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El Paso County, CO

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RESOLUTION NO. 23-158

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

**A RESOLUTION TO AMEND THE EXISTING AREA BUILDING CODE BY
ADOPTING AND APPLYING THE PIKES PEAK REGIONAL BUILDING
CODE, 2023 EDITION**

WHEREAS, pursuant to §§30-11-101(1)(e), 30-11-103, 30-28-204, and 30-28-205, C.R.S., the Board of County Commissioners of El Paso County, Colorado (hereinafter "Board") has the legislative authority to exercise powers especially conferred by law and to amend the county building code; and

WHEREAS, on February 27, 2018, the Board adopted the Pikes Peak Regional Building Code (hereinafter "Area Building Code" or "Code"), 2017 edition, with exceptions, exclusions, and modifications and has subsequently amended the adopted 2017 edition of the Code; and

WHEREAS, the Board of Review of the Pikes Peak Regional Building Department, being responsible for implementing and enforcing the Code, has reviewed, approved, and recommended for adoption the proposed 2023 edition of the Code after public comment period(s) and conducting public hearings; and

WHEREAS, the Board now desires to amend said Area Building Code pursuant to §30-28-204, C.R.S., by rescinding the 2017 edition of the Code, as amended, in its entirety and adopting and applying the 2023 edition of the Code in its entirety with exceptions, exclusions, and modifications; and

WHEREAS, such amendment will neither change nor extend the areas in the unincorporated areas of El Paso County covered by the existing Area Building Code; and

WHEREAS, §30-28-201, C.R.S., states that any building code adopted by the Board must be "consistent with the uniform building code, 1988 edition, as promulgated by the international conference of building officials and as revised from time to time. . . ." Based on representations and evidence presented by the Building Official, Pikes Peak Regional Building Department, the 2023 edition of the Code is consistent with the 1988 edition of the uniform building code; and

WHEREAS, pursuant to §30-28-204, C.R.S., before amending the county building code, the Board shall hold a public hearing thereon, and at least fourteen (14) days' notice of the time and place of such hearing shall be given by at least one publication in a newspaper of general circulation in the County; and

WHEREAS, on April 10, 2023, the County caused to be published in The Colorado Springs Gazette, a newspaper of general circulation in El Paso County, a notice of the time and place of the Notice of Public Hearing to Amend Area Building Code of El Paso County by Adoption and Application of the Pikes Peak Regional Building Code, 2023 edition, which notice also advised where the 2023 edition of the Code could be reviewed; and

WHEREAS, the Board finds that it has complied with all approval and notice requirements related hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of El Paso County, Colorado, has determined that it would serve the best interests of the County to amend the existing Area Building Code, and does hereby amend said existing Area Building Code by rescinding the 2017 edition of the Code, as amended, in its entirety and adopting by reference as if set forth verbatim herein and applying the 2023 edition of the Code in its entirety, together with Appendices A-C, subject to the exclusions, exceptions, and modifications identified by the following substitutions of text, which are incorporated herein and hereby made a part of said Pikes Peak Regional Building Code, 2023 Edition, as it will be applied in the unincorporated area of El Paso County, Colorado. Said Pikes Peak Regional Building Code, 2023 Edition, is effective May 2, 2023 and attached hereto as Exhibit 1.

Section RBC101.1. TITLE. Delete and replace with the following:

RBC101.1 TITLE. This Code shall be known and cited either as the Pikes Peak Regional Building Code” or as the “Area Building Code,” hereinafter referred to as the “Code” or “this Code.” This Code shall include those codes and standards adopted by the reference herein.

Section RBC101.4. DIFFERING REQUIREMENTS. Add the following at the end of this Section: “Notwithstanding the above provision of Section RBC101.4 to the contrary regarding ‘the more restrictive shall govern,’ where there is a difference between the general provisions of this Code or other codes and this Resolution, the County’s requirements shall govern.”

Section RBC101.8. VIOLATIONS. Delete and replace with the following:

RBC101.8 VIOLATIONS. Pursuant to Section 30-28-209, Colorado Revised Statutes, as amended, any person, firm, or corporation violating this Code, or any provision of this Code, commits a civil infraction. A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues. In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered or remodeled, or used or maintained in violation of this Code or of any provision of the Building Code, the County Attorney, the District Attorney at the direction of the Board of County Commissioners, or the Building Department’s attorney, as applicable, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove any unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use. For violation(s) of this Code, the County or the Building Department, in its sole, subjective discretion, may pursue remedies under either Section 30-28-209 or Section 30-28-210, or both, of the Colorado Revised Statutes.

Section RBC103.1. GENERAL POWERS AND DUTIES. Delete and replace with the following:

RBC103.1 GENERAL POWERS AND DUTIES. The administrator of the Building Department, hereinafter known as the Building Official, is hereby authorized and directed to enforce all provisions of this Code. For purposes of Section 30-28-205, C.R.S., as amended, the Building Official shall also be known as the County Building Inspector. Whenever the words “county building inspector,”

“regional building official,” “regional building inspector,” “building official,” or “building inspector” appear, those words shall have the same and identical meaning, and shall refer to the administrator of the Building Department.

Section RBC105.2.1, Item 23. Temporary freestanding signs. This Section shall not apply in the County and is hereby expressly deleted.

Section RBC108.2 SCHEDULE OF PERMIT FEES. Add the following to read: The Board of County Commissioners establishes Appendix B: Building Permit Fee Schedule of this Code as the adopted fee schedule.

Section RBC112.1.2.2. Scope. Add the following exception at the end of this Section: **“Exception:** Any building or structure not considered or intended to be habitable.

Section RBC112.1.6.3. Permission of Entry. Delete and replace the last sentence with the following: “Any person violating this Section commits a civil infraction.”

Section RBC112.2.6. Notice to Vacate. Delete and replace the third line in the form bold-face font referenced therein with the following: **“It is a civil infraction to occupy the....”** Further, delete and replace the last sentence of Section RBC112.2.6 with the following: “Any person violating this Section commits a civil infraction.”

Section RBC112.2.10.2. Compliance with Order. Delete and replace the last sentence with the following: “Any person failing to immediately comply with the order commits a civil infraction.”

Section RBC112.3.8.3. Penalties. Delete and replace with the following:

RBC112.3.8.3 Penalties. Any person who refuses, without lawful excuse, to attend any hearing or to produce material evidence in the person’s possession or under the person’s control, as required by any subpoena served upon the person as provided for herein, commits a civil infraction.

Section RBC112.4. Enforcement of Order or Decision, as Applicable. Delete and replace the last sentence with the following: “Any person who fails to comply with the order or decision commits a civil infraction.”

Section RBC112.4.1.2. Timely Action. Delete and replace the notice requirement bold-face font referenced therein under sub-section 1, line 3, with the following: **“It is a civil infraction to occupy the...”**

Section RBC112.5.4.3. Authority for Installment Payments. Delete and replace with the following:

RBC112.5.4.3 Authority for Installment Payments. The County Engineer shall have the authority to enter into an installment payment plan with any person who is subject to an assessment or personal obligation under this Section.

Section RBC112.5.8. Collection of Assessment. Replace all references from “general municipal taxes” to “general taxes.”

Section RBC112.5.9. Repayment of Repair and Demolition Fund. This Section shall not apply in the County and is hereby expressly deleted.

Section RBC309.4. Prohibited Structures. Amend to add the following exception:

RBC309.4 PROHIBITED STRUCTURES.

Exception: Existing mobile homes and units manufactured prior to 1976 and installed within the Jurisdiction prior to adoption of this Code may be relocated within the unincorporated areas of El Paso County, provided ALL of the following requirements are met:

1. The property on which the mobile home or unit manufactured prior to 1976 is located, is sold; and the property is not currently, nor has ever been owned, in whole or in part, by the owner of the mobile home or unit manufactured prior to 1976; and
2. The owner of the mobile home or unit manufactured prior to 1976 has resided on said property for a period of not less than twelve consecutive months; and
3. The mobile home or unit manufactured prior to 1976 complies with all the provisions of NCSBCS/ ANSI A225.1-1994, Annex D.

Prior to permit issuance and relocation, documentation verifying compliance with NCSBCS/ ANSI A225.1-1994, Annex D, must be provided by either the State of Colorado Division of Housing or a design professional licensed in the State of Colorado and submitted to the Building Department.

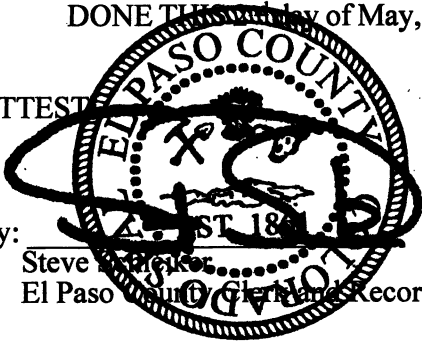
BE IT FURTHER RESOLVED, that Cami Bremer, duly elected, qualified member and Chair of the Board of County Commissioners, or Carrie Geitner, duly elected, qualified member and Vice-Chair of the Board of County Commissioners be and is hereby appointed and authorized on behalf of the Board to execute this Resolution and any and all other documents necessary to carry out the intent of the Board as described herein.

DONE THE 14th day of May, 2023, at Colorado Springs, Colorado.

ATTEST

By:

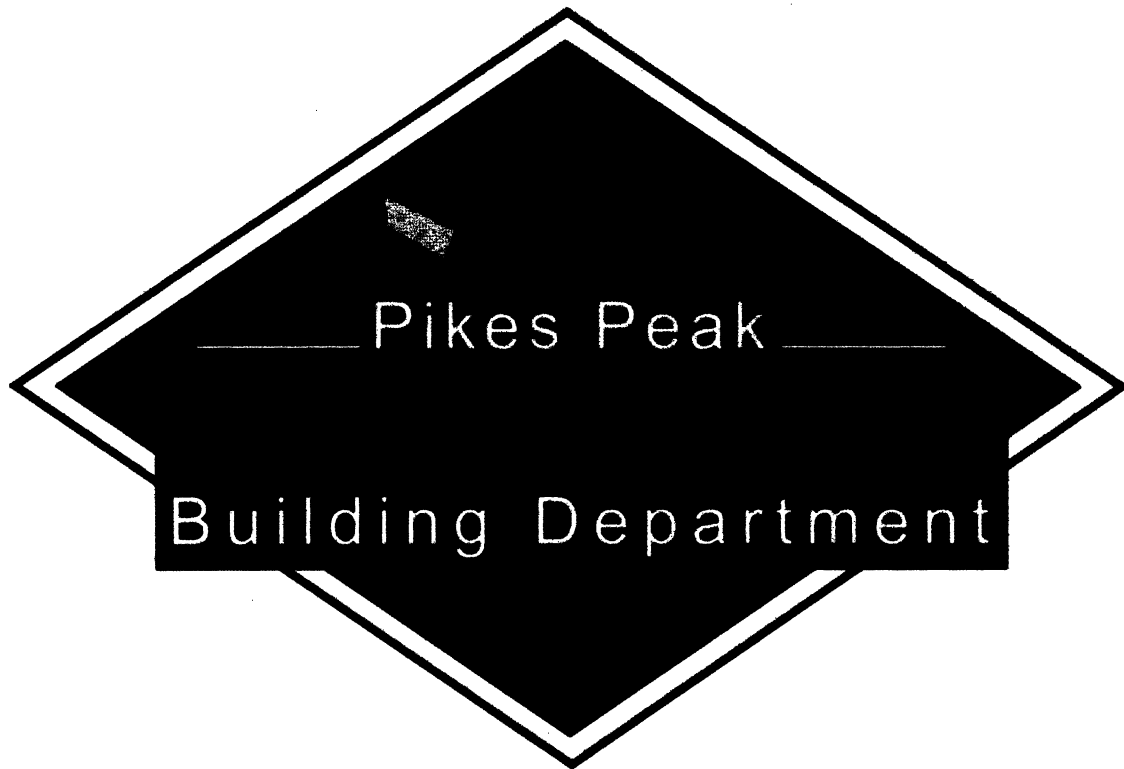
Steve [Signature]
El Paso County Clerk and Recorder



THE BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By:

[Signature]
Cami Bremer, Chair
Vice



Pikes Peak Regional Building Code

2023 Edition

PREFACE

HISTORY, FUNCTION AND ADMINISTRATION OF THE BUILDING DEPARTMENT

Pikes Peak Regional Building Department (the "Department" or "Building Department") is responsible for the plan review, permitting, and inspection of all construction activity within the unincorporated areas of El Paso County, as well as the participating incorporated municipalities within the County. These currently include the Cities of Colorado Springs, Fountain and Manitou Springs and the Towns of Green Mountain Falls, Monument and Palmer Lake, as well as the City of Woodland Park (individually, the "Jurisdiction", or collectively, the "Jurisdictions").

The Department was formed by an Intergovernmental Agreement between the City of Colorado Springs and El Paso County in 1966 to provide uniform service to their jurisdictions. Then, in 1982, the suburban jurisdictions entered into the same service agreement for the administration and enforcement of their building codes.

The Department performs plan reviews, issues permits, and inspects construction work within the scope of the building, mechanical, plumbing, electrical, and elevator codes, as well as enforces floodplain and enumeration regulations. Further, the Department licenses and registers contractors who perform work within the jurisdictions served.

The Department is governed by a Regional Building Commission, which is a three-member governing body consisting of an El Paso County Commissioner, a Colorado Springs Councilperson, and a representative from one of the five suburban jurisdictions. The Regional Building Commission is responsible for approval of the Department's budget.

The Department is self-funded by plan review, permit, and licensing fees. An independent auditor performs an annual cost analysis. Fee adjustments are proposed when the Regional Building Commission determines them to be necessary to maintain the Department's operation(s).

LOCAL CODE AND ADOPTION PROCESS

The Code in effect for building construction or the installation of systems or equipment is this edition of the Pikes Peak Regional Building Code. This Code provides for the administration of the Department, licensing and registration of contractors, and enforcement of adopted model codes. Sections of this Code are denoted by the prefix "RBC" to differentiate this Code from other codes.

As new model codes are developed and published, the Department reviews these codes and updates the Pikes Peak Regional Building Code. New codes are promulgated every three years and used exclusively across the United States. This edition of the Pikes Peak Regional Building Code cites and adopts a majority of the International Codes promulgated by the International Code Council (ICC).

Proposed modifications to this Code may be made in writing to the Department during the official comment period prior to adoption of the Code. Department staff reviews all comments and makes a recommendation to the advisory committee(s) for consideration. The advisory committees then undertake a Code review process involving committee meetings and one or more public hearings before making a recommendation to the Board of Review for Code adoption.

The Board of Review then holds its own session of review and public hearing(s) before making a final recommendation of Code adoption to the participating jurisdictions.

Each Jurisdiction has the final authority regarding proposed Code content prior to adoption. The Code becomes enforceable when each Jurisdiction legally adopts the Code by resolution or ordinance. Notwithstanding, amendments or revisions to any regulations, standards, codes, studies, Flood Insurance Rate Maps (FIRM), or Flood Insurance Study (FIS) reports, adopted in the Code by reference, as promulgated by the federal government or the State of Colorado, or by any agency of either of them, are adopted by reference, as if fully set forth herein, without further action by each Jurisdiction and declared to be a part of the adopting resolution or ordinance.

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CHAPTER 1 – ADMINISTRATION

SECTION RBC101 - GENERAL PROVISIONS

RBC101.1 TITLE. This Code shall be known and cited as the Pikes Peak Regional Building Code, hereinafter referred to as the "Code" or "this Code." This Code shall include those codes and standards adopted by reference herein.

RBC101.2 PURPOSE. The purpose of this Code is to provide minimum standards to protect the public health and safety by regulating and controlling buildings, structures, systems, and equipment including, but not limited to, heating, ventilating, comfort cooling, and refrigeration systems; signs and sign structures; elevators, dumbwaiters, escalators; boilers and pressure vessels; plumbing and drainage systems; electric conductors and equipment; and the storage and handling of hazardous materials; and adopting uniform codes, consistent with and generally conforming to similar resolutions, ordinances, and regulations throughout the Pikes Peak region, and to effect this purpose by acting with other governmental bodies in the Pikes Peak region in the promulgation of measures and procedures, and the establishment of committees and boards as herein provided, and establishing procedures for licensing and registering contractors.

RBC101.3 SCOPE. The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, demolition, occupancy, use, storage, height, area, installation, inspection, design, operation, testing, handling, erection and fabrication of equipment, structures, and buildings within the Jurisdiction.

Exceptions:

1. Work located primarily in a public right of way;
2. Public utility towers and poles;
3. Mechanical equipment not specifically regulated by this Code; and
4. Structures not defined as buildings located on publicly owned land.

RBC101.3.1 Appendices. Appendices shall not be construed as provisions of this Code unless specifically adopted by the Jurisdiction.

RBC101.4 DIFFERING REQUIREMENTS. Where, in any specific case, different sections of this Code, or other codes, ordinances, or resolutions of the Jurisdiction or other governmental body specify different requirements, the more restrictive shall govern.

RBC101.5 DEFINITIONS. Unless otherwise stated, the following words and terms shall, for the

purposes of this Code, have the following meanings:

Building Code. Either the Commercial Building Code or the Residential Building Code, as applicable, in accordance with Chapter 3 of this Code.

The City. The applicable municipality having jurisdictional authority to adopt this Code.

The Fire Authority. The applicable Fire Protection District or municipal Fire Department having jurisdictional authority to adopt and enforce a Fire Code.

The Jurisdiction. The applicable county or municipality having jurisdictional authority to adopt this Code.

RBC101.6 LIABILITY OF OFFICERS. The Building Official, the Regional Building Commission, and any advisory committees or boards appointed pursuant to any agreement in regard to the Department entered into between the City and the County of El Paso, or any employee charged with the enforcement of this Code acting in good faith and without malice for the Jurisdiction in the discharge of duties, shall not be rendered personally liable and is hereby relieved from all personal liability for any damage(s) that may accrue to persons or property as a result of any act required by this Code or by reason of any act or omission in the discharge of duties. Any claim(s) or suit brought against the Building Official, the Regional Building Commission, any advisory committees or boards, or any employee because of any act or omission performed in the enforcement of any provisions of this Code, shall be defended by the Jurisdiction according to the location of the property that is the subject of the act or omission which resulted in the claim(s) or suit until final termination of the proceeding.

RBC101.7 APPEAL PROCEDURES. Any person aggrieved by any decision or order of the Building Official, except as otherwise provided in this Code, may file a written appeal of the decision or order in the following manner:

1. To one of the appropriate Advisory Committees under the Board of Review.
2. If the decision of the Advisory Committee is not favorable to this person, a further appeal of the decision of the committee may be made to the Board of Review. The Board of Review's decision shall be considered final agency action

