date of fee payment.

- M. Section 109 is amended by the addition of a new Subsection 109.7 to read as follows:
109.7 Investigation fees - Work without a permit. 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. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee may be up to or equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same fee as the minimum set forth and adopted by the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- N. Section 109 is amended by the addition of a new Subsection 109.8 to read as follows:
109.8 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 is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time the job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection card is not posted or otherwise not available on the work site; the approved plan is not readily available to the inspector; failure to provide access on the date for which an inspection is requested; or for deviating from the plans requiring the approval of the building official.

- O. Section 110 is amended by the addition of a new Subsection 110.1.1 to read as follows:
110.1.1 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 a position as to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures which have been verified by the Building Division.
- P. Section 110 is amended by the addition of a new Subsection 110.3.1.1 to read as follows:
110.3.1.1 Drilled pier inspection. Inspection will be made while the piers are being drilled. The Engineer of record or his authorized representative shall be present during the drilling operations and be available to the City inspector during required inspections.
- Q. Section 110 is amended in part by the revision of Subsection 110.3.3 to read as follows:
110.3.3 Lowest floor elevation. The elevation certificate required in Section 1612.5 shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.
- R. Section 110 is amended in part by adding the following sentence of Subsection 110.3.7 to read as follows:
 Energy efficiency inspections, if required, shall be provided by and at the owner's expense to verify compliance with the provisions of this section.
- S. Section 110 is amended in part by adding the following sentences to Subsection 110.3.8 to read as follows:

All new footing and foundation inspections shall be performed by a design professional licensed by the State of Colorado and shall include the reinforcing, concrete-encased electrode (UFER ground), and when required damp-proofing and perimeter drain.

- T. Section 111 is amended in part by the addition of a paragraph at the end of Subsection 111.1 to read as follows:
 The issuance of a temporary certificate of occupancy may be granted when all provisions of a permit are not complete, provide all required life safety requirements are met. Where occupancies are not determined

at time of building permit application, permits issued for no occupancy and core and shell construction shall be issued a limited letter of completion or letter of completion.

- U. Section 111 is amended in part by the addition of the new Subsection 111.1.1 to read as follows:
111.1.1 Exception. Certificates of occupancy are not required for work exempt from permits under Section 105.2. No certificate of occupancy shall be required for Private U Occupancies and permits not establishing a use.
- V. Section 113 is deleted in its entirety.
- W. Section 114 is amended in part by the addition of new Subsection 114.2.1 as follows:
114.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by US mail to the last known address of the owner, occupant or both.
- X. Subsection 115 is amended in part with the revision to Subsection 115.2 to read as follows:
115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- Y. Section 202 is amended as follows:

By the addition of the following definitions of "Room, Sleeping (Bedroom)," and "Utility Space (Room)":

Room, Sleeping (Bedroom) is a habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

Utility Space (Room) is a room designed or used to house heating and general maintenance equipment.

By deleting and replacing the definition of "Fire Separation Distance" to read as follows:

Fire Separation Distance. The distance measured from the building to the face of one of the following:

1. For newly constructed structures, the closest interior *lot line*;
2. To the centerline of a street, an alley or *public way*; or
3. To an imaginary line between two buildings on the lot; or
4. To the exterior lot line of a property consisting of two or more adjoining lots under a common ownership with an existing structure(s), for which an issuance of a building permit would otherwise require the consolidation of the lots and for which the owner has executed a unity of title in a recordable form approved by the City of Loveland City Attorney.

The distance shall be measured at right angles from the face of the wall.

- Z. Section 310 is amended in part by deleting "Live/work units" under Subsection 310.4.
- AA. Section 414.1.3 shall be amended by adding "*and fire official*" following each occurrence of the term *building official*.
- BB. Section 419 is deleted in its entirety.
- CC. Section 508.1 is amended by the deletion of exception 3.
- DD. Section 901.1 is amended to read as follows:
901.1 Scope. The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection

systems. When the requirements of this code and the adopted fire code are in conflict the more restrictive shall apply.

EE. Section 901.2 is amended to read as follows:

901.2 Fire protection systems. Fire protection systems shall be installed, repaired, operated and maintained in accordance with this code and the adopted fire code.

Any fire protection system for which an exception or reduction to the provisions of this code has been granted shall be considered to be a required system.

Exception: Any fire protection system or portion thereof not required by this code shall be permitted to be installed for partial or complete protection provided that such system meets the requirements of this code and the adopted fire code.

FF. Section 903.1.1 is amended to read as follows:

903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the building official and by the fire code official.

GG. Item 4 of Section 903.2.7 is amended to read as follows:

4. A Group M occupancy used for the display and sale of upholstered furniture which does not exceed six thousand (6,000) sq. ft.

HH. Section 903.2 is amended by the addition of a new subsection 903.2.13 to read as follows:

903.2.13 Dead-end Roadways. An automatic fire sprinkler system shall be installed in all Group R fire areas, including single family detached residences, on a dead-end roadway when the dead-end is in excess of 400 feet.

II. Section 903 is amended by the addition of a new subsection 903.3.5.3 to read as follows:

903.3.5.3 Backflow protection. All fire sprinkler systems undergoing modification, unless exempt by the Director of the City of Loveland Water and Power Department, shall be isolated from the public water system by a backflow prevention device meeting the requirements of the Loveland Municipal Code.

JJ. Section 903.4.3 is amended to read as follows:

903.4.3 Floor Control Valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in all multi-story structures.

KK. Section 907.2.11.2 is amended in part by the addition of a new paragraph 4 to read as follows:

...
4. In Groups R-2, R-3, R-4 and I-1 occupancies, and in all attached garages, an interconnected heat detector shall be installed.

LL. Section 907 is amended by the addition of a new subsection 907.2.10.4 to read as follows:

907.2.10.4 Exterior Strobe. An exterior strobe shall be provided on the exterior of all R-3 and R-4 occupancies in a location readily visible from the roadway fronting the structure. This strobe shall alarm upon activation of any smoke or heat detection.

MM. Section 1101.2 is amended to read as follows:

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1, most current edition, and C.R.S. Section 9-5-101, et seq., as amended.

NN. Section 1301 is amended by the addition of a new subsection 1301.1.2 to read as follows:

1301.1.2 Design values. The exterior design values shall be as follows:

Winter Design Dry-bulb	4 degrees F
Summer Design Dry-bulb	94 degrees F
Summer Design Wet-bulb	63 degrees F
Degree Days Heating	6600 degrees F
Degrees North Latitude	40 degrees 35 minutes

OO. Section 1403.6 is amended by adding a second paragraph to read as follows:

For buildings in flood hazard areas as established in Section 1612.3, all construction shall comply with the provisions of Chapter 15.14, Floodplain Building Code of the Loveland Municipal Code and any Floodplain Overlay Areas established by the City of Loveland.

PP. Section 1505.1 is amended by the addition of footnotes d and e to Table 1505.1, Minimum Roof Covering Classification for Types of Construction, to read as follows:

- d. The roof covering on any new structure or on the re-roofing of 50 percent or more during a one year period of any existing structure located west of the following described line shall be upgraded from a Class C to a Class B: Starting at the intersection of the Wyoming border line and Range 69 West, then South nine miles to S.W. Corner of Section 31, Township 11, Range 69, then West three miles to N.W. Corner of Section 3, Township 10, Range 70 then South five miles to S.W. corner of Section 27, Township 10, Range 70, then East three miles to S.W. corner of Section 30, Township 10, Range 69, then South nine miles to S.W. corner of Section 7, Township 9, Range 69, then West one mile to N.W. corner of Section 13, Township 8, Range 70, then South four miles to S.W. corner of Section 36, Township 8, Range 70, then East two miles, to N.W. corner of Section 6, Township 7, Range 69, then South three miles to S.W. corner of Section 17, Township 7, Range 69, then East one mile to S.W. corner of Section 17, Township 7, Range 69, then South four miles to S.W. Corner of Section 4, Township 6, Range 69, then East one mile to S.W. corner of Section 4, Township 6, Range 69, then South four miles to S.W. corner of Section 27, Township 6, Range 69, then West one mile to S.W. corner of Section 28. Township 6, Range 69, then South three miles to intersection of U.S. Hwy. 34 then West following Hwy. 34 two miles to intersection with Range 69 West, then South seven and three quarter miles to S.W. corner of Section 18, Township 4, Range 69, then West one mile to S.W. corner of Section 13, Township 4, Range 70, then South three miles to where the S.W. corner of Section 36, Township 9, Range 70 meets the Boulder County Line.
- e. For the purpose of using Table 1507.8, the City of Loveland shall be considered to be within the temperate climate classification. Underlayment in temperate climate: shakes shall be applied over solid sheathing with an underlayment of type 15 felt and with not less than 18 wide strips of type 30 felt applied shingle fashion between each course with no felt exposed below the butt of the shingle. Alternatively, shakes may be applied over solid sheathing with an underlayment of not less than two type 30 felts applied single fashion.

QQ. Item 25 of Table 1607.1, is amended to reflect that Habitable attics and sleeping rooms is 40 psf uniform.

RR. Section 1608.2. is amended to read as follows:

1608.2 Ground snow loads. The ground snow loads to be used in determining the design snow loads for roofs are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in Figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official. Minimum design ground snow load for the City of Loveland shall be thirty (30) pounds per square foot.

SS. Section 1609.3 is amended to read as follows:

1609.3 Basic wind speed. The Special Wind Region, as indicated in Figure 1609 of the 2012 Edition of the International Building Code, shall apply.

Minimum design wind speed is 100 mph (3-second gust), exposure C.

The project engineer shall designate exposure based on site-specific conditions. Except for structures meeting the definition of “manufactured home” pursuant to 24-32-3302(20)(c), C.R.S., as amended, the Ultimate Design Wind Speed and Additional Wind Design Speed for a project area shall comply with the Colorado Front Range Gust Map – ASCE 7-10 Compatible, published by the Structural Engineers Association of Colorado (dated November 18, 2013 or any subsequently published version). Wind Load design values shall be determined from section 1609 of the IBC.

TT. Section 1611.1 is amended by adding the following after the first paragraph, prior to the equation to read as follows:

1611.1 Design rain loads.

60 minute duration, 100 year event is 2.66 inches/hour; 0.0275 gpm/square foot.

UU. Section 1612.3 is amended to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for the City of Loveland,” as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

VV. Section 1803.6 is amended by the addition of a new subparagraph 11 to read as follows:

1803.6 Reports.

11. An investigation of the potential for subsurface water and, if necessary, designs for the control of subsurface water.

WW. Section 1809.5 is amended by the addition of the following sentence at the end of the section to read as follows:

The frost line, for footing/foundation design, shall be a minimum of 30 inches below finished grade line.

XX. Table 2304.6.1 is amended by adding the following footnote d:

d. The use of staples is permitted provide the staples are tested and listed for the appropriate installation and/or specified by a Colorado licensed design professional.

YY. Table 2902.1, Section No. 2 – Business and Section No. 6 – Mercantile shall be deleted and replaced with the following, adding footnote h, with all other sections of the table remaining unchanged:

No.	Classification	Occupancy	Description	Water Closets		Lavatories		Bathubs/ Showers	Drinking Fountains (See section 410.1 of the International Plumbing Code)	Other
				Male	Female	Male	Female			
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for remainder exceeding 80		----	1 per 100 after the first 100	1 service sink (See footnote g)

6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	----	1 per 1000 after the first 100	1 service sink (See footnote g)
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Footnote h: For business and mercantile occupancies with occupant loads of between 15 and 100, a water bottle dispenser or bottled water dispenser or similar appliance as approved by the *building official* shall be required.

ZZ. Section 3001.2 is amended to read as follows:

3001.2 Referenced standards. Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1, ASME A18.1 (Platform Lifts & Stairway chairlifts), ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 1612.3.

AAA. Section 3109.1 is amended to read as follows: Swimming Pools shall comply with the requirements of this section and other applicable sections of this code and per C.R.S. §25-5-801 et seq.

BBB. Section 3412.2 is amended to read as follows:

3412.2 Applicability. Existing structures in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions of Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

CCC. Appendix A, "Employee Qualifications", is hereby deleted in its entirety.

DDD. Appendix B, "Board of Appeals", is hereby deleted in its entirety.

EEE. Appendix D, "Fire Districts", is hereby deleted in its entirety.

FFF. Appendix F, "Rodent Proofing", is hereby deleted in its entirety.

GGG. Appendix G, "Flood Resistant Construction", is hereby deleted in its entirety.

HHH. Appendix H, "Signs," is hereby deleted in its entirety.

III. Appendix K, "Administrative Provisions" is hereby deleted in its entirety. ((Ord. 6262 § 1, 2018)

15.08.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation 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 or in violation of any of the provisions of the building code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the building code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5772 § 1, 2013; Ord. 5600 § 4, 2011; Ord. 5234 § 4, 2007)

Chapter 15.10

RESIDENTIAL CODE

Sections:

- 15.10.010 International Residential Code, 2012 Edition – Adopted.**
- 15.10.020 Modifications to the International Residential Code, 2012 Edition.**
- 15.10.030 Violations and penalties.**

15.10.010 – International Residential Code, 2012 Edition – Adopted.

The International Residential Code, 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices A, B, C, D, H, J, K, and O is hereby adopted by reference as the residential code of the city. This code is a complete code covering certain buildings hereafter constructed, erected, enlarged, altered or moved into the city and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress and their accessory structures, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Residential Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.10.020 - Modifications to International Residential Code, 2012 Edition.

The International Residential Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section R101.1 is amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code of the City of Loveland, hereinafter referred to as “this code” or “residential code.”

B. Section R103 is deleted in its entirety.

C. Section R105.2 is amended as follows:

(1) Item 2 under “Building” is amended to read as follows:

2. Fences not over 6 feet 3 inches high.

(2) Item 3 under “Building” is amended by the addition of the following sentence at the end of Item 3 to read as follows:

3. . . .

Specific manufacturer’s instructions of retaining wall products may be more restrictive regardless of height of the retaining wall, thereby the more restrictive will apply.

(3) Item 7 under “Building:” is amended to read as follows:

7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L), and are installed entirely above ground.

(4) The following paragraphs shall be added under “Building” to read as follows:

11. Replacement and repair of roofing of like materials on buildings classified as Group R-3 and U Occupancies, when such work is determined not to be historical as defined otherwise in this code.

12. Replacement and repair of nonstructural siding or siding which is not part of a required fire rated assembly on buildings classified as Group R-3 and U Occupancies.

13. Gutters, downspouts and storm windows (unless specified through design).

14. Pergolas

(5) The following new section is added to R105.2 to read as follows:

R105.2.3. Exemptions. Unless otherwise exempt by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in a manner in violation of the provisions of this code or any other laws or resolutions of the City of Loveland.

D. Section R105.3.1.1 is deleted in its entirety.

E. Section R105 is amended by modifying Section 105.5 to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandon for a period of 180 days after the time the work is commenced. All permits shall become null and void regardless of the provisions of this section within twelve (12) months of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

F. Section R105.8 is amended by the addition of two new subsections, R105.8.1 and R105.8.2, to read as follows:

R105.8.1. Transfer of permit. A building permit or application may be transferred from one party to the other upon written request to the building official, provided there are no changes to the plans and specifications. Additionally, the party to which the permit is transferred must be licensed in the appropriate license category and in good standing.

R105.8.2. Owner assuming role as contractor. Provided that no change in ownership has occurred since the permit was issued, the building official may allow the property owner to assume the role of contractor at any time on an active building permit provided the building official is in receipt of a written request from the application holder stating that the applicant is no longer the contractor of record on the permit application. Additionally, the letter shall list the permit number, the address of the project and stating that the original contractor is no longer in the employ of the owner. This change may be done at no charge. No change will be made in the expiration date of the original building permit.

G. Section R106 is amended by the addition of new subsections R106.3.4 and R106.3.5 to read as follows:

R106.3.4 Responsibility for preparation of plans and specifications. In accordance with this section, the building official shall require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed by the State of Colorado in certain circumstances, including but not limited to the following:

- (1) Foundations are constructed on caissons or any other method. The building official may exempt this provision on additions to existing residential and accessory structures constructed on spread footing conforming to the requirements of Chapter 4.
- (2) Roof framing or wall framing is construction not conforming to the requirements of Chapter 8 and 9.
- (3) Confirmation of beam sizes and spans, loading, or any structural element affecting the integrity of the building.

R106.3.5 Deferred submittals. For the purpose this section R106, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge (if required), shall list the deferred submittals on the construction documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the design professional in responsible charge (if required), who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been

found to be in conformance with the design of the building or structure. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

H. Section R108.2 is amended by the addition of subsections R108.2.1 and R108.2.2 to read as follows:

R108.2 Schedule of permit and inspection fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit or inspection shall be paid in accordance with the schedule established from time to time by resolution of the City Council.

R108.2.1 Plan Review Fee. When submittal of documents is required by Section R106, a plan review fee shall be paid. The plan review fees specified in this section are separate fees from the permit fees specified as established by resolution in Section 108.2 and are in addition to the permit fees.

R108.2.2 Expiration of plan review. Applications for which no permit is issued within ninety (90) days following the date of last action of review without any response or additional information submitted by the applicant shall expire. Such plans submitted for checking may therefore be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not to exceed sixty (60) days upon written request by the applicant showing circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and review fee.

I. Section R108.4 is amended by the addition of new subsections R108.4.1, R108.4.2, R108.4.3 to read as follows:

R108.4.1 Fee for commencing work without a permit. The fee for commencing work without a permit may be up to or equal to the amount of the permit fee required by this code. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or other requirements nor from penalty prescribed by law.

R108.4.2 Investigation fees - work without permit. 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. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then subsequently issued. The investigative fee may be up to or equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same fee as the minimum set forth and adopted by the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code or other requirements nor from any penalty prescribed by law.

R108.4.3 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which an inspection or reinspection has been requested is not complete or when corrections called for are not made. This section 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 this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Additional instances when re-inspection fees may be assessed include, but are not limited to the inspection card is not posted or otherwise not available on the work site, the approved plans are not readily available to the inspector, failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. The re-inspection fees specified in this section are separate fees from and are in addition to the permit fees specified in Section 108.2.

J. Section R108.5 is amended to read as follows:

R108.5 Refunds. The building official is authorized to establish a refund policy in accordance with the following criteria:

1. The building official shall be permitted to authorize a refund of not more than 50 percent of the permit fee paid when no work has been done under the permit issued in accordance with this code; and
2. The building official shall be permitted to authorize a refund of not more than 50 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, provided that no examination time has been expended; and
3. The building official shall not be permitted to authorize a refund of any fee paid except upon written application filed by the original permittee not later than sixty (60) days after the date of fee payment.

K. Section R109.1 is amended to read as follows:

R109.1 Types of inspections – inspection card. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. 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 a position to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures and verified by the building official.

L. Section R109.1 is amended by the addition of a new subsection R109.1.1.1 to read as follows:

R109.1.1.1 Drilled pier inspection. Drilled pier inspections will be made while the piers are being drilled. The design engineer of record or his authorized representative shall be present during the drilling operations and shall be available to the City inspector during required inspections.

M. Section R109.1.3 is amended by the addition of a new subsection R109.1.3.1 to read as follows:

R109.1.3.1 Lowest floor elevation. The elevation certificate required in Section R109.1.3 shall be submitted when required by the building official or as required by Chapter 15.14 of the Loveland Municipal Code.

N. Section R109.1.5 is amended by the addition of the following exception to R109.1.5.1 to read as follows:

R109.1.5.1 Fire-resistance-rated construction inspection. Lath or gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

O. Section R109.1.5 shall be amended by the addition of new subsections R109.1.5.2, R109.1.5.3 and R109.1.5.4 to read as follows:

...

R109.1.5.2 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

R109.1.5.3. Special inspections. For special inspections, Section 1704 of the building code shall apply. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability as set forth in the building code.

R109.1.5.4. Footing and foundation inspections. All new footing and foundation inspections shall be performed by design professional licensed by the State of Colorado and to include, but not limited to, reinforcing, concrete-encased electrode (UFER ground), and when required damp-proofing and perimeter drain.

P. Section R112 is deleted in its entirety.

Q. Section R114 is amended to read as follows:

R114.1 Notice to owner and/or posting property. Upon notice from the *building official* that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property and shall state and shall state the conditions under which work will be permitted to resume.

R. Section R202 is amended by the addition of the following definitions of "Room, Sleeping (Bedroom)," "Townhouse," and "Utility Space (Room)" and the deletion and replacement of the definition of "Fire Separation Distance":

Fire Separation Distance. The distance measured from the building to the face of one of the following:

1. For newly constructed structures, the closest interior *lot line*;
2. To the centerline of a street, an alley or *public way*; or
3. To an imaginary line between two buildings on the lot; or
4. To the exterior lot line of a property consisting of two or more adjoining lots under a common ownership with an existing structure(s), for which an issuance of a building permit would otherwise require the consolidation of the lots and for which the owner has executed a unity of title in a recordable form approved by the City of Loveland City Attorney.

The distance shall be measured at right angles from the face of the wall.

Room, Sleeping (Bedroom). A habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

Townhouse. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and open on at least two sides.

Utility Space (Room). A room designed or used to house heating, general maintenance equipment

S. Section R301.2 is amended by the addition of the following criteria to Table R301.2(1):

Table R301.2(1), insert the following:

Ground Snow Load: 30 psf (1436.4 pa)*

*designed in accordance with Table 1608.1, 2012 International Building Code

Wind speed: Minimum design 100 mph (3 second gust), exposure C**

**Exposure B may be allowed if site plan and Colorado licensed engineer's calculations show that exposure B is acceptable for the project location due to site conditions and it is approved by the Building Official. Additional Wind Design Speed for any given project area shall reference the Colorado Front Range Wind Speed Study Map. See the attached map BWS-1.

Seismic Design Category: B

Weathering: SEVERE

Frost Line Depth: Minimum 30" (762 mm) below finished grade

Termite: SLIGHT TO MODERATE

Decay: NONE TO SLIGHT

Winter Design Temperature: -2 F (-18.9 C)

Flood Hazards: VARIES***

***Chapter 15.14 Floodplain Building Code of City of Loveland Municipal Code

Footnote d: Except for structures meeting the definition of "manufactured home" pursuant to 24-32-3302(20)(c), C.R.S., as amended, the Ultimate Design Wind Speed for a project area shall comply with the Colorado Front Range Gust Map – ASCE 7-10 Compatible, published by the Structural Engineers

Association of Colorado (dated November 18, 2013 or any subsequently published version). Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

T. Section R301.5 is amended by the modification of the minimum uniformly distributed live loads for “habitable attics and attics served with stairs,” and “sleeping rooms” set forth in Table R301.5 to read as follows:

TABLE R301.5

**MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(In pounds per square foot)**

USE	LIVE LOAD
Habitable attics and attics served by stairs ^{b,e}	40
Sleeping Rooms	40

U. Section R302 is amended by modification of the minimum fire separation distance for “Walls” and “Projections” as set forth in Table R302.1 to read as follows:

**TABLE R302.1(1)
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPERATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	3 feet
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	3 feet
Openings	Not allowed	N/A	< 3 feet
	25% max. of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 5 feet
		None required	5 feet

Section R302.1 is amended by the addition of exception 6. to read as follows:

6. The construction of additions or Group U structures accessory to existing structures defined as Group R-3 one-or two family dwellings, and the replacement of portions of existing structures defined as Group R-3 one-or two family dwellings, shall be exempt from the fire separation distance requirements of Table R302.1(1) under the following conditions:
 - (a) The primary structure is an existing Group R-3 one- or two-family dwelling;
 - (b) The primary structure is not a townhouse as defined in section R202;
 - (c) All lots on which the existing and proposed structures are under single ownership;
 - (d) The proposed and existing structures meet all fire separation distance and rating requirements established in this section, Tables R302.1(1) and R302.1(2), and other applicable sections of this code in relation to adjacent structures; and

- (e) The proposed and existing structures meet all fire separation distance and rating requirements established in Tables R302.1(1) and R302.1(2) in relation to lots or parcels under other ownership. (Ord. 6006 § 1, 2016)

V. Section R303.1 is amended by the addition of exception #4 to read as follows:

- 4. Adequate artificial light shall be provided as approved by the building official upon documented information demonstrating practical difficulties providing additional natural light.

W. Section R305.1 is amended to read as follows:

R305.1 Minimum height. Habitable rooms shall have a ceiling height of 7 feet 6 inches (2286 mm). Hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finished floor to the lowest projection from the ceiling.

Exceptions

X. Section R310.2.1 is amended by adding a second paragraph to read as follows:

R310.2.1 Ladder and steps.

Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. If the window well is stepped and has a horizontal dimension less than 36 inches, a ladder is required out of that said level complying with requirements for ladders or steps.

Y. Section R311.8.3.1 is amended to read as follows:

R311.8.3.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 32 inches (812.8 mm) and not more than 38 inches (965 mm).

Z. Section R313 is deleted in its entirety.

AA. Section R315 is amended by adding the following paragraph to read as follows:

R315.5 Carbon monoxide alarms and detectors shall also be installed per Title 38 of the Colorado Revised Statutes.

BB. Section 322.1.5, **Lowest floor**, is amended by adding the following paragraph:

The elevation certificate required by this section shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

CC. Section R401.4 is amended by the addition of the following sentence at the end of the paragraph to read as follows:

R401.4 Requirements.

...

Investigation of the potential for subsurface water and, if necessary, designs for the control of subsurface water shall be required.

DD. Section R905.1 is amended by the addition of the following sentence at the end of the paragraph to read as follows:

R905.1 Roof covering application.

...

Table 1505.1 Minimum Roof Covering Classification for Types of Construction as adopted in the 2009 International Building Code shall be used for all roof coverings.

EE. Section N1101.1 Scope is amended to read as follows:

N1101.1 Scope. This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

Exceptions:

- 1) Portions of the building envelope that do not enclose conditioned space.
- 2) Utility and miscellaneous group U occupancies and agricultural structures.

FF. Section N1101.2, first paragraph is amended with the addition to read as follows:

N1101.2 Compliance. Thermal design parameters for the City of Loveland is Zone 5B, and shall be used for calculations required under this code. All ducted air-distribution heating and cooling systems shall be sized using cooling loads. All heating and cooling equipment shall be tested to ensure such equipment is operating within the manufacturers' recommended parameters and standards according to the applicable protocols established by the building code official and in accordance with the mechanical code adopted by City of Loveland.

GG. Table N1102.1 is amended to read as follows:

Table N1102.1.1
Single-Family Prescriptive Package^{(a) (h)(i)}

Max	Max	Max	Min	Min	Min	Min	Min	Min	Min	Min
Glazing area window to wall %	Fenestration U-Factor	Skylight U-factor (b)	Ceiling R-value	frame wall R-value	Mass Wall R-value (g)	Floor R-value over unheated space (e)	Basement Wall R-Value Continuous cavity	Slab perimeter R-value/Depth (d)	Crawl Space R value Cont./cavity (c)	Heating/ Cooling efficiency Rating (AFUE)
NA	.35	.60	38	19 or 13+5 (f)	13	30	10/13	10, 2ft.	10/13	80/13
NA	.35	.60	38	13	8	30	10/13	10, 2ft.	10/13	90/ 13

- (a) R-values are minimums. U-factors Solar Heat Gain Coefficient (SHGC) are maximums. R-19 shall be permitted to be compressed into a 2x6 cavity.
- (b) The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- (c) The first R-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.
- (d) The R-5 shall be added to the required slab edge R-values for heated slabs.
- (e) Or insulation sufficient to fill the framing cavity, R-19 minimum.
- (f) 13+5 means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing cover 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural cover more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- (g) Nominal log thickness of 6 inches has a mass wall R-Value (8.3), an 8 inch log is (11.3), a 10 inch log is (13.9), and a 12 inch log is (16.5).
- (h) The thermal design parameters shall be used for calculations required under this code as listed in Design Value section.

Winter Outdoor, Design Dry-bulb (°F)	= 4
Winter Indoor, Design Dry-bulb (°F)	= 72
Summer, Outdoor Design Dry-bulb (°F)	= 94
Summer, Indoor Design Dry-bulb (°F)	= 75
Summer, Design Wet-bulb (°F)	= 63
Degree days heating	= 6600
Degree days cooling	= 479
Degrees North Latitude	= 40 degrees 35 minutes
Air Freeze Index	= 1000
- (i) In addition City of Loveland will accept any Climate Zone 5B Single Family Prescriptive Packages in the 2012 International Energy Conservation Code (IECC) and ResCheck Compliance Report that passes

using 2012 IECC and HDD = 6600, and any Home Energy Rating Score (HERS) less than 100 by an approved qualified energy rater. For additional information on energy codes or free software download of ResCheck go to www.energycodes.gov.

HH. Section N1102.4.1.2 (R402.4.1.2) – Testing – is hereby deleted and replaced to read as follows: The building or dwelling unit other than *townhouses* shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Zones 1 and 2, and 3 air changes per hour in Zones 3 through 8. *Townhouses* shall be tested and verified as having an air leakage rate not exceeding 4 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals) Where required by the *building official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *building official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During Testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be full open.

II. Section M1307 is amended by the addition of a new subsection M1307.7 to read as follows:

M1307.7 Liquefied Petroleum Appliances. Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, underfloor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquefied petroleum gases, including construction and temporary heating, shall only be installed per adopted fire code and per manufacturer’s specifications and listing per appliances.

JJ. Section M1410.1 is amended by the addition of the following sentence at the end of the paragraph to read as follows:

M1410.1 General.

.....

Un-vented gas appliance(s) and room heaters are prohibited, except for listed domestic gas range installations.

KK. Section M2005.1 is amended to read as follows:

M2005.1 General. The minimum Energy Factor for water heaters shall be .60 for fuel-fired type, and .92 for electrical types. (Ord. 6262 § 2, 2018)

15.10.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation 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 or in violation of any of the provisions of the residential code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the residential code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5773§ 1, 2013; Ord. 5606 § 3, 2011; Ord. 5235 § 1, 2007; Ord. 5606 § 2, 2011)

Chapter 15.12

PROPERTY MAINTENANCE CODE

Sections:

- 15.12.010 International Property Maintenance Code, 2012 Edition– Adopted.**
- 15.12.020 Modifications to the International Property Maintenance Code, 2012 Edition.**
- 15.12.030 Violations and penalties.**

15.12.010 – International Property Maintenance Code, 2012 Edition– Adopted.

The International Property Maintenance Code, 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including Appendix A is hereby adopted by reference as the property maintenance code of the city. This code is a complete code to safeguard life and limb, health, property and public welfare by regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Property Maintenance Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.12.020 – Modifications to International Property Maintenance Code, 2012 Edition.

The International Property Maintenance Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Loveland, hereinafter referred to as “this code” or “property maintenance code.”

B. Section 102.3 is amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the currently adopted building and fire codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the adopted zoning code.

C. Section 103 is deleted in its entirety.

D. Section 104 is amended by the addition of a new subsection 104.7 to read as follows:

104.7 Fees. Fees for the administration and enforcement of this code shall be established from time to time by resolution of the City Council.

6 Section 111 is deleted in its entirety.

F. Section 112.4 is deleted in its entirety.

G. Section 302.4 is deleted in its entirety.

H. Section 304.14 is amended by inserting the following dates into the brackets of the paragraph:

From: “January 1 to December 31.”

I. Section 302.4 is deleted in its entirety.

J. Section 602.3 is amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from January 1 to December 31 to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

K. Section 602.4 is amended by inserting the following dates into the brackets of the paragraph:

From: “January 1 to December 31.”

15.12.030 Violations and penalties.

It shall be unlawful for any person, firm or corporation 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 or in violation of any of the provisions of the property maintenance code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the property maintenance code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5774 § 1, 2013; Ord. 5605 § 1, 2011; Ord. 5601 § 1, 2011; Ord. 5239 § 1, 2007)

Chapter 15.14

FLOODPLAIN BUILDING CODE

Sections:

15.14.005	Purpose.
15.14.010	Interpretation and application.
15.14.020	Definitions.
15.14.030	Floodplain development permit required.
15.14.040	Regulations--Floodway district (FW).
15.14.050	Regulations--Flood fringe district (FF).
15.14.060	Regulations--Areas of special flood hazard.
15.14.070	Administration.
15.14.072	Appeals.
15.14.074	Variances.
15.14.080	Floodproofing.

15.14.005 Purpose.

- A. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:
1. To protect human life and health;
 2. To minimize expenditure of public money for costly flood control projects;
 3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. To minimize prolonged business interruptions;
 5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards;
 6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazards so as to minimize future flood blight areas;
 7. To notify potential buyers that property is in an area of special flood hazard; and
 8. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.
- B. In order to accomplish its purposes, this chapter includes methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
 4. Controlling filling, grading, dredging and other developments which may increase flood damage; and
 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 3441 § 1, 1987)

15.14.010 Interpretation and application.

- A. In the interpretation and the application of this chapter, all provisions shall be construed as minimum requirements, liberally construed in favor of the city and deemed neither to limit nor repeal any other powers granted under state statutes. Such provisions shall be interpreted to apply together with and in conjunction with other provisions of this title.
- B. Except as specifically provided in this chapter, all other provisions of this title shall continue to be applied in addition to the requirements set forth in this chapter.

- C. The provisions of this chapter shall apply in those areas of the city zoned either FW floodway or FF flood fringe as provided in Chapter 18.45 of this code. (Ord. 3441 § 2, 1987; Ord. 1708 § 1 (part), 1978)

15.14.020 Definitions.

As used in this chapter and in Chapter 18.45 of this code, the following words and phrases shall have the meaning ascribed to them in this section:

“Appeal” means a request for a review of the public works department’s interpretation of any provision of this chapter.

“Areas of special flood hazard” means that land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area of special flood hazard includes those areas designated as the floodway and flood fringe.

“Artificial watercourse” means a large man-made conveyance mechanism that a flowing body of water follows.

“Base flood” means the one hundred-year return frequency flood, or the flood having a one percent chance of being equaled or exceeding in a given year.

“Channel” means a large man-made conveyance mechanism that a flowing body of water follows.

“Critical facility” means a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during, or after a flood. Critical facilities are classified under the following categories:

- (a) Essential services – facilities including public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and air transportation lifelines;
- (b) Hazardous materials – facilities including those that produce or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (c) At-risk populations – facilities including medical care, congregate care, and schools; and
- (d) Vital to restoring normal services – facilities including government operations.

“Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to, building or other structures, mining, dredging, filling grading, paving, excavation or drilling operations.

“Drainageway” means a large man-made conveyance mechanism that a flowing body of water follows.

“Existing mobile home park or mobile home subdivision” means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots on which the mobile home is to be affixed (including, at a minimum, site grading or the pouring of concrete pads, and the construction of streets) was completed before October 5, 1978.

“Expansion of an existing mobile home park or mobile home subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).

“Fill” means a deposit of materials of any kind placed by artificial means.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood fringe” means that portion of the floodplain inundated by the one hundred-year return frequency flood not within the floodway.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary - floodway map, and the water surface elevation of the base flood.

“Flood profile” means a graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

“Floodplain” means the land adjacent to a body of water which has been or may hereafter be covered by floodwater.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than six inches.

“Historic structure” means any structure that is listed individually in the National Register of Historic Places or listed individually on the State Inventory of Historic Places.

“Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor.

“Main stream” means a natural stream main stem.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

“Manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. Whenever the term “mobile home” is used in this chapter or in Chapter 18.45 of this code, such term shall be construed to mean “manufactured home.”

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum of 1929 or other datum, to which base flood elevations shown on a community’s flood insurance rate map are referenced.

“Natural watercourse” means a non-man-made conveyance mechanism that a flowing body of water follows.

“New construction” means structures for which the “start of construction” commenced on or after October 5, 1978.

“New manufactured home park or subdivision” means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale, for which the construction of facilities servicing the lot, including at a minimum the installation of utilities and the construction of streets, was completed on or after October 5, 1978. Whenever the term “new mobile home park or subdivision” is used in this chapter or in Chapter 18.45 of this code, such term shall be construed to mean “new manufactured home park or subdivision.”

“Obstruction” means any dam, wall, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, bridge conduit, culvert, building, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of water flow, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life and property elsewhere.

“Outfall” means a large man-made conveyance mechanism that a flowing body of water follows.

“Program deficiency” means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the National Flood Insurance Program Standards in Section 60.3, 60.4, 60.5 or 60.6.

“Regulatory flood datum” means the reference elevation above mean sea level which represents the peak elevation of the one hundred-year return frequency flood.

“Regulatory flood protection elevation” means the elevation one and one-half feet above the regulatory flood datum.

“Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“River” means a natural watercourse flowing towards an ocean, sea, lake, or another river.

“Start of construction” means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“Stream” means a body of water with a current, confined with a bed and stream banks.

“Structure” means a walled and roofed building or manufactured home that is principally above ground.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either: (i) before the improvement or repair is started; or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include: (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which is necessary solely to assure safe living conditions; or (ii) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

“Swale” means a small man-made conveyance mechanism that conveys surface water on, over, across, or away from individual lots within a subdivision.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to comply with the provisions of this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in National Flood Insurance Program Standards Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 6012 § 1, 2016; Ord. 5717 § 1, 2012; Ord. 4822 § 8, 2003; Ord. 3441 §§ 3 -- 9, 1987; Ord. 1708 § 1 (part), 1978)

15.14.030 Floodplain development permit required.

A floodplain development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Public Works Department Stormwater Division and may include, but not be limited to, information as listed in Section 15.14.070. (Ord. 4822 § 8, 2003; Ord. 1708 § 1 (part), 1978)

15.14.040 Regulations--Floodway district (FW).

A. Use of fill. Fill shall not be permitted in the floodway district (FW) except when such fill, acting alone or in combination with existing or future floodplain uses, shall be shown to not increase flood heights during

the base flood discharge and such fill shall be protected against erosion where erosive velocities may occur by the use of riprap, bulkheading, or vegetative cover.

- B. Structures. Where structures are allowed by the provisions of Title 18, the following restrictions shall apply:
 - 1. Structures shall not be designed for human habitation. Structures shall be constructed so that the longitudinal axis of the structure is parallel to the direction of the flood flow.
 - 2. Whenever possible, placement of structures shall be upon the same flood flow lines as those of adjoining structures.
 - 3. Structures shall be firmly anchored.
 - 4. All utility services in connection with structures shall, whenever possible, be placed above the regulatory flood protection elevation or, where not practicable, shall be adequately floodproofed in a manner approved by the public works department stormwater division.
- C. Uses. No use shall increase flood heights during the base flood discharge.
- D. All fill and structures allowed within the FW district shall be maintained so that the flood-carrying capacity of the watercourse is not diminished. (Ord. 5717 § 2, 2012; Ord. 4822 § 8, 2003; Ord. 3441 § 10, 1987; Ord. 1708 § 1 (part), 1978)

15.14.050 Regulations--Flood fringe district (FF).

- A. Fill. The use of fill in the flood fringe district (FF) shall be the minimum necessary to comply with the provisions of this regulation. When required by the provisions of Title 18, fill in the FF district shall be to a point no lower than the regulatory flood protection elevation for the area in question. Such fill shall further extend at such elevation at least fifteen feet beyond the extremities of any structure erected on such fill. No fill shall be used in such a manner as to restrict the flow capacity of any tributary or other drainageway to the main stream.
- B. Structures.
 - 1. Any structure may be placed in the FF district only if the lowest floor level is at or above the regulatory flood protection elevation. Any new structure or addition to an existing structure on a property removed from the FF district by the issuance of a FEMA Letter of Map Revision Based on Fill ("LOMR-F") still must be constructed such that its lowest floor level is at or above the regulatory flood protection elevation. Nonresidential structures may be permitted without being placed on fill, provided the floodproofing requirements of Section 15.14.080 are met.
 - 2. All utility services, furnaces, water heaters, and electrical wiring in connection with structures shall, wherever possible, be placed above the regulatory flood protection elevation or, where elevation is not practicable, shall be adequately floodproofed in a manner approved by the city building official.
 - 3. If any structure or portions of any nonresidential structure are not constructed upon fill, the portion not on fill shall be floodproofed in a manner consistent with requirements for placing a structure in the FF district to an elevation equal to the regulatory flood protection elevation.
 - 4. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above the finished internal and external grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.
 - 5. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the

components during conditions of flooding. (Ord. 5717 § 3, 2012; Ord. 3441 § 11, 1987; Ord. 1708 § 1 (part), 1978)

15.14.060 Regulations--Areas of special flood hazard.

In all areas of special flood hazards, the following provisions are required:

- A. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, above the regulatory flood protection elevation, or, together with attendant utility and sanitary facilities, shall:
 - 1. Be floodproofed so that below the regulatory flood protection elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyance; and
 - 3. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the building official.
- B. All manufactured homes and those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the regulatory flood protection elevation and shall be securely anchored to an adequately anchored foundation system by providing over-the-top ties and frame ties to ground anchors. Specific requirements shall include (i) over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations (one additional tie per side at intermediate locations for manufactured homes less than fifty feet long); and (ii) frame ties at each corner of the home with five additional ties per side at intermediate points (four additional ties per side at intermediate points for manufactured homes less than fifty feet long). All additions to manufactured homes shall be similarly anchored. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred pounds.
- C. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - 1. All encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that such encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge; and
 - 2. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions.
- D. All new and substantially improved critical facilities and new additions to critical facilities located within the areas of special flood hazard shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this chapter, protections shall include one of the following: (i) the structure shall be located outside of the areas of special flood hazard; or (ii) the structure's lowest floor level shall be elevated or floodproofed to at least two feet above the regulatory flood datum. New critical facilities shall, when practical as determined by the public works department stormwater division, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a one hundred-year flood event. (Ord. 5717 § 4, 2012; Ord. 3441 § 12, 1987; Ord. 1708 § 1 (part), 1978)

15.14.070 Administration.

- A. Application Requirements. Applications for building permits in the FF district and FW district shall be accompanied by surveys, plot plans, drawings, plans, and other materials as necessary showing compliance of the proposed construction with the provisions of this chapter and the floodplain supplementary zoning resolution. Such submittals may include the following as necessary and shall be prepared by a registered professional engineer and land surveyor as appropriate:
 - 1. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, drainage facilities, floodproofing measures, and the

relationship of the above to the location of the channel, floodway, and the regulatory flood protection elevation, and the following:

- a. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
 - b. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of this chapter; and
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. A typical valley cross-section showing the stream channel, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and highwater information;
 3. Plans (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; and photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information;
 4. A profile showing the slope of the bottom of the channel or flow line of the stream;
 5. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvements, storage of materials, water supply, and sanitary facilities;
 6. An additional fee in the amount of one-fourth of the normal permit fee;
 7. All required state and federal permits shall be obtained; and
 8. As-built lowest floor elevations, lowest habitable floor elevations, or floodproofing elevation shall be provided to the public works department stormwater division prior to the occupancy of a structure in an area of special flood hazard.
- B. Administrator. The administrator of this chapter shall be the public works department stormwater division senior civil engineer for the city, who shall have the following duties:
1. To review all development permits to determine that the permit requirements of this chapter have been satisfied;
 2. To review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required;
 3. To review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, the administrator shall assure that the encroachment provisions of this chapter are met;
 4. To obtain and maintain records of elevations and floodproofing levels for all new or substantially improved structures, and whether or not such structures contain basements, and of all other matters, including appeals and variances, pertaining to the administration of this chapter;
 5. To notify adjacent communities and the appropriate state offices prior to the alteration or relocation of a riverine watercourse. Copies of all such notifications shall be submitted to the Federal Emergency Management Agency;
 6. To make interpretations as to the exact locations of the boundaries of the areas of special flood hazard;
 7. To use all available floodplain information and data services to aid in the administration of this chapter; and
 8. To maintain the records of all appeal actions, including technical information, and to report any variances to the Federal Emergency Management Agency.
- C. Appeals. Appeals to the public works department may be taken by any person aggrieved by his inability to obtain a building permit in the FW district or FF district or by any officer, department, board, or bureau of the city. Upon review, the public works department shall have jurisdiction only over the following matters: (i) to review the exact zoning district boundary of the FW and FF districts as it relates to any specific piece of property; and (ii) to determine that the suitability and advisability of alternate methods shall not reduce the capacity of the structure involved to withstand flood damage, and which alternate

methods shall not restrict the flow capacity of the main channel or any drainage relative thereto. In appropriate cases, the public works department may issue a variance from the provisions of this chapter only after making a specific finding that the variance will not endanger the health, safety, or welfare of the applicant or any upstream or downstream owner or occupier or land. In granting any variance to the provisions of this chapter, the public works department shall consider the recommendations and findings of the public works department stormwater division senior civil engineer and other comments from the city administration. (Ord. 5717 § 5, 2012; Ord. 4822 § 8, 2003; Ord. 3441 §§ 13, 14, 1987; Ord. 1708 § 1 (part), 1978)

15.14.072 Appeals.

The Public Works Department shall hear and decide appeals and requests for variances from the requirements of this chapter. Any person aggrieved by the decision of the Public Works Department Stormwater Division Senior Civil Engineer in the enforcement of administration of this chapter may appeal such decision to the Public Works Department. (Ord. 4822 § 8, 2003; Ord. 3441 § 15 (part), 1987)

15.14.074 Variances.

- A. Variances to the provisions of this chapter shall be granted only under the following circumstances:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, fraud on or victimization of the public, or conflict with other existing laws and regulations.
- B. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- C. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases beyond one-half acre, the technical justifications required for issuing the variance increases.
- D. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this chapter.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. No variances shall be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- G. In passing upon an application for a variance, the public works department shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and shall give due consideration to the following:
 1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The importance of the services provided by the proposed facility to the community;
 4. The necessity to the facility of a waterfront location, where applicable;
 5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 6. The compatibility of the proposed use with the existing and anticipated development;

7. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- H. The public works department may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. Ord. 5717 § 6, 2012; Ord. 4822 § 8, 2003; Ord. 3441 § 15 (part), 1987)

15.14.080 Floodproofing.

Floodproofing measures taken for nonresidential structures pursuant to this chapter shall be designed consistent with the regulatory flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The building department shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for a particular area. The following floodproofing measures shall, as applicable, be required or taken in connection with specific construction. Such measures shall be undertaken in a manner consistent with requirements detailed by floodproofing regulations as published by the U.S. Army Corps of Engineers:

- A. Anchorage to resist flotation and lateral movement;
- B. Installation of watertight doors, bulkheads, and shutters, or reinforcement of walls to resist water pressures;
- C. Use of paints, membranes, or mortars to reduce seepage of water through walls;
- D. Addition of mass or weight to structures to resist flotation;
- E. Installation of pumps to lower water level in structures;
- F. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters;
- G. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures;
- H. Construction to resist rupture or collapse caused by water pressure or floating debris;
- I. Installation of valves or controls on sanitary and storm drains which will permit the drain to be closed to prevent backup of sewage and storm waters into the building or structures;
- J. Location of all electrical equipment, lines, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding;
- K. Construction of water, sewer, and natural gas lines to resist rupture or collapse caused by water pressure; and
- L. Location of any structural storage facilities for chemical explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the heights associated with the regulatory flood protection elevation or that the facilities are adequately floodproofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters. (Ord. 5717 § 7, 2012; Ord. 1708 § 1 (part), 1978)

Chapter 15.16

INTERNATIONAL MECHANICAL CODE

Sections:

- 15.16.010 International Mechanical Code, 2012 Edition – Adopted.**
- 15.16.020 Modifications to the International Mechanical Code, 2012 Edition.**
- 15.16.030 Violations and penalties.**

15.16.010 – International Mechanical Code, 2012 Edition – Adopted.

The International Mechanical Code, 2012 Edition (the “2012 IMC”), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendix A only, is hereby adopted by reference as the mechanical code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.16.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, and providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IMC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.16.020 - Modifications to International Mechanical Code, 2012 Edition.

The International Mechanical Code, 2012 Edition, adopted in this chapter, is modified as follows:

- A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Loveland, hereinafter referred to as “this code” or “mechanical code.”

- B. Section 103 is deleted in its entirety.

- C. Section 106.2 is amended by the addition of the following numbered paragraphs to read as follows:

106.2 Permits not required.

9. Replacement or repair of a category one (1) furnace or water heater of the same BTU rating in buildings classified R-3 occupancies provided the initial installation has been permitted, inspected and approved.

10. Replacement or repair of air conditioning equipment of the same size, energy source, and rating in buildings classified as R-3 occupancies provided the initial installation has been permitted, inspected and approved.

- D. The first sentence of Section 106.4.1 shall be amended to read as follows:

Section 106.4.1 Approved construction documents. When the code official issues the permit where *construction documents* are required, the *construction documents* shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE”.

[no change to remainder of Section 106.4.1]

- E. Section 106.5.2 is amended to read as follows:

106.5.2 Fee schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

- F. Section 106.5.3 is amended by inserting “fifty percent” into the brackets of paragraphs numbered 2 and 3. Additionally, the last paragraph of this section shall be deleted in its entirety and replaced with the following:

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

- G. Section 108.2 is amended to read as follows:

108.2 Notice of Violation. The code official shall post on the property or serve on the person responsible a notice of violation or order for the erection, installation, *alteration*, extension, repair, removal or demotion of work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

H. Section 108.4 is deleted in its entirety.

I. Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, or posted on the property. The notice shall include the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as established from time to time by resolution of the City Council.

J. Section 109 is deleted in its entirety.

K. Section 801.2 is amended by adding the following sentence at the end of the first paragraph:

801.2 General.

....

Un-vented gas appliance(s) and room heaters are prohibited, except for domestic gas range installations per manufacturers listing.

L. Section 905.1 is amended by adding the following to read sentence at the end of the first paragraph:

905.1. General.

No permit shall be issued for the installation of a wood stove appliance, unless the wood stove appliance is listed and tested by an approved testing agency, fully complies with the manufacturers listing and conforms to any emissions standards of the State of Colorado in effect at the time of permit application which may pertain to the City of Loveland.

M. Section 1001 is amended by the addition of a new subsection 1001.2 to read as follows:

1001.2 Operations and maintenance of boilers and pressure vessels. Boilers and pressure vessels shall be operated and maintained in conformity with requirements for adequate protection of the public according to nationally recognized standards. The State Boiler Inspector shall notify the owner or the authorized representative of defects or deficiencies, which shall be properly and promptly corrected.

N. Section 1011 is amended to read as follows:

1011. Tests. An installation for which a permit is required shall not be put into service until it has been inspected and approved. It is the duty of the owner or his or her authorized representative to notify the State of Colorado Boiler Inspector or an authorized alternate that the installation is ready for inspection and test. The results of such test shall be submitted to the building official for acceptance.

15.16.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation 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 or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5775 §1, 2013; Ord. 5604 §1, 2011; Ord. 5236 §1, 2007)

Chapter 15.18

FUEL GAS CODE

Sections:

- 15.18.010 International Fuel Gas Code, 2012 Edition – Adopted.**
- 15.18.020 Modifications to the International Fuel Gas Code, 2012 Edition.**
- 15.18.030 Violations and penalties.**

15.18.010 – International Fuel Gas Code – Adopted.

The International Fuel Gas Code, 2012 Edition (“2012 IFGC”), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices A and B only, is hereby adopted by reference as the fuel gas code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.18.020 below. This code is a complete code and its purpose is to provide minimum standards to safeguard public health, safety, and welfare by regulating and controlling fuel gas systems and gas-fired appliances, and providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IFGC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.18.020 - Modifications to International Fuel Gas Code, 2009 Edition.

The International Fuel Gas Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Loveland, hereinafter referred to as “this code” or “fuel gas code.”

B. Section 103 is deleted in its entirety.

C. The first sentence of Section 106.5.1 is amended to read as follows:

106.5.1 Approved construction documents. When the code official issues the permit where *construction documents* are required, the *construction documents* shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE”.

[no change to remainder of Section 106.5.1]

D. Section 106.6.2 is amended to read as follows:

106.6.2 Fee Schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

E. Section 106.6.3 is amended by inserting “fifty percent” into the brackets of paragraphs numbered 2 and 3. Additionally, the last paragraph of this section shall be deleted in its entirety and replaced with the following:

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

F. Section 108.2 is amended to read as follows:

108.2 Notice of Violation. The code official shall post on the property or serve on the person responsible a notice of violation or order for the erection, installation, *alteration*, extension, repair, removal or demotion of work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

G. Section 108.4 is deleted in its entirety.

H. Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner shall immediately cease.

Such notice shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, or posted on the property. The notice shall include the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as from time to time by resolution of the City Council.

- I. Section 109 is deleted in its entirety.
- J. Section 303.3 is amended by the deletion of listed exceptions numbered 3 and 4.
- K. Section 304.11 is amended by the addition of the following numbered paragraph to read as follows:

304.11 Combustion air ducts.

....

9. In all R Occupancies a minimum of a six inch round duct or equivalent from the furnace and/or water heater shall be provided for combustion air.

- L. Section 402.6.1 is amended by the addition of the following second paragraph to read as follows:

402.6.1 Liquefied petroleum gas systems.

....

Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, under floor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquid petroleum gases, including construction and temporary heating shall only be installed per the adopted fire code, manufacturer's specifications and listing of the appliance(s).

- M. The last sentence of Section 406.4 is amended to read as follows:

Section 406.4 Test pressure measurement.

....

Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than three times the test pressure.

- N. Sections 406.4.1 and 406.4.2 are deleted and the following Section 406.4.1 is inserted in lieu thereof:

406.4.1. Test pressure and duration. These inspections shall include a determination that the gas piping size, material, and installation meet the requirements of this code and shall be made after all piping authorized by the permit has been installed and before any portions thereof which are to be covered or concealed are so concealed and before any fixture, appliance, or shutoff valve has been attached thereto. This inspection shall include an air, CO₂ or nitrogen pressure test, at which time the gas piping shall stand not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure, or at the discretion of the building official, the piping and valves may be tested at a pressure of at least six (6) inches (152mm) of mercury, measured with a manometer or slope gauge. Test pressures shall be held for a length of time satisfactory to the building official, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure.

For welded piping, and for piping carrying gas at pressure in excess of fourteen (14) inches (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the building official, but in no case for less than thirty (30) minutes.

These tests shall be made using air, CO₂, or nitrogen pressure only and shall be made in the presence of the building official. All necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall comply with Chapter 4 of this code.

- O. Section 501.8 shall be amended by deleting the following:

501.8 Appliances not required to be vented.

....

- 8. Room heaters *listed* for un-vented use.
- 10. Other appliances *listed* for un-vented use and not provided with flue collars.

15.18.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation 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 or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5776 § 1, 2011; Ord. 5603 § 1, 2011; Ord. 5238 § 1, 2007)

Chapter 15.20

PLUMBING CODE

Sections:

- 15.20.010 International Plumbing Code, 2012 Edition – Adopted.**
- 15.20.020 Modifications to the International Plumbing Code, 2012 Edition.**
- 15.20.030 Violations and penalties.**

15.20.010 – International Plumbing Code, 2012 Edition – Adopted.

The International Plumbing Code, 2012 Edition (the “2012 IPC”), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the mechanical code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.20.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems, and providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IPC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.20.020 - Modifications to International Plumbing Code, 2012 Edition.

The International Plumbing Code, 2012 Edition, adopted in this chapter, is modified as follows:

- A. Section 101.1 is amended to read as follows:
 - 101.1 Title.** These regulations shall be known as the Plumbing Code of the City of Loveland, hereinafter referred to as “this code” or “plumbing code.”
- B. Section 103 is deleted in its entirety.
- C. The first sentence of Section 106.5.1 is amended to read as follows:
 - 106.5.1 Approved construction documents.** When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE”.
 - [no change to remainder of Section 106.5.1]*
- D. Section 106.6.2 is amended to read as follows:
 - 106.6.2 Fee Schedule.** Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.
- E. Section 106.6.3 is amended by inserting “fifty percent” into the brackets of paragraphs numbered 2 and 3. Additionally, the last paragraph of this section shall be deleted in its entirety and replaced with the following:
 - The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.
- F. Section 108.2 is amended to read as follows:
 - 108.2 Notice of Violation.** The code official shall post on the property or serve on the person responsible a notice of violation or order for the erection, installation, alteration, extension, repair, removal or demotion of work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- G. Section 108.4 is deleted in its entirety.
- H. Section 108.5 is amended by adding the last sentence to read as follows:
 - 108.5 Stop work orders.** Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner shall

immediately cease. Such notice shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, or posted on the property. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as from time to time by resolution of the City Council.

K. Section 109 is deleted in its entirety.

L. The first sentence of Section 312.3 is amended to read as follows:

312.3 Drainage and vent air test. Plastic pipe tested with air is permitted provided the individual and/or company responsible for performing the work and test, provide proper notification by posting the area where the work and test is being performed. An air test shall

M. Table 403.1, Section No. 2 – Business and Section No. 6 – Mercantile are hereby deleted and replaced with the following, adding footnote h, with all other sections of the table to remain unchanged:

No.	Classification	Occupancy	Description	Water Closets		Lavatories		Bathubs/showers	Drinking Fountains (See section 410.1 of the International Plumbing Code)	Other
				Male	Female	Male	Female			
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for remainder exceeding 80		----	1 per 100 after the first 100	1 service sink (See footnote g)

6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500		1 per 750		----	1 per 1000 after the first 100	1 service sink (See footnote g)
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Footnote h: For business and mercantile occupancies with occupant loads of between 15 and 100, a water bottle dispenser or bottled water dispenser or similar appliance as approved by the *building official* shall be required. (Ord. 6262 § 3, 2018).

15.20.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation 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 or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the City of Loveland. (Ord. 5777 § 1, 2013; Ord. 5607 § 1, 2011; Ord. 5237 § 1, 2007)

Chapter 15.24

ELECTRICAL CODE

Sections:

- 15.24.010** **Electrical Code – Adopted.**
- 15.24.020** **Permit Fees.**
- 15.24.030** **Violations and penalties.**

15.24.010 **Electrical Code – Adopted.**

The National Electrical Code, most current edition, issued and published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, and Title 12, Article 23 of the Colorado State Electrical Laws and Rules and Regulations, are enacted and adopted by reference as secondary codes and incorporated herein. A copy of each said code, certified as a true copy by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours. These codes regulate and control all electrical wiring, fixture and appliances installed, altered or repaired in any buildings in the city as to design, construction, quality of material, workmanship and location. The purpose of secondary codes is to protect, health and safety of the citizens of the city.

15.24.020 **Permit fees.**

Permit fees shall be assessed as set forth by this code shall be established by city council from time to time as amended and adopted by the City of Loveland and shall be based on the valuation of the work to be done.

15.24.030 **Violations and penalties.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain an electrical system or equipment or cause or same to be done contrary to or in violation of any of the provisions of the National Electrical Code. Any person, firm or corporation violating any of the provisions of the National Electrical Code shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the Code of the City of Loveland. (Ord. 5242 § 1, 2007)

Chapter 15.28

FIRE CODE

Sections:

- 15.28.010 International Fire Code, 2012 Edition – Adopted.**
- 15.28.020 Modifications to the International Fire Code, 2012 Edition.**
- 15.28.025 Emergency restrictions on outdoor fires.**
- 15.28.030 Violations and penalties.**

15.28.010 International Fire Code, 2012 Edition - Adopted.

The International Fire Code 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices B, C, D and I, is hereby adopted by reference as the fire code of the city. The purpose of the fire code is to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and to provide for the issuance of permits and collection of fees therefore. At least one copy of the International Fire Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk, and may be inspected during regular business hours.

15.28.020 Modifications to International Fire Code – 2012 Edition.

The International Fire Code, 2012 Edition, adopted in this chapter, is modified as follows:

- A. Subsection 101.1 of Section 101 is amended to read as follows:
 - 101.1 Title.** These regulations shall be known as the City of Loveland Fire Code hereinafter referred to as “the fire code”.
- B. Subsection 108.1 of Section 108 is amended to read as follows:
 - 108.1 Appeals.** Appeals arising from the application of the International Fire Code, 2012 Edition, shall be pursuant to Sections 15.04.150 and 15.04.152 of the Loveland Municipal Code.
- C. Subsection 108.2 of Section 108 is deleted in its entirety.
- D. Subsection 108.3 of Section 108 is deleted in its entirety.
- E. Subsection 109.3.1 of Section 109 is amended to read as follows:
 - 109.3.1 Service.** A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by US mail to the last known address of the owner, occupant or both.
- F. Subsection 109.4 of Section 109 is deleted in its entirety.
- G. Subsection 111.4 of Section 111 is deleted in its entirety.
- H. Subsection 113.2 of Section 113 is amended to read as follows:
 - 113.2 Schedule of Permit Fees.** Fees for any permit, inspections, and services authorized by the fire code shall be assessed in accordance with the fee schedule established by resolution of the city council.
- I. Subsection 113.5 of Section 113 is amended to read as follows:
 - 113.5 Refunds.** The fire code official shall be permitted to authorize a refund of not more than fifty percent (50%) of the permit fee when no work has been done under a permit issued in accordance with this code. This refund shall only be redeemable within twelve months (12) of issuance of the permit.

The fire code official shall not be permitted to authorize a refund of any fee paid except upon written application filed by the original applicant not later than sixty (60) days after the date of fee payment.

- J. Section 202 is amended by replacing the definition of “Fire Separation Distance” and by adding a new definition for “Permissible Fireworks”:

FIRE SEPARATION DISTANCE. The distance measured from the building to the face of one of the following:

1. For newly constructed structures, the closest interior *lot line*;
2. To the centerline of a street, an alley or *public way*; or
3. To an imaginary line between two buildings on the lot; or
4. To the exterior lot line of a property consisting of two or more adjoining lots under a common ownership with an existing structure(s), for which an issuance of a building permit would otherwise require the consolidation of the lots and for which the owner has executed a unity of title in a recordable form approved by the City of Loveland City Attorney.

PERMISSIBLE FIREWORKS. Permissible fireworks are as defined in C.R.S. Section 12-28-101(8)..

- K. Section 308 is amended in part, by the addition of a new subsection 308.1.1 to read as follows:

308.1.1 Open Flames. Sky Lanterns. The lighting of, and the release of, Sky Lanterns shall be prohibited.

- L. Subsection 311.5 of Section 311 is deleted in its entirety.

- M. Subsection 503.2.5 of Section 503 is amended to read as follows:

503.2.5 Dead Ends. Dead-end fire apparatus access roads in excess of one hundred-fifty (150) feet in length shall be provided with an approved area for turning around fire apparatus. Dead-ends in excess of one thousand (1,000) feet are not allowed.

- N. Subsection 503.6 of Section 503 is amended to read as follows:

503.6 Security Gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Exception: Private driveways serving a single-family residence.

- O. Subsection 505.1 of Section 501 is amended to read as follows:

505.1 Premises Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. The color of these numbers shall contrast with their background. Address numbers shall be Arabic numerals. New residential buildings that contain not more than two dwelling units shall have minimum 4-inch high numbers, with a minimum stroke width of ½ inch. Individual suite or unit addresses shall be displayed with minimum 4-inch high numbers, with a minimum stroke width of ½ inch. New multiple-family or commercial buildings shall have minimum 6-inch high numbers, with a minimum stroke width of ½ inch. New buildings three or more stories in height or with a floor area of 15,000 to 100,000 square feet, shall have minimum 8-inch high numbers, with a minimum stroke width of 1 inch. Buildings with a total floor area of 100,000 square feet or greater shall have minimum 12-inch high numbers, with a minimum stroke width of 1½ inches. Where building setbacks exceed 100 feet from the street or access road, additional numbers shall be displayed at the property entrance. The fire code official may require address numbers to be displayed on more than one side of the building.

- P. Subsection 507.3 Section 507 is amended to read as follows:

507.3 Fire Flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B.

Q. Subsection 507.5 of Section 507 is amended to read as follows:

507.5 Fire Hydrant Systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 of this fire code.

R. The exceptions to Subsection 507.5.1 of Section 507 are amended to read as follows:

.....

Exceptions:

1. Fire hydrants shall be spaced six hundred (600) feet apart for Group R-3 occupancies and three hundred-fifty (350) feet apart for all other occupancies.
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet or as approved by the fire code official.

S. Section 507 is amended in part by the addition of a new subsection 507.5.7 to read as follows:

507.5.7 Fire Department Connections. A fire hydrant shall be located within one hundred-fifty (150) feet of a fire department connection, using an approved route without obstacles.

T. Section 510 is amended in part by the deletion of subsections 510.1 and 510.2 and replacing with new Sections 510.1 and 510.2, to read as follows:

510.1 Emergency responder radio coverage in new buildings. Where adequate radio coverage cannot be established within a building, as defined by the fire code official, public safety radio amplification systems shall be installed in the following locations:

1. New buildings with a total building area greater than fifty thousand (50,000) square feet. For the purpose of this section, fire walls shall not be used to define separate buildings.
2. All new basements larger than ten thousand (10,000) square feet.

Exceptions:

1. One and two-family dwellings and townhouses.
2. If approved by the fire code official, buildings that provide a documented engineering analysis indicating the building is in compliance with radio reception levels in accordance with Section 510.6.1 and final fire department testing.

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders if the buildings meet the criteria of Section 510.1 and are undergoing alterations or additions exceeding fifty percent (50%) of the existing aggregate area of the building as of the date of this ordinance.

Exceptions:

1. One and two-family dwellings and townhouses.
2. If approved by the fire code official, buildings that provide a documented engineering analysis indicating the building is in compliance with radio reception levels in accordance with Section 510.6.1 and final fire department testing.

U. Subsection 901.1 of Section 901 is amended to read as follows:

910.0 Scope. The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. When the requirements of this code and the adopted building code are in conflict, the more restrictive shall apply.

V. Subsection 903.1.1 of Section 903 is amended to read as follows:

903.1.1 Alternative Protection. Alternative automatic fire-extinguishment systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the building code official and fire code official.

W. Item (4) of Subsection 903.2.7 is amended to read as follows:

(4) A group M occupancy used for the display and sale of upholstered furniture which does not exceed six thousand (6,000) square feet.

X. Section 903 is amended in part by the addition of a new Section 903.2.13, to read as follows:

903.2.13 Dead-end Roadways. An automatic fire sprinkler system shall be installed in all Group R fire areas, including single-family detached residences, when the residential structure is located beyond four hundred (400) feet of the entrance to a dead-end roadway.

Y. Subsection 903.3.1.3 of Section 903 is amended to read as follows:

Section 903.3.1.3 NFPA 13D Sprinkler Systems. Automatic sprinkler systems shall not be required in one- or two-family dwellings including townhouses that are located within six hundred (600) feet of a fire hydrant meeting minimum flow and pressure requirements and located within four hundred (400) feet from the entrance on a dead-end roadway. All other one- and two-family dwellings shall have automatic sprinkler systems installed in accordance with NFPA 13D.

Z. Section 903 is amended in part by the addition of a new subsection 903.3.5.3 to read as follows:

903.3.5.3 Backflow Protection. All fire sprinklers systems undergoing modification, unless exempt by the Director of the City of Loveland Water and Power Department or other applicable water district, shall be isolated from the public water system by a backflow prevention device meeting the requirements of the Loveland Municipal Code or applicable water district.

AA. Subsection 903.4.3 of Section 903 is amended to read as follows:

Section 903.4.3 Floor Control Valves. Approved supervising indicating control valves shall be provided at the point of connection to the riser on each floor in all multi-story structures.

BB. Subsection 905.1 of Section 905 is amended in part by the addition of a new Section 905.1.1 to read as follows:

905.1.1 Alternative classes of standpipes. The fire code official is authorized to require to the installation of alternative classes of standpipes.

CC. Subsection 905.3.4.1 of Section 905 is deleted in its entirety.

DD. Subsection 907.2.11.2 of Section 907 is amended in part by the addition of a new Paragraph 4, to read as follows:

4. In Groups R-2, R-3, R-4 and I-1 occupancies, and in all attached garages, an interconnected heat detector shall be installed.

EE. Section 907 is amended in part by the addition of a new Section 907.2.11.5 to read as follows:

907.2.11.5 Exterior Strobe. An exterior strobe shall be provided on the exterior of all R-3 and R-4 occupancies in a location readily visible from the roadway fronting the structure. This strobe shall alarm upon activation of any smoke or heat detection. The fire code official is authorized to require exterior strobes to be provided on more than one side of the structure.

FF. Subsection 1104.16.5 of Section 1104 is amended to read as follows:

1104.16.5.1 Examination. Fire escape stairs and balconies shall be examined for structural adequacy and safety in accordance with Section 1104.16.5 by a registered design professional or others acceptable to the fire code official, at such times required by the fire code official. An inspection report shall be submitted to the fire code official after such examination.

GG. Subsection 3103.2 of Section 3103 is amended in part to read as follows, however, the exceptions remain unchanged:

3103.2 Approval Required. Tents/Canopies and membrane structures in excess of seven hundred (700) square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

- ...
- HH. Subsection 5601.1.3 of Section 5601 is amended to read as follows:
5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited unless permitted by state and local laws.
- II. Exception 4 of Subsection 5601.1.3 is amended to read as follows:

...

4. The possession, storage, sale, handling and use of permissible fireworks in accordance with the criteria established by the fire code official.

- JJ. Section 5602 is amended by the addition of a new defined term to read as follows:
PERMISSIBLE FIREWORKS.

- KK. Chapter 56 is amended by the addition of a new Section 5610 to read as follows:

SECTION 5610 PERMISSIBLE FIREWORKS

5610.1 General. Permissible fireworks use shall be as detailed in this section and in accordance with state and local laws.

5610.2 Use of Fireworks. The use of permissible fireworks shall be in accordance with Sections 5610.2.1 through 5610.2.4.

5610.2.1 It shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, or use, or discharge any fireworks, other than permissible fireworks.

5610.2.2 It shall be unlawful for any person to knowingly furnish to any person under the age of sixteen (16) years of age, by gift, sale, or any other means, any fireworks, or permissible fireworks.

5610.2.3 It shall be unlawful for any person under sixteen (16) years of age to purchase fireworks, including permissible fireworks.

5610.2.4 It shall not be unlawful for a person under sixteen (16) years of age to possess and discharge permissible fireworks if such person is under adult supervision throughout the act of possession and discharge.

- LL. Subsection 5704.2.9.6.1 of Section 5704 is amended to read as follows:

5704.2.9.6.1 Location where above-ground storage tanks are prohibited. Storage of Class I and II liquids in above-ground storage tanks outside of buildings is prohibited within the city limits.

Exceptions:

1. Above-ground tank storage of aviation fuels at the Fort Collins-Loveland Airport fuel farm.
2. Protected above-ground tank storage (UL 2085) not exceeding one thousand (1,000) gallons in size per tank or two thousand (2,000) gallons per site.
3. Above-ground storage tanks not exceeding 500 gallons for supply of emergency generators or fire pumps when approved by the fire code official.

- MM. Subsection 5704.2.13.1.4 of Section 5704 is deleted in its entirety.

- NN. Subsection 5706.2.4 of Section 5706 is amended to read as follows:

5706.2.4 Permanent and temporary tanks. The capacity of permanent aboveground tanks containing Class I or Class II liquids shall not exceed five hundred (500) gallons. The capacity of temporary aboveground tanks containing Class I or Class II liquids shall not exceed two thousand (2,000) gallons unless a larger amount is approved in writing by the fire code official. Tanks shall be of single-compartment design.

OO. Subsection 5706.2.4.4 of Section 5706 is deleted in its entirety.

PP. Subsection 5806.2 of Section 5806 is amended by the deletion of the parenthetical information.

QQ. Subsection 6104.2 of Section 6104 is amended to read as follows, however the exceptions remain unchanged:

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of five hundred, (500), gallons.

...

RR. Subsection D102.1 of Section D102 is amended to read as follows:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 80,000 pounds.

SS. Subsection D105.2 of Section D105 is amended to read as follows:

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING – FIRE LANE signs complying with Diagram 1418 of the Larimer County Urban Area Street Standards. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2. (Ord. 6262 § 4, 2018)

15.28.025 Emergency restrictions on outdoor fires.

- A. If in the judgment of the city council or of the city manager, after his or her consultation with the fire chief of the Loveland Fire Rescue Authority, a high risk of fire danger to persons or property exists or is forecasted to soon occur within the city and areas surrounding the city as the result of hot, dry or windy weather conditions, or any combination thereof, the city council and the city manager may each ban or restrict outdoor fires within the city as provided in this section.
- B. The city council may impose a ban or restrictions on outdoor fires as authorized in this section by the adoption of a resolution. Promptly after the council's adoption of any such resolution, the city clerk shall cause the resolution to be published in a Loveland daily newspaper and to be posted prominently on the city's Internet website. The date upon which the ban or restrictions shall take effect shall not be earlier than the next day after the resolution is published in the newspaper. Following this same procedure, the city council may at any time adopt a resolution terminating or modifying the ban or restrictions to be in effect as of the date and time of its adoption or such other date and time as stated in the resolution.
- C. If the city manager imposes a ban or restrictions on outdoor fires as authorized in this section, the city manager shall cause a notice to be published in a Loveland daily newspaper and posted on the city's Internet website notifying the public of the specific date and time when the ban or restriction shall take effect and it shall expressly specify the types of outdoor fires prohibited and/or the restrictions being imposed on outdoor fires. The date upon which the ban or restrictions will take effect shall not be earlier than the next day after the notice is so published. If the city manager determines, after consultation with the fire chief of the Loveland Fire Rescue Authority, that the emergency conditions no longer exist or have lessened, the city manager may, following the same procedure set forth in this paragraph, terminate or modify the ban or restrictions. Any such termination or modification shall not take effect any earlier than the next day after publication of the notice. In addition, the city council may at any time adopt a resolution terminating or modifying any outdoor fire ban or restrictions imposed by the city manager under this section. Any such resolution shall replace, supersede and preempt in all respects any outdoor

fire ban and restriction imposed by the city manager under this section. The city council's resolution shall be published and posted in the same manner as any resolution adopted under paragraph B. of this section and the council's action taken in a resolution adopted under this paragraph shall be in effect as of the date and time of its adoption or such other date and time as stated in the resolution.

- D. If any provision of this chapter 15.28, this code or of any city ordinance is inconsistent or in conflict with any ban or restriction imposed by the city council or the city manager pursuant to this section, such provision shall be deemed temporarily superseded by this section and its legal effect shall be held in abeyance so long as such ban or restriction remains in legal effect under this section or until the city council or the city manager terminates or modifies the ban or restrictions as provided in this section.
- E. As used in this section, "outdoor fire" shall mean the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.
- F. It shall be unlawful for any person to start, allow, permit or maintain any outdoor fire within the city in violation of any ban or restriction imposed under this section. (Ord. 5765 § 2, 2013)

15.28.030 Violations and Penalties.

No person who operates, occupies, or maintains a premises or vehicle subject to the provisions of this chapter shall allow a fire hazard to exist, nor shall fail to take immediate action to abate a fire hazard when ordered or notified to do so. Any person who shall violate any of the provisions of this chapter or who shall violate or fail to comply with any orders made hereunder or who shall act in any way in violation of any permits issued hereunder shall, severally and for each and every violation in noncompliance respectively, be guilty of a misdemeanor punishable by the penalty set forth in Section 1.12.010 of the Loveland Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy the violations or defects within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty pursuant hereto shall not be held to prevent the forced removal of prohibited conditions nor the suspension or removal of a permit or license issued hereunder. (Ord. 5778 § 1, 2013; Ord. 5659, 2012)

Chapter 15.30

BUILDING CONTRACTORS LICENSE

Sections:

15.30.010	Legislative purpose.
15.30.020	Definitions.
15.30.030	License required.
15.30.040	License applications, qualifications and changes.
15.30.050	Renewal.
15.30.070	Registration and classification of licenses.
15.30.080	License examinations.
15.30.100	License fees.
15.30.110	Denial of license.
15.30.120	Contractor responsibilities.
15.30.130	Revocation and suspension of license.

15.30.010 Legislative purpose.

The purpose of this chapter is to promote the public health, safety and welfare by requiring that persons erecting, constructing, enlarging, altering, repairing, moving, removing or converting buildings and other structures in the city are licensed for such activities and have shown that they are qualified to perform such services by experience or examination. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990, Ord. 4919§ 1 (part), 2004).

15.30.020 Definitions.

For the purpose of this chapter, the following terms shall have the meaning indicated:

- A. "Board" means the construction advisory board of the city of Loveland.
- B. "Chief building official" shall mean the chief enforcement officer as provided under Section 15.04.010, or his or her designee, who shall serve as the licensing official for all contractor licenses. The Fire Marshal is designated as the chief building official for licensing of S-4 and S-5 licenses.
- C. "Contractor" means any person or entity who undertakes, within the city of Loveland, to perform any work on any building or structure or any portion thereof for which a permit is required by this title of the Loveland Municipal Code.
- D. "License" means a license issued pursuant to this chapter.
- E. "Registration" means a registration issued to an electrician or plumber pursuant to this chapter who is also licensed as an electrician or a plumber by the state of Colorado.
- F. "Remodel" means to alter, enlarge, demolish or replace. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990, Ord. 4919§ 1 (part), 2004).

15.30.030 License required.

- A. No contractor shall perform any work without having obtained a license to perform such work from the chief building official under this chapter.
- B. No contractor that is not a natural person shall perform any work without having in its employ a natural person licensed as a contractor under this chapter for the type of work performed. The name of such person shall be registered with the chief building official. If such person should leave the employ of the licensee, the license shall be deemed suspended until another licensed natural person is registered with the chief building official. Such person shall provide personal supervision at the work, job or project site adhering to reasonable attention to the job site to insure proper construction as determined by the chief building official.
- C. Each licensee under this chapter shall be issued an identification card and shall present such card upon request of any city representative.
- D. The following persons are exempt from the licensing requirements of this chapter:
 1. A person working under the supervision of any other person licensed under this chapter;

2. A homeowner who builds, constructs, alters, repairs, adds to or demolishes any building or structure or any portion thereof that constitutes the owner's residence, or a building or structure accessory thereto, and that is intended for the owner's personal use. This section shall not apply to the installation or repair of fire alarms and fire sprinklers;
3. A public utility company and its employees, when engaged in the installation, operation and maintenance of its equipment used for the production, generation or distribution of the utility, product or service through the facilities owned or operated by the utility company to the point of customer service. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.040 License applications, qualifications and changes.

- A. An applicant may apply for a license on forms furnished by the chief building official, and shall provide information relating to the applicant's competence, experience and job references as required, and pay the fees as set forth herein.
- B. No license shall be issued to an applicant until the applicant has successfully passed an examination to test the applicant's qualifications for the category of license requested, as required by Section 15.30.080. In order to be eligible for exemption from the examination requirement, an applicant shall demonstrate competency in the licensing category applied for in Section 15.30.070 satisfactory to the chief building official.
- C. Every licensee shall report a change of name or address in writing to the chief building official not later than fourteen business days after the change.
- D. A licensee may elect to have his license become inactive by notifying the chief building official. No one shall perform work with an inactive license. Thereafter, no further fees shall be required until the licensee's license is reactivated.
- E. A licensee may upgrade a license to a broader classification by submitting a new application, successfully completing the examination if required, and paying the difference between the fees paid and the fee for the new license. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990; Ord. 4919 § 1 (part), 2004)

15.30.050 Renewal.

A licensee under this chapter shall renew his or her license every two (2) years, unless otherwise required by the state, by filing a completed application for renewal with the chief building official and paying the fees required in Section 15.30.100. Approval of a renewal application designates the beginning of the renewal period. Licenses issued by the City of Loveland which have been expired or inactive for more than three (3) years may be renewed upon providing evidence of passing the examination in the appropriate category of licensure under Section 15.30.080. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990; 4919§ 1 (part), 2004)

15.30.070 Registration and classification of licenses.

The following licenses or registrations are available pursuant to this chapter:

- A. Standard General Building Contractor (A)
This license entitles the licensee to construct, remodel or repair any structure or addition thereto for which a building permit is required. This license does not allow work that includes electrical, plumbing, mechanical, signs, fire and burglar alarms, fire protection, and trades outside the license holder's area of expertise.
- B. Standard Building Contractor (B)
This license entitles the licensee to construct, remodel or repair commercial buildings and single or multi-dwelling buildings not exceeding three stories in height for which a building permit is required. This license is limited to allow work on non-residential tenant finish as well as residential structures which contain fewer than sixteen dwelling units. This license does not allow work that includes electrical, plumbing, mechanical, signs, fire and burglar alarms, fire protection, and other trades outside the license holder's area of expertise.
- C. Standard Residential Building Contractor (C)
This license entitles the licensee to construct, remodel or repair any residential building not exceeding two stories in height, for which a building permit is required. This license does not allow work that includes electrical, plumbing, mechanical, signs, fire and burglar alarms, fire protection, and other trades outside the license holder's area of expertise.

- D. Class S, Specialty License. These licenses entitle the licensee to perform only the type or types of work described below:
 - 1. S-1: Roofing Contractor/Subcontractor. Installation and replacement of roof coverings.
 - 2. S-2: Swimming Pools and Spas. Installation of swimming pools and spas.
 - 3. S-3: Signs. Fabrication, erection, installation, remodeling, repair and maintenance of all types of signs.
 - 4. S-4: Fire Alarms. Installation of fire and burglar alarms.
 - 5. S-5: Fire Suppression. Installation of fire extinguishing systems.
- E. Standard Master Mechanical. A mechanical license entitles the holder to install, maintain, alter, or repair mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related process within buildings. This shall include evaporative refrigeration systems and related appurtenances.
- F. Electrical Contractor Registration. In order to be registered as an electrical contractor as required herein, the applicant must also be licensed as a master electrician by the State of Colorado Electrical Board and possess an electrical contractors license issued by the State of Colorado Electrical Board. Registration as an electrical contractor under this chapter entitles the registrant to plan, layout, supervise and install, add to, alter and repair wiring apparatus and equipment for electric light, heat and power. A registered professional engineer who plans or designs electrical installation shall not be considered an electrical contractor.
- G. Plumbing Contractor Registration. In order to be registered as a plumbing contractor as required herein, the applicant must be licensed as a master plumber by the State Examining Board of Plumbers and possess a plumbing contractor license issued by the State of Colorado Examining Board of Plumbers. Registration as a plumbing contractor under this chapter entitles the registrant to plan, lay out, supervise, install, add to, alter and repair potable water supplies and distribution pipes and piping, plumbing fixtures and traps, drainage and vent pipes, and building drains, including their respective joints and connections, devices, receptacles and appurtenances. A registered professional engineer who plans or designs plumbing installations shall not be considered a plumbing contractor. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.080 License examinations.

- A. The chief building official shall issue a license to contractors who have passed the International Code Council (ICC) examination or an examination which is equivalent to the ICC examination and that meet all other requirements of this Chapter.
- B. The chief building official shall have the discretion to accept the results of an examination given in another jurisdiction which is equivalent to the ICC examination. Before a license is issued, all other requirements of this Chapter must be met.
- C. Examinations are required for the following licenses:
 - 1. Standard General Building Contractor (A);
 - 2. Standard Building Contractor (B);
 - 3. Standard Residential Building Contractor (C);
 - 4. Standard Master Mechanical;
 - 5. S-1 Roofing Contractor/Subcontractor; and
 - 6. S-3 Signs. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.100 License fees.

The following fee schedule is adopted:

- A. Standard General Building Contractor (A) – One hundred twenty five dollars (\$125.00) for initial license and every two (2) years for renewals.
- B. Standard Building Contractor (B) – One hundred twenty five dollars (\$125.00) for initial license and every two (2) years for renewals.
- C. Standard Residential Building Contractor (C) – One hundred twenty five dollars (\$125.00) for initial license and every two (2) years for renewals.
- D. Class S License - One hundred twenty five dollars (\$125.00) for initial license and every two (2) years for renewals.

- E. Mechanical License - One hundred twenty five dollars (\$125.00) for initial license and every two (2) years for renewal.
- F. Electrical Registration – No fee for initial registration or for renewal.
- G. Plumbing Registration - No fee for initial registration or for renewal.
- H. S-3: Signs - One hundred twenty five dollars (\$125.00) for initial license and every two (2) years for renewal.
- I. S-4: Fire Alarms - One hundred twenty five dollars (\$125.00) for initial license and every two (2) years for renewal.
- J. S-5: Fire Suppression - One hundred twenty five dollars (\$125.00) for initial license and every two (2) years for renewal. . (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.110 Denial of license.

- A. The chief building official may deny a license under this chapter upon a finding of any of the following:
 - 1. The applicant has failed to provide information requested on the application form;
 - 2. The applicant is not qualified by experience, training or education to engage in the activity authorized by the license;
 - 3. The applicant's license for the same or similar work is under suspension or revocation in this or another jurisdiction; or
 - 4. The applicant has been convicted of an offense relating to the conduct of the activity licensed by this chapter within three months prior to the application.
- B. If the chief building official denies a license application under this section, he shall notify the applicant in writing stating the specific grounds for the denial. The applicant may thereafter appeal the denial of the application to the Construction Advisory Board (CAB) and obtain a hearing as described in Section 15.30.130. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.120 Contractor responsibilities.

- A. A licensee is responsible for all work performed pursuant to such license.
- B. A licensee is responsible for obtaining permits prior to any work being performed on site.
- C. Every Class (A), (B), (C) & S licensee holder as described in Section 15.30.070, shall inform the chief building official at the time of application for a permit to be issued, of the major subcontractors working on the project, if any, including but not limited to, plumbing, electrical and mechanical subcontractors, and shall engage only subcontractors who are properly licensed under this chapter. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.130 Revocation and suspension of license.

- A. The chief building official shall, upon the verified complaint in writing of any person, require the licensee to appear before the Board for hearing on the possible suspension or revocation of the licensee’s license. The licensee shall be given a copy of the complaint and at least twenty days written notice of the time and place of the hearing. The notice shall be served personally, or shall be mailed by first class mail to the licensee's last known mailing address. At the hearing the licensee shall have the right to present his or her case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The licensee shall be entitled at said hearing to have the benefit of legal counsel of his or her own choosing and own expense.
- B. The Board, after review of the evidence presented, shall have the power to suspend or revoke the license or take other disciplinary action on the license, including the issuance of a formal letter of reprimand; or order the licensee to pay unpaid permit fees and inspection or investigative costs incurred by the city; or impose a probationary period during which time any further violations would result in automatic suspension or revocation of the license. The Board may take any of the foregoing actions if the Board finds that the licensee committed one or more of the following acts related to work as a contractor:
 - 1. Violation of any provision of the Loveland Municipal Code, including any codes which are adopted by reference;
 - 2. Failure to comply with any lawful order of the chief building official or any other authorized representative of the city;

3. Use of the license or registration to obtain permits required under the building codes for any other person;
 4. Misrepresentation of a material fact when applying for a license, or fraud in obtaining a license;
 5. Gross negligence in the work done by the licensee;
 6. Failure to obtain a required permit;
 7. Failure to give written notice to the chief building official of any matter for which notice is required by this chapter; or
 8. Conviction of an offense involving misapplication of funds or property received from another.
- C. Emergency Suspension. If the chief building official finds that an emergency exists which justifies immediate suspension or revocation of a license, he may enter an order for immediate suspension of such license, pending further investigation and proceedings for suspension or revocation as provided in this chapter. The licensee may, upon notice of such suspension, request an immediate hearing before the chief building official.
- D. The chief building official may suspend licenses upon the written consent and approval of the licensee.
- E. If the license of any contractor is revoked, another such license shall not be granted to such contractor within twelve months after the effective date of the revocation. If a license is suspended, the board shall state the period and terms of the suspension. Unless otherwise ordered by the board, a license shall not be reinstated following a suspension or renewed following revocation unless the contractor has successfully passed an examination as specified in Section 15.30.080. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

Chapter 15.48

INTERNATIONAL ENERGY CONSERVATION CODE

Sections:

- 15.48.010 International Energy Conservation Code, 2012 Edition – Adopted.**
- 15.48.020 Modifications to the International Energy Conservation Code, 2012 Edition.**
- 15.48.030 Violations and penalties.**

15.48.010 – International Energy Conservation Code, 2012 Edition – Adopted.

The International Energy Conservation Code, 2012 Edition (the “2012 IECC”), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the energy conservation code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.48.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, light, and power systems and providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IECC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.48.020 - Modifications to International Energy Conservation Code, 2012 Edition.

The International Energy Conservation Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section C101.1 is amended to read as follows:

C101.1 Title. These regulations shall be known as the International Energy Conservation Code of the City of Loveland, hereinafter referred to as “this code”.

B. Section R101.1 is amended to read as follows:

R101.1 Title. These regulations shall be known as the International Energy Conservation Code of the City of Loveland, hereinafter referred to as “this code”.

C. Section C101.2 is amended by adding the listed exceptions to read as follows:

Exception:

1. Energy conservation systems and components in existing buildings or structures undergoing repair, alterations or additions, and change of occupancy, shall be permitted to comply with the International Existing Building Code and Chapter 34 of the International Building Code.
2. Utility and miscellaneous group U occupancies and agricultural structures as defined by the International Building Code which are neither heated nor cooled by fossil fuels or electricity.

D. Section C108.2 is deleted in its entirety and amended to read as follows:

C108.2 Issuance. The stop work order shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall include the reason for the order, and the conditions under which the cited work will be permitted to resume.

E. Section R108.2 is deleted in its entirety and amended to read as follows:

R108.2 Issuance. The stop work order shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall include the reason for the order, and the conditions under which the cited work will be permitted to resume.

F. Sections C108.3 and R108.3 are deleted in their entirety.

G. Sections C108.4 and R108.4 are deleted in their entirety.

H. Sections C109, and R109 are deleted in their entirety.

I. Section C302.1 is deleted in its entirety and amended to read as follows:

C302.1 Interior design conditions. The interior design temperatures used for heating and cooling load calculations shall be as defined in Section 1301.1.2 of the 2012 International Building Code.

J. Section R302.1 is deleted in its entirety and amended to read as follows:

R302.1 Interior design conditions. The interior design temperatures used for heating and cooling load calculations shall be as defined in Section 1301.1.2 of the 2012 International Residential Code.

K. Section R402.4.1.2 – Testing is deleted and replaced to read as follows:

The building or dwelling unit other than *townhouses* shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Zones 1 and 2, and 3 air changes per hour in Zones 3 through 8. *Townhouses* shall be tested and verified as having an air leakage rate not exceeding 4 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals) Where required by the *building official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *building official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During Testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be full open.

(Ord. 6262 § 5, 2018)

15.48.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation 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 or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5779 § 1, 2013; Ord. 5602 § 1, 2011; Ord. 5241 § 1, 2007)

Chapter 15.52

INTERNATIONAL EXISTING BUILDING CODE

Sections:

- 15.52.010 International Existing Building Code, 2012 Edition – Adopted.**
- 15.52.020 Modifications to the International Existing Building Code, 2012 Edition.**
- 15.52.030 Violations and penalties.**

15.52.010 – International Existing Building Code, 2012 Edition – Adopted.

The International Existing Building Code, 2012 Edition (the “2012 IEBC”), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the existing building code of the city is hereby adopted by reference as the energy conservation code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.52.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the conditions and maintenance of all property, relocation of existing buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Existing Building Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.12.020 - Modifications to International Existing Building Code, 2012 Edition.

The International Existing Building Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of the City of Loveland, hereinafter referred to as “this code”.

B. Section 103 is deleted in its entirety.

C. Section 105.3 is amended by amendment of the first sentence to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Division for that purpose.

D. Section 112 is deleted in its entirety.

E. Sections 113.1 and 113.4 are deleted in their entirety.

F. Section 113.2 is amended to read as follows:

Section 113.2. Notice of Violation. The *code official* is authorized to post on the property or serve on the person responsible a notice of violation or order for the *repair, alteration, extension, addition, moving, removal, demolition or change in the occupancy of a building in violation of the provisions of this code or in violation of a permit or certificate issued under the provisions of this code.* Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

G. Section 114.2 is amended to read as follows:

Section 114.2. Issuance. The stop work order shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall include the reason for the order and the conditions under which the cited work will be permitted to resume.

H. All references in the Loveland Municipal Code to “the ICC Electrical Code” shall be deleted and amended to read as follows:

“the National Electrical Code (NEC) as adopted and enforced by the State of Colorado”.

15.48.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation 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 or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5780 § 1, 2013; Ord. 5601 § 1, 2011; Ord. 5240 § 1, 2007)

Chapter 15.56

HISTORIC PRESERVATION

Sections:

- 15.56.010 Purpose.**
- 15.56.020 Definitions.**
- 15.56.030 Designation of historic structures, sites or districts.**
- 15.56.040 Procedure to amend or rescind designation of landmarks or historic districts.**
- 15.56.050 Landmark alteration certificate required.**
- 15.56.060 Landmark alteration certificate application and staff review.**
- 15.56.070 Landmark alteration certificate public hearing.**
- 15.56.080 Unsafe or dangerous conditions exempted from the alteration certificate requirement.**
- 15.56.090 Violations.**
- 15.56.100 Designation criteria.**
- 15.56.110 Historic Residential Design Guidelines and criteria for review of alterations certificates.**
- 15.56.120 Criteria to review relocation of a structure.**
- 15.56.130 Criteria to review demolition of a structure.**
- 15.56.140 Exemptions from an alteration certificate.**
- 15.56.150 Maintenance of designated landmarks and structures within a historic district.**
- 15.56.160 Economic incentives for historic restoration.**
- 15.56.170 Demolition or relocation of historic buildings or structures not designated as local landmarks.**
- 15.56.180 Rehabilitation loan program.**

15.56.010 Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value, located within the City, is a public necessity and is required in the interest of the health, safety and welfare of the people. The purposes of this Chapter are to promote the public health, safety, and welfare through:

- A. Promoting protection, enhancement, and perpetuation of such improvements and of districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- B. Promoting and encouraging continued private ownership and utilization of such improvements and historic districts;
- C. Safeguarding the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
- D. The enhancement of property values, and the stabilization of historic neighborhoods;
- E. Fostering civic pride in the beauty and noble accomplishments of the past;
- F. Protecting and enhancing the City's attraction to residents, tourists, and visitors, and serving as a support and stimulus to business and industry;
- G. Strengthening the economy of the City;
- H. Promoting good urban design; and
- I. Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the public.

The intention of this Chapter is to create a method to draw a reasonable balance between private property rights and the public's interest in preserving Loveland's unique historic character by ensuring that demolition of, moving, or alterations to properties of historic value, or actions that impact the historic value of properties, shall be carefully considered for impact on the property's contribution to Loveland's heritage.

15.56.020 Definitions

The following terms, when used in this Chapter, shall have the meanings defined as follows:

Days – The term days shall mean all calendar days, including Saturday and Sunday. Any computation of days under this Chapter shall not include the date a final decision is made. If a deadline falls upon a Saturday, Sunday, or other legal holiday when City offices are closed, the deadline shall continue to the following day when City offices are open.

Partial Demolition – The dismantling, razing, or destruction of a portion of a building or structure, or the removal of architectural elements which define or contribute to the character of the structure.

Total Demolition – The dismantling, razing, or destruction of an entire building or structure.

15.56.030 Designation of historic structures, sites or districts.

- A. Designation authorized. Pursuant to the procedures hereinafter set forth in this section, the City Council may, by ordinance:
 - 1. Designate as a historic landmark an individual structure, site, or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; and
 - 2. Designate as an historic district an area containing a number of structures having a special historical or architectural value.
- B. Each such designating ordinance shall include a description of the characteristics of the landmark or historic district that justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark or historic district. An ordinance designating a historic district shall identify the contributing structures located within the district.
- C. The property included in any such designation shall be subject to the controls and standards set forth in this Chapter and shall be eligible for such incentive programs as may be developed by the Commission and the City Council.
- D. Procedures for designating structures and districts for preservation:
 - 1. Nomination Process for Landmarks. Except as otherwise provided in section 15.56.170 of this Chapter, a nomination for designation as a landmark may be made by the Commission acting by majority vote of a quorum, by City Council acting by majority vote of a quorum, or by any person owning property proposed for designation, by filing an application with the City of Loveland Development Services Department. Once an application is received, the Development Services Department shall contact the owner or owners of such landmark and outline the privileges, obligations, and restrictions that apply to designated landmarks. The Development Services Department shall also attempt to secure the consent of the owner or owners to such designation before the nomination is accepted as complete for review.
 - 2. Nomination Process for Historic Districts. A nomination for designation as a historic district may be made by the Commission acting by majority vote of a quorum, by City Council acting by majority vote of a quorum, or by any person owning property within the proposed district, by filing an application with the City of Loveland Development Services Department. Once an application is received, the Development Services Department shall contact the owners of the properties within the proposed district and outline the privileges, obligations, and restrictions that apply to properties within historic districts.
 - 3. Commission Public Hearing on Landmark or Historic District Nominations. The Commission shall hold a public hearing on the designation application not more than sixty (60) days after the filing of a complete application. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the

hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

4. Commission Review. The Commission shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after the hearing date first set, unless otherwise mutually agreed by the Commission and the applicant, the Commission shall either recommend approval, modification and approval, or disapproval of the proposal. The Commission may recommend approval conditional upon the voluntary execution of certain easements, covenants, or licenses.
5. Commission Recommendation to City Council. The Commission shall forward to the City Council in writing any recommendation concerning a designation and further state any recommendations as to easement, covenants, or licenses that must be met by the property owner to receive and/or maintain the designation. The Commission shall also notify the City Council immediately of any decision disapproving a designation initiated by the City Council.
6. Owner Consent Required for Further Processing of Landmark Nominations. For applications for designation as a landmark that have gone to a public hearing before the Commission without the owner's consent, such consent shall be required, in writing, prior to review by the City Council of the application. If the owner(s) do not consent to the proposed designation, the application will not move forward.

E. City Council Review.

1. City Council Public Hearing on Landmark or Historic District Nominations. Within thirty (30) days after the date of any referral from the Commission, the City Council shall hold a public hearing on the designation application. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.
2. City Council Review. The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. The City Council shall approve, modify and approve, or disapprove the proposed designation.
3. Owner Notification of Landmark or District Designation. When a historic landmark or district has been designated as provided herein, the City Clerk shall promptly notify the owners of the property included therein and shall cause a copy of the designating ordinance as described in subsection B of this section to be recorded with the County Clerk and Recorder.
4. Effect of Disapproval of Landmark or Historic District Designation. Whenever the City Council disapproves a proposed designation, no person shall submit an application that is the same or

substantially the same for at least one (1) year from the effective date of the final action on the denied application.

15.56.040 Procedure to amend or rescind designation of landmarks or historic districts.

- A. A landmark or historic district designation may be amended or rescinded in the same manner as the original designation was made using the following criteria:
 - 1. The property or historic district no longer meets the criteria for designation set forth in section 15.56.100 of this Chapter.
 - 2. If the request is to revoke the designation of a portion of a historic district, the revocation will not impact the integrity of the remainder of the district.

15.56.050 Landmark alteration certificate required.

- A. Landmark Alteration Procedure. No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal, partial demolition, or total demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this Code or other ordinances of the City.
- B. Building Division Referral. The Development Services Department shall maintain a current record of all designated landmark sites and historic districts and pending designations. If the Building Division receives an application for a permit to carry out any new construction, alteration, removal, partial demolition, or total demolition of a building or other designated feature on a landmark site or in an historic district or in an area for which designation proceedings are pending, the City's Building Division shall promptly forward such permit application to the Development Services Department.
- C. Effect of Application for Landmark or Historic District Designation. No person shall receive a permit to construct, alter, remove, partially demolish, or totally demolish any structure or other feature on a proposed landmark site or in a proposed historic district after the date a complete application has been filed to initiate the designation of such landmark site or district. No such permit application filed after such date will be approved while proceedings are pending on such designation.

15.56.060 Landmark alteration certificate application and staff review.

- A. Application. An owner of property designated as a landmark or located in an historic district may apply for a landmark alteration certificate. The application shall contain all information that the Commission determines is necessary to consider the application, including, without limitation, plans and specifications showing the proposed exterior appearance with texture, materials, and architectural design and detail, and the names and addresses of the abutting property owners.
- B. Review of Impact. The Development Services Director, or designee, and two (2) designated members of the Commission shall review all applications for landmark alteration certificates for alterations to buildings or special features and shall determine within fifteen (15) days after a complete application is filed whether or not the proposed work would have a significant impact upon or be potentially detrimental to a landmark site or historic district.
- C. Determination of No Significant Impact. If it is determined by the Development Services Director, or designee, and the designated members of the Commission that there would be no significant impact or potential detriment, the Development Services Director shall issue a certificate to the applicant and shall notify the Commission of such issuance.
- D. Determination of Significant Impact. If either the Development Services Director, or designee, or one of the Commission designees determines that the proposed work would create a significant impact or potential detriment, they shall refer the application to the Commission for a public hearing and shall promptly notify the applicant of the referral. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City

not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the landmark alteration certificate.

15.56.070 Landmark alteration certificate public hearing.

- A. Commission Public Hearing on Landmark Alteration Certificate Application. The Commission shall hold a public hearing on all referred applications for landmark alteration certificates for new construction, removal, alteration total demolition, or partial demolition of a designated landmark structure or a structure within an historic district within sixty (60) days after the completed application was filed.
- B. Commission Review Criteria. The Commission shall determine whether the application meets the standards in sections 15.56.110, 15.56.120 or 15.56.130, whichever applies. Within thirty (30) days after the hearing date first set, unless otherwise mutually agreed upon by the Commission and applicant, the Commission shall adopt written findings and conclusions.
- C. Extended Review Period. When reviewing alteration certificate applications involving moving or demolition of a resource, the Commission may extend the review period up to ninety (90) additional days if the Commission finds that the original application does not meet the standards in sections 15.56.120 or 15.56.130, whichever applies. The ninety-day extension period shall be used to encourage both the applicant and the Commission to explore acceptable alternative solutions to the original submittal.
- D. Commission Decision Final Unless Appealed. The decision of the Commission approving, disapproving, or suspending action on an application for a landmark alteration certificate is final unless appealed to the City Council. An appeal to the City Council must be filed with the Development Services Department within ten (10) days of the Commission's decision. Any property owner of a designated landmark or owner of property located within an historic district shall have standing to appeal the decision of the Commission on an application for a landmark alteration certificate.
- E. City Council Public Hearing on Appeal. The City Council shall hold a public hearing on the appeal within thirty (30) days of the date that it is filed with the Development Services Department. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record, shall not invalidate any proceedings in connection with the landmark alteration certificate.
- F. Issuance of Landmark Alteration Certificate. The Development Services Department shall issue a landmark alteration certificate if an application has been approved by the Commission or City Council. When approving an application for a landmark alteration certificate, the Commission or City Council may impose a time limit for the applicant to apply for a building permit conforming to the certificate.
- G. Building Permit Required. Once an applicant has obtained a landmark alteration certificate, the applicant must apply for a building permit and comply with all other requirements under the City's building codes, fire code, all other ordinances of the City, and all applicable rules, regulations, and policies of the City. The Chief Building Official and Fire Chief shall have the discretion to modify the alteration certificate as necessary to mitigate health and safety issues pursuant to Section 15.56.070.

- H. Documentation of Structure Prior to Total Demolition. The Commission or City Council may, as a condition of its approval of a landmark alteration certificate allowing the total demolition of a historic structure, require the property owner to provide the City either with photographic documentation of such structure or right of access for the taking of such photographs.
- I. Removal of Artifacts From Structure Prior to Total Demolition. The Commission or City Council shall have the authority to enter into an agreement with the owner of any structure proposed to be totally demolished whereby the City, or certain designated third parties, may enter upon the property upon which such structure is situated for the purpose of removing and taking possession and ownership of any particular artifacts, and other items of historic interest or value, identified in such agreement.
- J. Effect of Disapproval of Landmark Alteration Certificate. If the Commission or City Council disapproves an application for a landmark alteration certificate, no person may submit a subsequent application for the same construction, alteration, removal, or demolition within six (6) months from the date of the final action upon the earlier application.

15.56.080 Unsafe or dangerous conditions exempted from the alteration certificate requirement.

Nothing in this Chapter shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or parts thereof where such condition is declared unsafe or dangerous by the City’s Building Division or Fire Department and where the proposed measures have been declared necessary by the City’s Chief Building Official or Fire Chief to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. This Section shall be administered by the Chief Building Official or Fire Chief utilizing the relevant sections of the Uniform Building Code, Uniform Fire Code, or Uniform Code for Building Conservation, as adopted and amended by the City, regarding existing or historic structures.

15.56.090 Violations.

Violations of this Chapter are punishable as provided in Chapter 1.12 of the Loveland Municipal Code and are subject to the following additional penalties:

- A. Unauthorized Alterations to Historic Structures. Alterations to a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a one-year moratorium on all building permits for the subject property; and
- B. Unauthorized Moving or Demolition of Historic Structures. Moving or demolishing a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure’s original location.

15.56.100 Designation criteria.

The Commission and City Council shall consider the following criteria in reviewing nominations of properties for designation:

- A. Landmarks. Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social/cultural, or geographic/environmental significance. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria.
 - 1. Historic sites shall meet one (1) or more of the following:
 - a) Architectural.
 - (1) Exemplifies specific elements of an architectural style or period;
 - (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 - (3) Demonstrates superior craftsmanship or high artistic value;
 - (4) Represents an innovation in construction, materials, or design;
 - (5) Represents a built environment of a group of people in an era of history;
 - (6) Exhibits a pattern or grouping of elements representing at least one of the above criteria; or

- (7) Is a significant historic remodel.
 - b) Social/cultural.
 - (1) Is a site of an historic event that had an effect upon society;
 - (2) Exemplifies the cultural, political, economic, or social heritage of the community; or
 - (3) Is associated with a notable person(s) or the work of a notable person(s).
 - c) Geographic/environmental.
 - (1) Enhances sense of identity of the community; or
 - (2) Is an established and familiar natural setting or visual feature of the community.
 - 2. Prehistoric and historic archaeological sites shall meet one (1) or more of the following:
 - a) Architectural.
 - (1) Exhibits distinctive characteristics of a type, period, or manner of construction; or
 - (2) Is a unique example of structure.
 - b) Social/cultural.
 - (1) Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
 - (2) Is associated with an important event in the area's development;
 - (3) Is associated with a notable person(s) or the work of a notable person(s);
 - (4) Is a typical example/association with a particular ethnic or other community group; or
 - (5) Is a unique example of an event in local history.
 - c) Geographic/Environmental.
 - (1) Is geographically or regionally important.
 - 3. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):
 - a). Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
 - b) Retains original design features, materials, and/or character;
 - c) Is the original location or same historic context if it has been moved; or
 - d) Has been accurately reconstructed or restored based on documentation.
- B. Historic Districts.**
- 1. For the purposes of this Section, a district is a geographically definable area including a concentration, linkage, or continuity of subsurface or surface sites, buildings, structures, and/or objects. The district is related by a pattern of either physical elements or social activities.
 - 2. Significance is determined by applying criteria to the pattern(s) and unifying element(s).
 - 3. Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
 - 4. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
 - 5. In addition to meeting at least one (1) of the criteria as outlined in subsection 6 of this subsection B, the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
 - 6. Historic districts shall meet one (1) or more of the following:
 - a) Architectural.
 - (1) Exemplifies specific elements of an architectural style or period;

- (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
 - (3) Demonstrates superior craftsmanship or high artistic value;
 - (4) Represents an innovation in construction, materials, or design;
 - (5) Represents a built environment of a group of people in an era of history;
 - (6) Is a pattern or a group of elements representing at least one of the above criteria; or
 - (7) Is a significant historic remodel.
- b) Social/cultural.
 - (1) Is the site of an historical event that had an effect upon society;
 - (2) Exemplifies cultural, political, economic or social heritage of the community; or
 - (3) Is associated with a notable person(s) or the work of a notable person(s).
 - c) Geographic/environmental.
 - (1) Enhances sense of identity of the community; or
 - (2) Is an established and familiar natural setting or visual feature of the community.
 - d) Archaeology/subsurface.
 - (1) Has the potential to make an important contribution to the area's history or prehistory;
 - (2) Is associated with an important event in the area's development;
 - (3) Is associated with a notable person(s) or the work of a notable person(s);
 - (4) Has distinctive characteristics of a type, period or manner of construction;
 - (5) Is of geographic importance;
 - (6) Is a typical example/association with a particular ethnic group;
 - (7) Is a typical example/association with a local cultural or economic activity; or
 - (8) Is a unique example of an event or structure.

15.56.110 Historic Residential Design Guidelines and criteria for review of alterations certificates.

- A. Historic Residential Design Guidelines Adopted. The "Historic Residential Design Guidelines," dated June, 2011, are hereby adopted and are on file with the City Clerk's Office.
- B. Application. The Commission shall use the Historic Residential Design Guidelines to review alteration certificates on designated landmark sites, contributing properties within a designated historic district, or any other property that requires an alteration certificate, as provided in this code and in the design guidelines.
- C. Amendment. The Historic Residential Design Guidelines may be amended from time to time by resolution of the city council.
- D. In addition to the criteria set forth in the Historic Residential Design Guidelines for alterations certificates, the Commission shall also use the following criteria to determine compatibility:
 - 1. The effect upon the general historical and architectural character of the structure and property;
 - 2. The architectural style, arrangement, texture, and material used on the existing and proposed structures and their relation and compatibility with other structures;
 - 3. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structures and the site;
 - 4. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
 - 5. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
 - 6. The condition of existing improvements and whether they are a hazard to public health and safety;
 - 7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property; and
 - 8. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties set forth in Title 36 of the Code of Federal Regulations, Part 68. This reference shall always refer to the current standards, as amended.

- E. For properties which have historically been non-residential, only the criteria set forth in section 15.56.110(D) shall be applicable to determine compatibility for alterations certificates.
- F. The Commission shall issue an alterations certificate for any proposed work on a designated historical site or district only if the Commission can determine that the proposed work would not detrimentally alter, destroy, or adversely affect any architectural or landscape feature which contributes to its original historical designation. The Commission must find a proposed development is visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass, and height. When the subject site is in an historic district, the Commission must also find that the proposed development is visually compatible with the development on adjacent properties. For the purposes of this section, the term “compatible” shall mean consistent with, harmonious with, and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.
- G. Conflicts. In the event of a conflict between a provision of the Historic Residential Design Guidelines and any other provision of this code or any other applicable regulation, the more stringent provision shall apply.

15.56.120 Criteria to review relocation of a structure.

In addition to the alterations criteria in Section 15.56.110, the Commission shall use the following criteria in considering alteration certificate applications for relocating a landmark, a structure on a landmark site, a building or structure within a historic district, a structure onto a landmark site, or a structure onto property in an historic district:

- A. Original Site Review Criteria. For consideration of the original site, the Commission shall review for compliance with all of the following criteria:
 - 1. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
 - 2. The contribution the structure makes to its present setting;
 - 3. Whether plans are specifically defined for the site to be vacated;
 - 4. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;
 - 5. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-sitting; and
 - 6. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.
- B. New Site Review Criteria. For consideration of the new location, the Commission shall review for compliance with all of the following criteria:
 - 1. Whether the building or structure is compatible with its proposed site and adjacent properties and if the receiving site is compatible in nature with the structure or structures proposed to be moved;
 - 2. The structure’s architectural integrity and its consistency with the character of the neighborhood; and
 - 3. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.

15.56.130 Criteria to review demolition of a structure.

If a demolition approval is granted on any basis other than that of an imminent hazard or economic hardship, a certificate will not be issued until a replacement/reuse plan for the property has been approved by the City.

- A. Review Criteria for Total Demolition. Applicants requesting a certificate for demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:
 - 1. The structure proposed for demolition is not structurally sound despite evidence of the owner’s efforts to properly maintain the structure;

2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property;
 3. The structure cannot be practically moved to another site in Loveland;
 4. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:
 - (a) Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur;
 - (b) Any impact on the historic importance of the structure or structures located on the property and adjacent properties;
 - (c) Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties; and
 5. In the case of archaeological sites, consideration will be given to whether information can be recovered as part of the demolition process.
- B. Review Criteria for Partial Demolition. Applicants requesting a certificate for partial demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:
1. The partial demolition is required for the renovation, restoration or rehabilitation of the structure; and
 2. The applicant has mitigated, to the greatest extent possible:
 - (a) Impacts on the historic importance of the structure or structures located on the property; and
 - (b) Impacts on the architectural integrity of the structure or structures located on the property.

15.56.140 Exemptions from an alteration certificate.

If an alteration certificate request does not conform to the applicable criteria set forth in this Chapter, the applicant may request an exemption from the certificate requirement. The applicant must provide adequate documentation and/or testimony to establish qualification for one (1) of the listed exemptions. The data provided by the applicant must be substantiated by either professionals in an applicable field, or by thorough documentation of how the information was obtained. The Commission may request additional information from the applicant as necessary to make informed decisions.

- A. Economic Hardship Exemption. An economic hardship exemption may be granted if:
 1. For investment, or income producing properties, the owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition;
 2. For non-income producing properties, the owner's inability to resell the property in its current condition or if rehabilitated;
 3. The economic hardship claimed is not self-imposed.
- B. Health/safety Hardship Exemption. An applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.
- C. Inability to Use. Three (3) years after denial of a demolition permit approval, if no feasible use or ownership is found for the structure, the owner may request a waiver of all or a part of the restraint of demolition. The Commission shall include the following factors in their consideration of the request:
 1. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the property owner to make necessary repairs, to find an appropriate user, or to find a purchaser for the property; and
 2. The adequacy of the property owner's efforts to locate available assistance for making the property functional without demolition.

15.56.150 Maintenance of designated landmarks and structures within a historic district.

- A. Normal Maintenance. Nothing in this Chapter shall be construed to prohibit the accomplishment of any work on any landmark or in any landmark district which will neither change the exterior appearance nor the exterior architectural features of improvements or structures, nor the character or appearance of the land itself and which is considered necessary as a part of normal maintenance and repair.

- B. Minimum Maintenance. All designated landmarks and all properties within designated districts shall be maintained in such fashion as to meet the requirements of the applicable building codes adopted by the City. The owner(s) of such properties shall also keep in good repair all structural elements thereof which, if not so maintained, may cause or tend to cause the exterior portions of such properties to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair which would have a detrimental effect upon the historic character of such designated landmark or district in which it is situated.

15.56.160 Economic incentives for historic restoration.

- A. An owner of a property that has been designated as a landmark or an owner of a contributing property in a historic district may apply for the following economic incentives for the restoration or rehabilitation of that property, and such additional incentives as may be developed by the Commission or City Council:
 - 1. Refund of City building permit fees for exterior restoration, preservation, and rehabilitation. The Commission shall develop a format for establishing projected costs, rules of the restoration, preservation, or rehabilitation in order that such refund of fees is equitable;
 - 2. Receipt of loan funds from the zero-interest loan pool, when available, created by the City pursuant to section 15.56.180 of this Chapter; and
 - 3. Applicable state and federal income tax credits.
- B. The Commission shall attempt to identify and advise the City Council regarding the implementation of other economic incentives for historic properties. The Commission shall notify the owners of historic properties of economic incentive opportunities available.
- C. The Commission shall make the determination for each request regarding economic incentives.

15.56.170 Demolition or relocation of historic buildings or structures not designated as local landmarks.

- A. Demolition Procedure. With the exception of any building or structure determined to present a dangerous condition by the Fire Chief or Chief Building Official, or any building or structure governed by the provisions of section 15.56.050 of this Chapter, no building or structure identified in the Loveland Historic Preservation Survey (“Survey”) as eligible for nomination to the State of Colorado Register of Historic Places, which Survey is part of the Loveland Historic Preservation Plan, as amended, may be partially demolished, totally demolished, or relocated nor shall any permit for such demolition or relocation be issued unless the owners of such building or structure have complied with the provisions of this section.
- B. Building Division Referral. The Development Services Department shall maintain a current record of all buildings and structures identified in the Survey as eligible for nomination to the State of Colorado Register of Historic Places located within the City. If the Building Division receives an application for a permit to carry out any partial demolition, total demolition, or relocation of such building or structure, the City’s Building Division shall promptly forward such permit application to the Development Services Department.
- C. Review for Landmark Nomination. The Development Services Director, or designee, and two (2) designated members of the Commission shall review the building permit application and shall determine, within (15) days after an application for a building permit to partially demolish, totally demolish or relocate a historic building or structure, whether or not the building or structure should be nominated for designation as a landmark.
- D. Additional Information for Partial Demolition Permits. The owner of property in the Survey who has submitted a permit for partial demolition of a building or structure shall submit building plans for the reconstruction of those portion(s) of the building or structure to be demolished, unless waived by the Development Services Director.
- E. Disapproval of Landmark Nomination. If it is determined, by the Development Services Director, or designee, and the designated members of the Commission, that the building or structure proposed to be

partially demolished, totally demolished or relocated does not meet the criteria for designation as a landmark set forth in section 15.56.100(A) of this Chapter the Development Services Director shall notify the City's Building Division, in writing, that the permit has been reviewed and approved for further processing within the Building Division.

- F. Approval of Landmark Nomination. If either the Development Services Director, or designee, or one of the Commission designees determines that the historic building or structure does meet the criteria for designation as a landmark set forth in section 15.56.100(A) of this Chapter, the Commission designees shall submit an application for landmark designation of the building or structure to the Development Services Department within sixty (60) days, after the completed application was filed. The Development Services Department shall process the application in accordance with the procedures set forth in section 15.56.030 of this Chapter. No permit for partial demolition, total demolition or relocation of the historic building or structure shall be approved while proceedings are pending on such designation.
- G. Effect of Disapproval of Landmark Designation. If a historic building or structure nominated for landmark designation pursuant to this section is not designated as a landmark, it shall not be reconsidered for landmark designation pursuant to this section within one-hundred and eighty (180) days of the date the initial landmark application was submitted to the Development Services Department by the Commission designees.

15.56.180 Rehabilitation loan program.

- A. Purpose. There is hereby established a landmark rehabilitation loan program created for the valid public purpose of increasing the quality, integrity, and permanence of the City's stock of historic landmarks for the enjoyment and benefit of present and future generations of citizens of the City by making available to the owners of locally designated landmarks or contributing structures in local landmark districts a source of funding for exterior rehabilitation of such structures.
- B. Funding. The Commission shall administer the program for awarding zero-interest loans for the rehabilitation of local landmark structures and/or contributing structures in local landmark districts. The Commission may promulgate procedural rules and regulations for the efficient administration of the program. No such loan shall exceed the sum of five thousand dollars (\$5,000.00) for a residential property or ten thousand dollars (\$10,000.00) for a commercial property unless the City Council, by ordinance or resolution, authorizes a larger loan. All loans shall be funded solely from those funds held by the City for financial support of the program in the General Fund, and all loans shall be expressly contingent upon the availability of sufficient funds to support the loan. Loan recipients shall, as a condition of obtaining the loan, agree to repay the loan in full upon sale or transfer of the property. All loan repayments shall be returned to the landmark rehabilitation loan program.
- C. Criteria. No landmark rehabilitation loan shall be awarded unless the following criteria and requirements have been met:
 - 1. The subject structure must have been designated as a local landmark or be a contributing structure in a local landmark district pursuant to this Chapter before the landmark rehabilitation loan can be awarded;
 - 2. All loan recipients shall provide matching funds in an amount equal to or greater than the amount of the loan;
 - 3. The matching funds provided by the loan recipient may be utilized only for exterior rehabilitation of the subject property and/or the stabilization of the structure, the rehabilitation of electrical, heating or plumbing systems, and/or the rehabilitation or installation of fire sprinkling systems in commercial structures;
 - 4. Neither the loan nor the matching funds may be used for the installation of nor rehabilitation of signage or interior rehabilitation or decoration, nor the installation of building additions or the addition of architectural or decorative elements which are not part of the landmark structure;
 - 5. Loan funds may be expended only for rehabilitation of the exterior of a locally designated landmark structure or contributing structure in a local landmark district;
 - 6. No interior improvements may be purchased utilizing City loan funds;

7. The Secretary of the Interior's Standards for the Treatment of Historic Properties as forth in Title 36 of the Code of Federal Regulations, Part 68, as amended, shall serve as the standards by which all rehabilitation work must be performed;
 8. No loan funds shall be disbursed until after the recipient has completed the work, the work has been physically inspected by the City, and has been approved by the Commission and the loan recipient has documented the cost of the work by submitting to the City copies of all bills, invoices, work orders, and/or such other documentation showing, to the satisfaction of the City, that the funds requested are reasonable and are supported by the actual proof of expense;
 9. Loan recipients shall, as a condition of the loan, prominently place a sign upon the property being rehabilitated stating that such rehabilitation has been funded, in part, through the City's landmark rehabilitation loan program;
 10. Property owners who have previously received loans shall be eligible for subsequent loans;
 11. All rehabilitation work shall be completed within one (1) year from the date upon which the loan was awarded; provided, however, that upon application and a showing of good cause as to why the project cannot be timely completed, the Commission may authorize an extension of up to one (1) additional year for completion of the work;
 12. No landmark rehabilitation loan shall be awarded unless the Commission (or in cases of loans exceeding the maximum amounts established herein, the City Council) first determines that:
 - (a) The applicant has demonstrated an effort to return the structure to its original appearance;
 - (b) It is in the best interests of the public welfare that the structure proposed to be rehabilitated be preserved for future generations; and
 - (c) The amount proposed to be spent on exterior rehabilitation is reasonable under the circumstances; and
 13. No landmark rehabilitation loan shall be awarded unless the loan recipient has, as a condition of obtaining the loan:
 - (a) Agreed to repay the loan in full upon sale or transfer of the property, or after five years, whichever occurs earlier; and
 - (b) Executed a deed restriction or encumbrance that ensures repayment of the loan in full upon sale or transfer of the property; and
 - (c) Agreed to pay the amount due, together with statutory interest and costs of collection including, without limitation, the direct and indirect costs incurred by the city in the collection and reasonable attorney's fees, if the loan amount or any portion thereof is due and unpaid after expiration of the applicable condition set forth in (a) above.
- D. Application. The Commission shall establish the application deadline for each year that the program is administered, which deadline shall be no sooner than sixty days from the date that it was established by the Commission. Applications received after the application deadline will not be considered.

(Ord. 6135 § 1, 2017; Ord. 5247 § 1, 2007; Ord. 4724 § 1 (part), 2002.)

Chapter 15.58

REPAIR OF CONSTRUCTION DEFECTS

Sections:

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|------------------|--|
| 15.58.010 | Purposes and Applicability. |
| 15.58.020 | Definitions |
| 15.58.030 | Potential Claimants |
| 15.58.040 | Potential Respondents |
| 15.58.050 | Claimant's Notice to Builder of Construction Defects; Builder's Acknowledgement; Inspection |
| 15.58.060 | Builder's Right to Repair |
| 15.58.070 | Warranty of Repairs |

15.58.080	Subsequently Discovered Defects
15.58.090	Settlement by Payment of a Sum Certain
15.58.100	Effect of Amendment of Alternative Dispute Resolution Provisions
15.58.110	Informed Consent of Homeowners

15.58.010 Purposes and applicability.

- A. Purposes. The purposes of this Chapter are as follows: encourage the construction of owner-occupied, multi-family developments in the city; reassure homeowners that construction defects will be promptly investigated and addressed by builders; encourage prompt and voluntary correction of construction defects that may constitute violations of the city’s building code in order to enhance the health and safety of residents of the city; motivate all parties to resolve disputes involving construction defects quickly to avoid the need for expensive and time consuming litigation; and provide homeowners in communities with homeowners’ associations with an enhanced opportunity to participate in the governance of their community by empowering individual owners to give or withhold their informed consent with respect to actions the board of the homeowners’ association may desire to pursue regarding construction defects.
- B. Applicability. The provisions of this Chapter shall apply only to new construction commenced after the effective date hereof.

15.58.020 Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Builder means any entity or individual, including but not limited to, a builder, developer, general contractor, contractor, subcontractor, architect, engineer or original seller who performs or furnishes the design, supervision, inspection, construction or observation of any improvement to real property that is intended to be occupied as a dwelling or to provide access or amenities to such an improvement.

Building code means the several technical codes adopted in this Title 15 that govern the design, construction, alteration, addition, maintenance, repair, removal, demolition, location, use, and occupancy of buildings and structures in the city, as the same may be amended or modified.

City means City of Loveland, Colorado.

Common interest community means real estate described in a declaration with respect to which a person, by virtue of such person’s ownership of a unity, is obligated to pay for real estate taxes, insurance premium, maintenance or improvement of other real estate described in a declaration.

Condominium means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unity owners.

Construction defect means any alleged defect in the design or construction of an improvement to real property which causes any damages to, or the loss of use of, real or personal property, or personal injury.

Homeowner means any person who owns a unit in a condominium or in a multi-family building in a common interest community, but shall not include any declarant or any person having an interest in a unity solely as security for an obligation.

Homeowners' association means a unit owners' association formed to represent the interest of homeowners owning units in a condominium or in a multi-family building in a common interest community.

15.58.030 Potential respondents.

An original homeowner or subsequent homeowner or homeowners' association representing the interests of homeowners may be a claimant by providing notice of a claim of construction defect, provided the notice requirements of this Chapter are satisfied.

15.58.040 Potential respondents

Any person or entity within the definition of a "builder" as defined in Section 15.58.010 of this Code is subject to the requirements of this Chapter.

15.58.050 Claimant's Notice to builder of construction defects; builder's acknowledgement; inspection

- A. Claimant's notice. Upon the discovery of any alleged construction defect, a claimant must provide written notice to the party alleged to have caused or contributed to the construction defect, in the manner prescribed in this Section, indicating that one or more construction defects exist in any residence or in any common area or facility. The notice must: The notice must:
1. Provide the claimant's name, address and preferred method of contact;
 2. State that the claimant alleges a construction defect pursuant to this Chapter against the builder;
 3. Describe the claim in reasonable detail sufficient to determine the nature and location of the alleged construction defect; and
 4. Allow the builder the right to inspect and conduct tests regarding the claimed construction defect within 60 days after the builder acknowledged receipt of the notice, at a mutually agreeable date and time, and with the written consent of the claimant.
 5. Notice by claimant shall be valid if sent by certified mail to the party's business address, post office box or registered agent, or if the party has personally received the claimant's notice.
- B. Builder's responsibilities. After receiving notice of a potential construction defects claim, a builder must do each of the following;
1. Acknowledge the claim in writing.
 - (a) A builder who receives a notice under this Chapter shall acknowledge receipt of the notice, in writing, within 30 days after notice has been mailed in accordance with Section 15.58.050 A.5. The acknowledgement shall be sent to the claimant and to any attorney the builder knows to be representing the claimant in connection with the notice. If the builder has retained legal counsel, said counsel shall thereafter communicate with the claimant's legal representative, if any.
 - (b) If the builder fails to acknowledge receipt of a notice within the time specified, this Chapter shall not apply and the claimant shall be released from the requirements of the Chapter and may proceed with the filing of an action against the builder, unless notice and consent are required by Section 15.58.110 of this Code.
 2. Maintain an agent for notice. Maintain an agent for notice with the secretary of state; and
 3. Provide information to the claimant. If specifically asked to do so by the claimant and within 30 days of such a request, provide the claimant or claimant's legal representative with:
 - (a) Copies of all relevant plans, specifications, grading plans, soils reports and available engineering calculations pertaining to the claimant's residence, common areas and facilities that are the subject of the claim;
 - (b) All maintenance and preventative maintenance recommendations pertaining to the claimant's residence, common areas and facilities that are the subject of the claim; and
 - (c) Contractual warranty information.
- C. Charge of copying costs. A builder responding to a claimant's request for documents may charge reasonable copying costs and may require the copies of the documents to be made on site.

- D. Builder's election to inspect property. In addition to the requirements set forth in this Section, if the builder, with the written consent of the claimant, elects to inspect and conduct tests regarding the claimed construction defect, the builder shall complete the initial inspection and testing, if any, within 60 days after the builder acknowledged receipt of the notice, and at a mutually agreeable date and time. The builder shall bear all costs of inspection and testing, including the cost to repair any damage caused by the inspection and testing. Before entering onto the premises for the inspection, the builder shall supply the claimant with proof of liability insurance coverage. The builder shall, upon request, allow the inspection to be observed and recorded or photographed.
- E. Builders who fail to comply. A builder who fails to comply with any of the requirements of this Section within the time specified shall not be entitled to the protection of this Chapter, and the claimant shall be released from the requirements of this Chapter and may proceed with the filing of an action, unless notice and consent are required by Section 15.58.110 of this Code.
- F. Statute of limitations and repose. If a notice is sent to the builder in accordance with this Section within the time prescribed for the filing of an action under an applicable statute of limitations or repose, then the statute of limitations or repose is tolled until 60 days after the completion of the notice process described in this Section. If the builder elects to repair pursuant to Section 15.58.060 of this Code, then the statute of limitations or repose is tolled until 60 days after the completion of repairs.

15.58.060 Builder's right to repair.

- A. Elect to repair. Within 30 days of the initial inspection or testing, or within 14 days of builder's acknowledgment of the notice of claim, whichever is later, the builder may elect to repair the construction defect and shall provide a notice to repair to the claimant. If the builder, with the written consent of the claimant, elects to repair the construction defect, it has the right to do so, at its own cost and the claimant may not, directly or indirectly, impair, impede or prohibit the builder from making repairs. Any notice to repair shall offer to compensate the claimant for all applicable expenses, if any, incurred by the claimant within the time frame set for repair, such as, without limitation, expenses for lodging if the repair requires the claimant to vacate his/her residence. Any notice of repair shall be accompanied by a detailed, step by step explanation of the particular construction defect being repaired and setting forth a reasonable completion date for the repair work. The notice shall also include the contact information for any contractors the builder intends to employ for the repairs.
- B. Schedule of repair work. Claimant shall promptly cooperate with the builder to schedule repair work by builder. Builder shall make a good faith effort to develop a mutually agreeable schedule with claimant for the repair work.
- C. Written objection to repair. Within 10 business days after receipt of the builder's notice to repair, a claimant may deliver to the builder a written objection to the proposed repair if the claimant believes in good faith that the proposed repairs will not remedy the alleged construction defect. The builder may elect to modify the proposal, in the whole or in part, in accordance with the claimant's objection, and proceed with the modified scope of work, or may proceed with the scope of work set forth in the original proposal, subject to the written consent of the claimant.
- D. Builder's failure to comply. If the builder fails to send a notice to repair or otherwise strictly comply with this Chapter within the specified time frames, or if the builder does not complete the repairs within the time set forth in the notice to repair, the claimant shall be released from the requirements of this Chapter and may proceed with the filing of an action against the builder, unless notice and consent are required by Section 15.58.110 of this Code. Notwithstanding the foregoing, if the builder notifies the claimant in writing at least five days before the stated completion date that the repair work will not be completed by the completion date, the builder shall be entitled to one reasonable extension of the completion date, not to exceed 60 days.
- E. Completion of repairs. The builder shall notify the claimant when repairs have been completed. The claimant shall have 10 business days following the completion date to have the premises inspected to

verify that the repairs are complete and satisfactorily resolved the alleged construction defects. A claimant who believes in good faith that the repairs made do not resolve the construction defects may proceed with the filing of an action, unless notice and consent are required by Section 15.58.110 of this Code.

- F. Claimant's failure to comply. If the builder elects to repair the construction defects, with the written consent of the claimant, it has the right to do so and the Claimant may not, directly or indirectly, impair, impede or prohibit the builder from making repairs. If the claimant, after providing written consent, directly or indirectly, impairs, impedes, or prohibits the builder from making repairs, the builder may enforce the claimant's obligations under this Chapter by seeking relief through the court system.

15.58.070 Warranty of Repairs

The repair work performed by the builder shall be warranted against material defects in design or construction for a period of two years, which warranty shall be in addition to any express warranties on the original work.

15.58.080 Subsequently discovered defects

Any alleged construction defect discovered after repairs have been completed shall be subject to the same requirements of this Chapter if the builder did not have notice or an opportunity to repair the particular construction defect.

15.58.090 Settlement by payment of a sum certain

Whether or not a builder elects to repair the alleged construction defect, a builder may offer to settle the claim by payment of a sum certain to the claimant. Whether or not a builder offers to settle a claim by payment of a sum certain, the claimant may make an offer to the builder to settle the claim by payment of a sum certain. An offer to settle by payment of a sum certain may also cover alleged construction defects that may be discovered after completion of the settlement. Neither a builder, nor a claimant is obligated to make or accept settlement by payment of a sum certain. If an offer of settlement by payment of a sum certain is made, it shall be accepted by written notice of acceptance given to the party making the offer no later than 15 days after receipt of the offer or such longer period, if any, stated in the offer as the time for acceptance. If the offer is not accepted within the 15-day period (or such longer period, if any, stated in the offer as the time for acceptance), it shall be deemed to have been rejected. If an offer to settle is accepted, the monetary settlement shall be paid in accordance with the offer and such payment shall be in full settlement and release of all claims with respect to or arising out of the alleged construction defect. Execution of such offer and acceptance shall be acknowledged before a notary public if required by the terms of the offer. Upon such settlement, either party may record in the public records maintained by the clerk and recorder of the county in which the property is located a copy of the settlement offer and acceptance or a notice of the alleged construction defect and the settlement thereof, which shall provide not to persons that thereafter acquire any interest in the property that all claims with respect to or arising out of the alleged construction defect have been settled. If the builder fails to make the payment in accordance with the offer, the claimant may proceed with the filing of any action against the builder for the claim arising out of the alleged construction defect, unless notice and consent are required by Section 15.58.110 of this Code.

15.58.100 Effect of amendment of alternative dispute resolution provisions.

If a provision found in the declaration, bylaws or rules and regulations of a common interest community requires that construction defect claims be submitted to mediations, that requirement constitutes a

commitment on the part of the unit owners and the association upon which a developer, contractor, architect, builder or other person involved in the construction of the community is entitled to rely. Consequently, a subsequent amendment to the declaration, bylaws or rules and regulations that removes or amends the mediation requirement shall not be effective with regard to any construction defect claim that is based on an alleged act or omission that predates that amendment.

15.58.110 Informed consent of homeowners

- A. Homeowners are entitled to be kept informed by boards of homeowners' associations of the board's consideration of actions regarding construction defects and to have meaningful input and a right to make a considered judgement and give or withhold informed consent. Accordingly, if a board of a homeowners' association considers or intends to institute an action asserting one or more construction defects, the board must do each of the following:
1. At least 60 days before filing any action under Section 13-20-803.5, C.R.S., the claimant must mail or deliver written notice to each homeowner at the homeowner's last known address.
 2. The notice must be signed by a person other than, and not employed or otherwise affiliated with, the attorney or law firm that represents or will represent the association in the construction defects claim.
 3. The notice required by this Section must contain the following information:
 - (a) The nature of the action and the relief sought.
 - (b) The amount of expenses and fees the board anticipates will be incurred, directly or indirectly, in prosecuting the action, including attorney fees, consultant fees, expert witness fees and court costs, whether incurred by the association directly or for which it may be liable if it not the prevailing party or if it does not proceed with the action.
 - (c) The estimated cost of repairing the construction defect, or if the construction defect is not repaired, the estimated reduction in value of the unit.
 - (d) The estimated impact on the marketability of units that are not the subject of the action, including any impact on the ability of the owners to refinance their property during and after the action.
 - (e) The manner in which the association proposes to fund the cost of the action, including any proposed special assessments or the use of any revenues.
 - (f) The anticipated duration of the action and the likelihood of success.
 - (g) Whether the builder has offered to make any repairs and, if so, whether the builder has made repairs.
 - (h) The steps taken by the builder in accordance with this Chapter to address the alleged construction defect, including any acknowledgement, inspection, election to repair or repairs.
- B. The homeowners' association may not commence the action unless the board obtains the written consent of homeowners holding at least a majority of the total voting rights in the association after giving the notice required by this Section. Homeowners may vote either directly or through a written ballot signed by the homeowner. Such consent must be obtained within 60 days after such notice is provided, otherwise the homeowners shall be deemed to have declined to provide their informed consent to such action. (Ord. 6004 § 1, 2016)

End Title 15