



City of Arvada City Council Agenda JANUARY 23, 2012

ANNE CAMPBELL ROOM

Study Sessions

Councilmembers:

Marc Williams, Mayor
Rachel Zenzinger, Mayor Pro-Tem
Don Allard, At large
Shelley Cook, District 3
Bob Dyer, District 4
Bob Fifer, At large
Mark McGoff, District 2

Staff Members Usually Present:

Mark Deven, City Manager
Bill Ray, Deputy City Manager
Chris Daly, City Attorney
Bob Manwaring, Director of Public Works
Jim Sullivan, Director of Utilities
Mike Elms, Director of Community Development
Victoria Runkle, Director of Finance
Christine Koch, City Clerk

Info: 720-898-7500

1. Call to Order – 5:30 p.m.
2. Moment of Reflection and Pledge of Allegiance – Councilmember Cook
3. Roll Call of Councilmembers
4. Approval of Minutes of the January 9, 2011 City Council Meeting
5. Public Comment – Three Minute Limit
6. Study Session
 - A. Ralston Road Corridor Plan
 - B. International Property Maintenance Code (IPMC)
7. Public Comment – Five Minute Limit
8. Reports from City Council
9. Reports from City Manager
10. Reports from City Attorney
 - A. Presentation of Revised City Council Rules of Procedure Governing Meetings
11. Adjournment



CITY OF ARVADA

**SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD
JANUARY 9, 2012**

AGENDA REVIEW SESSION – 5:30 p.m.

1. Call to Order (5:30 p.m.)
2. Executive Session
 - A. Instructions to Negotiators, Pursuant to CRS 24-6-402(4)(e)
 - B. Legal Advice, Pursuant to CRS 24-6-402(4)(b)

Councilmember McGoff moved to go into executive session for legal advice and instructions to negotiators, pursuant to CRS 24-6-402(4)(b) and (e).

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff
The Motion was Approved.

**CITY COUNCIL MEETING - CITY COUNCIL CHAMBERS
6:40 P.M.**

1. Call to Order – 6:55 p.m.
2. Moment of Reflection and Pledge of Allegiance – Councilmember Dyer
3. National Anthem Performed by Members of All State Choir
4. Roll Call of Councilmembers

Those Present: Mayor Marc Williams, Mayor Pro Tem Rachel Zenzinger, Councilmember Don Allard, Councilmember Shelley Cook, Councilmember Bob Dyer, Councilmember Bob Fifer, Councilmember Mark McGoff.

Also present were: Mark Deven, City Manager; Bill Ray, Deputy City Manager; Chris Daly, City Attorney; Mike Elms, Director of Community Development; Bob Manwaring, Director of Public Works; Jim Sullivan, Director of Utilities; Victoria Runkle, Finance Department; Vicky Reier, City Manager's Office and Christine Koch, City Clerk.

5. Approval of Minutes of the December 19, 2011 City Council Meeting

The Minutes stand approved as submitted.

6. Petitions, Recognitions and Communications
 - A. Recognition of All State Choir Students – presented by Councilmember Fifer

Councilmember Fifer recognized the All State Choir Students from Pomona High, Arvada West High, Ralston Valley and Faith Christian selected for the All State Choir. The students were presented with Certificates of Recognition from City Council.

B. Recognition of All State Orchestra Students – presented by Councilmember McGoff

Councilmember McGoff recognized the All State Orchestra Students from Arvada High, Arvada West, Ralston Valley and Pomona selected for the All State Orchestra. The students were presented with Certificates of Recognition from City Council.

C. Recognition of Community First Foundation – presented by Mayor Pro Tem Zenzinger

Mayor Pro Tem Zenzinger recognized the Community First Foundation. She said Colorado Gives Day is one of Community First Foundation's projects and that this year, 52,000 donors across the state contributed \$12 million. Ms. Zenzinger said all of that money will go directly to the participating nonprofits.

Ms. Zenzinger presented a Certificate of Recognition to Cheryl Haggstrom, Executive Vice President of the Community First Foundation and Marla Williams, President and CEO of Community First Foundation.

7. Public Comment on Issues not Scheduled on Agenda – Three Minute Limit - None

8. New Business

A. Resolutions

1. R12-001 A Resolution Authorizing the Issuance of a Purchase Order in the Amount of \$87,132.00 to the Hydro Gate Company for the Purchase of Three Replacement Diversion Gates for the Croke Canal Pump Station Structure

Councilmember Cook moved that R12-001, A Resolution Authorizing the Issuance of a Purchase Order in the Amount of \$87,132.00 to the Hydro Gate Company for the Purchase of Three Replacement Diversion Gates for the Croke Canal Pump Station Structure, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff
The Motion was Approved.

2. R12-002 A Resolution Authorizing an Agreement between the City of Arvada and FirstBank for the Rental Improvement Loan Program

Mr. Talbot introduced Jodi Thomas, incoming President for FirstBank and Mr. Jake Wuest, Assistant Vice President.

Councilmember Dyer moved that R12-002, A Resolution Authorizing an Agreement between the City of Arvada and FirstBank for the Rental Improvement Loan Program, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff

The Motion was Approved.

3. R12-003 A Resolution Authorizing an Agreement between the City of Arvada and FirstBank for the Provision of Loans through the Essential Home Repairs Program

Councilmember Dyer moved that R12-003, A Resolution Authorizing an Agreement between the City of Arvada and FirstBank for the Provision of Loans through the Essential Home Repairs Program, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff
The Motion was Approved.

9. Public Hearings – **7:00 p.m.**

- A. CB11-069 An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas ODP Parcel 5, from PUD-BPR (Planned Unit Development-Business, Professional, Residential), to PUD-R (Planned Unit Development-Residential), 3.11 un/ac., and Amending the Official Zoning Maps of the City of Arvada, Colorado, North of Hwy 72, East of Hwy 93 (Ordinance No. 4316)
- B. Candelas Outline Development Plan Amendment 2, North of Hwy 72, East of Hwy 93
- C. Candelas Flg. 3 Preliminary Development Plan, North of Hwy 72, East of Hwy 93
- D. Candelas Flg. 3 Preliminary Plat, North of Hwy 72, East of Hwy 93

Mayor Williams opened the public hearings on CB11-069, the Candelas Outline Development Plan Amendment 2, the Candelas Flg. 3 Preliminary Development Plan, and Candelas Flg. 3 Preliminary Plat.

Mayor Williams swore those in wishing to speak.

Mike Elms, Director of Community Development, stated that the posting log and mailing affidavit have been received and are in order. He said Planning Commission voted unanimously in favor. Mr. Elms said most of these changes are to switch a school site and townhome site. Mayor Williams made the posting log, mailing affidavit and staff report a part of the official record.

Brian Daly, representing the applicant reviewed this project. He explained the location of the site and referred to the outline development plan and the various uses. He talked about the height studies and the proposed school site. He said the majority of the amendment being proposed is due to the switching of the townhome and school site properties. Mr. Daly talked about the proposed park and amenities and showed a concept plan of the recreation center.

Mayor Williams closed the public comment portion of the public hearing.

Councilmember Dyer moved that CB11-069, An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas ODP Parcel 5, from PUD-BPR (Planned Unit Development-Business, Professional, Residential), to PUD-R (Planned Unit Development-Residential), 3.11 un/ac., and Amending the Official Zoning Maps of the City of Arvada, Colorado, North of Hwy 72, East of Hwy 93, be approved on final reading, numbered 4316 and ordered published by title only. This

motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff
The Motion was Approved

Councilmember Dyer moved that Candelas Outline Development Plan Amendment 2, North of Hwy 72, East of Hwy 93, be approved. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff
The Motion was Approved

Councilmember Dyer moved that Candelas Flg. 3 Preliminary Development Plan, North of Hwy 72, East of Hwy 93, be approved. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff
The Motion was Approved

Councilmember Dyer moved that Candelas Flg. 3 Preliminary Plat, North of Hwy 72, East of Hwy 93, be approved. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff
The Motion was Approved

10. Public Comment – Five Minute Limit

11. Reports from City Council

- A. Mayor Pro Tem Zenzinger announced her third Councilor on Your Corner tomorrow evening at the Indian Tree Golf Clubhouse at 6:30 p.m.
- B. Councilmember Fifer thanked staff for the time he spent in some of the Public Works Divisions and commended staff on their efficiencies.
- C. Councilmember McGoff announced upcoming hikes in each of the four quadrants of the City. He said the first hike was this past Saturday with twenty-five participants. He said the next one is January 21, 9:00 a.m. Spirit of Christ Catholic Church.

12. Reports from City Manager - None

13. Reports from City Attorney

- A. Chris Daly, City Attorney, said on December 19, 2011 City Council adopted a first reading ordinance regulating the handling of intergovernmental agreements and set a public hearing for December 29, 2011. Mr. Daly said because City Council did not hold a

meeting on December 29, 2011 and did not take any action on the ordinance, according to law, the ordinance died. He said he wanted to make this clarification as a part of the official record.

14. Adjournment at 7:46 p.m.

Marc Williams, Mayor

SEAL:

Christine Koch, City Clerk

CITY OF ARVADA
COUNCIL AGENDA INFORMATION SHEET
STUDY SESSION

Agenda No. 6.A.

City Council Meeting Date: January 23, 2012

Title: Ralston Road Corridor Plan

Action Proposed: Study Session

Information about the Project or Request:

This Study Session is a follow-up to the October 10, 2011 Public Meeting on this project. At the October meeting, City Council heard comments from 20 residents and/or business owners, four of whom own property or operate a business on Ralston Road.

Following the Public Meeting, City Council requested staff to revise the Preferred Concept by eliminating both the median and the on-street parking. City Council then directed staff to conduct a best-fit analysis for a few segments of Ralston Road. This best-fit analysis involved making adjustments to the alignment, sidewalk width, and tree lawn width as needed to avoid impacts to buildings along Ralston Road. This study was completed while considering driveway locations, city design standards, and ADA compliance. City Council also asked that Staff review the results of the analysis with them prior to speaking with property owners one-on-one which is the purpose of this Study Session.

This Study Session will present the results of the segments analyzed. Staff will provide City Council with aerial maps depicting the back of sidewalk on the north and south sides of Ralston Road. The proposed future roadway centerline and other pertinent information will also be shown so that property impacts are easily seen. Staff will be prepared to answer questions from City Council and will be seeking input on the information to be presented. With City Council approval, the next step would be to issue a Request for Proposals from qualified engineering firms to complete the preliminary engineering effort. Concurrent with the consultant selection process, Staff would be meeting with property owners on a one-on-one basis.

**CITY OF ARVADA
COUNCIL AGENDA INFORMATION SHEET
STUDY SESSION**

Agenda No. 6.B.

City Council Meeting Date: January 23, 2012

Title: International Property Maintenance Code

Action Proposed: Information and Discussion

Information about the Project or Request:

The study session is to provide City Council with information about the proposed changes to the City's Property Maintenance Code.

The International Property Maintenance Code (IPMC) was adopted in 2008 by the City of Arvada to protect the public health, safety, and general welfare. The IPMC pertains to both publicly and privately owned buildings and premises. This national code establishes minimum standards for maintaining existing structures and premises, requires the elimination of hazardous conditions, determines the responsibilities of owners, operators and occupants of structures and their premises, and sets forth the policies and procedures for enforcement of the code.


Due to a number of concerns about the IPMC, in 2010 City Council established a citizen's committee to review the City's property maintenance code and to offer suggestions on how to improve it. In preparing their recommendations, the Committee decided that the IPMC in its original form encroached on owners' property rights, so they narrowed the overall focus to conform to common health and safety standards; the appearance of a building would generally not be a code violation and standards relating to livability will be more lenient. The Committee strongly felt that the establishment of a Citizen's Appeal Board would provide a vital and impartial review of property maintenance enforcement efforts.

The Committee's recommendations will alter some of the City's long time philosophies and business practices relating to property maintenance. Staff will provide information about these changes at the study session. Members of the Committee have been notified of the study session and several are expected to attend.



MEMORANDUM

City Manager

DATE: Thursday, January 19, 2012
TO: City Council
FROM: Mark Deven, City Manager 
SUBJECT: Property Maintenance Code Revisions

On January 23, 2012 staff will be presenting information to the City Council regarding the proposed changes to the City's Property Maintenance Code. These changes are the result of a year of review and discussions by the Citizen's IPMC Committee and staff.

During the discussions, staff and the Committee worked through a number of differences regarding process and standards. The Committee decided that the IPMC in its original form encroached on owners' property rights, so they narrowed the overall focus to common health and safety standards; the appearance of a building was a lesser concern and standards relating to livability were made more lenient. The Committee felt strongly that the establishment of a Citizen's Appeal Board would provide a vital and impartial review of property maintenance enforcement efforts.

The process of working through the differences did result in agreement between staff and the Committee on the majority of issues. An appeals process was developed that staff and the Committee were able to agree on. The Committee proposed changes to 138 sections of the IPMC. Staff is in agreement with the proposed changes to 121 of the sections. The balance of this memorandum will focus on the 17 sections that staff believes require focused review by the City Council during the January 23 Study Session. Of the 17 sections that will be discussed during the Study Session, there are nine proposed changes that staff would not presently recommend due to the potential unfavorable impact on health, life and safety.

Background Information

Property maintenance regulations strive to balance the property rights of private citizens and the needs of the larger community. In Arvada the required level of maintenance of public and private property is governed by the International Property Maintenance Code (IPMC).

The IPMC is one of several publications issued by the International Code Council (ICC). The ICC is a United States based organization dedicated to building safety and fire prevention. The ICC develops consistent codes and standards that are used throughout the nation to construct

residential and commercial buildings, including homes, offices, and stores. These draft Codes are updated and published every three years. Changes to the Codes are suggested based on studies of how to prevent deaths and injuries and from evolving legal standards, innovative products and new construction methods. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The International Property Maintenance Code (IPMC) was adopted in 2008 by the City of Arvada to protect the public health, safety, and general welfare. The IPMC pertains to both publicly and privately owned buildings and premises. The IPMC model is now in use throughout the United States to establish minimum maintenance standards for all properties within a jurisdiction, helping to insure a safe living and working environment. While much of the focus of the IPMC is on health and safety, the IPMC contains provisions designed to preserve neighborhoods and maintain property values.

Due to a number of concerns about the IPMC, the City Council established a citizen's committee in 2010 to review the City's property maintenance code and to offer suggestions on how to improve it. In preparing their recommendations, the Committee decided that the IPMC in its original form encroached on owners' property rights, so they narrowed the overall focus to health and safety standards; the appearance of a building was a lesser concern and standards relating to livability became more lenient. The main changes to the IPMC standards center on these areas of appearance and livability.

One of the Committee's major concerns was the need to balance the appeals process with citizen participation. The City presently uses an Administrative appeals process which has the advantages of being flexible as to dates and times, with timely decisions by knowledgeable staff members hearing the appeal. Committee members felt that the present appeals process was not balanced from the citizen's perspective. After working through this particular issue, staff and the Committee agreed on a process wherein a citizen may appeal the enforcement action to the City Manager and if that decision is adverse, schedule the appeal to a citizen's Appeals Board. The potential drawback with this system is that cases may take longer to resolve.

In addition, staff and the Committee agreed to an evaluation of the appeals process and other proposed changes to the IPMC after one full year of implementation. The evaluation will be facilitated and completed by the City Manager's Office, reviewed by the Committee and presented to the City Council.

There are 17 proposed changes that staff has identified for focused review by the Council. All of these changes will be presented during the January 23 Study Session. Of these changes, three will be presented for informational purposes because of the **potential** impact of enforcement; five will be presented with **recommended edits** that are intended to incorporate the Committee's intent and maintain the purpose of the section; and nine will be presented as proposed changes that staff **cannot recommend** due to the unfavorable impact on health, life and safety. The following information summarizes the seventeen changes.

Proposed Changes – Informational Review

Section 105.1 would grant the Building Code Advisory Board the authority to modify the provisions of the IPMC in limited circumstances; such authority is presently limited to the Chief Building Official. Conferring this authority to the Building Code Advisory Board is unusual although staff believes that the impact of this change could be minimal if the Board and staff work collaboratively.

Section 303.1 removes the term “in good repair” from the standard for pools and hot tubs as the Committee believes the term is vague. This term is commonly used in such codes and its removal would be unusual; however, staff believes the balance of the code maintains its enforceability.

Section 306.1 removes standards that the Committee felt was redundant from the section. These standards have been used as a checklist for staff and enforcement may be more challenging without a reference point for these specific building components.

Proposed Changes with Edits

Section 101.3 would add language to clarify that existing structures do not need to be constantly renovated to meet present day codes. Staff understands this concern; however, the proposed language could be misconstrued and allow unsafe conditions to occur. Staff recommends adding “... unless maintenance is required for health and safety issues” in order to prevent the allowance of unsafe conditions.

Section 107.2 would require staff to provide a complete statement of the enforcement process for the property owner, including for preparation of the Appeals Board should the enforcement action be appealed. Staff understands the need to provide complete information; however, the time necessary to prepare a complete statement could unacceptably delay the enforcement process and recommends that “summary” be substituted for “complete”.

Section 108.1.5 would add language in association with alterations and additions to structures to clarify that a structure may not be declared “unsafe” simply because it does not meet current codes. Staff understands this concern; however, if the building use or occupancy changes, the alteration/building addition needs to be safe for the new or changed use. Staff recommends inserting language noting “**where the use or occupancy of the building has not changed**, shall not be in violation.”

Section 108.8.11 would place conditions on the notification for collecting costs and recording of liens. The Committee proposed this change in order to eliminate the potential for liens to be transferred to a new owner. Staff understands this concern; however, the conditions associated with liens are regulated by state law and county ordinances. Staff recommends inserting “All property or tax liens are to be filed without unnecessary delay and pursuant to State and County regulations”.

Section 112.4 would limit fines for violating a stop work order to \$300. Staff understands the need to limit such fines to a reasonable amount; however, the fines are set by the court per Section 1-5 of the City Code. Staff recommends that the reference to the City Code is inserted and that Council direct the city manager and city attorney to initiate a review of the fines for reasonableness and share the results of that review with the Committee and the City Council.

Proposed Changes Not Recommended

Section 108.1.1 would delete the requirement for functioning smoke alarms in owner occupied single family homes as the Committee believes this is an encroachment on property rights. Staff believes that the requirement for functioning smoke alarms in all homes and apartments is an essential component for fire safety within residential units and cannot recommend Council approval of this proposed change.

Section 304.14 limits the need for window screens to non-residential structures such as businesses and other buildings accessible to the public. Staff disagrees with this change because windows are provided within residential units for the required ventilation of a room and screens should be provided for health and safety reasons; therefore, staff cannot recommend Council approval of this proposed change.

Sections 304.18.1 – 304.18.3 would remove standards to provide locking doors, windows and basement hatchways. The Committee felt that the sections on building security were an encroachment on property rights. Staff believes that some provision for basic home security is necessary and should be retained; therefore, staff cannot recommend Council approval of this proposed change.

Sections 304.8 and 304.9 would limit the requirement to maintain decorative features and overhang extensions to non-residential structures, such as businesses and buildings that are accessible to the public. The approximate number of such structures is 1,000 out of the 35,000 within Arvada. Staff disagrees with this limitation because there are residential structures that adjoin public sidewalks where persons can be injured if something detached and falls from the wall. The exemption for residential structures is not consistent with health and safety concerns; therefore, staff cannot recommend Council approval of this proposed change.

Section 402.1 would remove standards for providing natural light within or near habitable spaces. The Committee felt that these standards were not necessary. Staff notes that these standards provide basic minimum requirements for safe and healthy living conditions; therefore, staff cannot recommend Council approval of this proposed change.

Section 403.1 would remove standards for providing ventilation within or near rooms in living units. The Committee felt that these provisions were not necessary. Staff notes that habitable areas where living, cooking, sleeping and eating occur should have adequate ventilation and lighting; therefore, staff cannot recommend Council approval of this proposed change.

Conclusion

The presentation scheduled for January 23 is intended for the Committee and staff to receive Council comments and direction in response to the proposed changes to the IPMC. This direction may include preparing the IPMC for Council adoption based on comments and direction or conducting more meetings with the Committee to address specific issues. Given the time frame since this process was initiated over a year ago, staff felt it was necessary to provide a status report in order to seek direction that would ultimately prepare this matter for final consideration and action.

It is important for the Council to note that this process did provide constructive feedback on enforcement of the IPMC. In response to this feedback, staff has proposed modifications to the appeals process that includes the involvement of the city manager at an administrative level with the authority to sustain an enforcement action or grant an appeal. The addition of a citizen's Appeals Board provides another level of oversight for the code enforcement and building inspection programs. Finally, the commitment to evaluate the changes and report back to the Committee and the Council provides an additional level of accountability.

While there remain some areas of disagreement between staff and the Committee on certain code sections, the disagreement does not reflect any disrespect towards the Committee. Staff has appreciated the hard work completed by the Committee and it should be noted that there were far more areas of agreement than disagreement.

Staff wishes to acknowledge and thank the Committee for their commitment of time and talent to this effort.

Proposed Changes to the International Property Maintenance Code

Presentation to the City Council



January 23, 2012

The Property Maintenance Code

- Maintaining what has been built.
- The Property Maintenance Code is global in nature and applies to all property, public and private, within the City limits. Each provision in the IPMC is intended to apply to every property regardless of zoning, land use, or type of building.
- For this presentation, the proposed changes by the Committee are grouped into three categories; Information, Edits, Not Recommended.
- The committee made changes to 138 of the 436 paragraphs that compose the IPMC.
- Staff believes the following Committee recommended changes are significant and that City Council should be aware of the possible impacts of these changes.

PROPOSED CHANGES BY THE COMMITTEE

Overview

Out of 138 proposed changes, staff agrees with 121

Remaining 17 proposed changes:

- Informational Review
3 paragraph changes could have an impact on enforcement
- Proposed Changes with Edits
5 paragraph changes are recommended to be edited
- Proposed Changes Not Recommended
9 paragraph changes are not supported by staff

PROPOSED CHANGES BY THE COMMITTEE

Enforcement Process

Appeals

The current appeals process utilizes the City's established Administrative review process. The Committee proposes to replace this process with Citizen Appeal Boards.

Maintaining the Premises

Appeal to the Board of Adjustments

- Weeds
- Inoperable vehicles
- Snow and Ice on sidewalks
- Pool enclosures
- Fences / retaining walls
- Graffiti
- Trash

Maintaining the Buildings

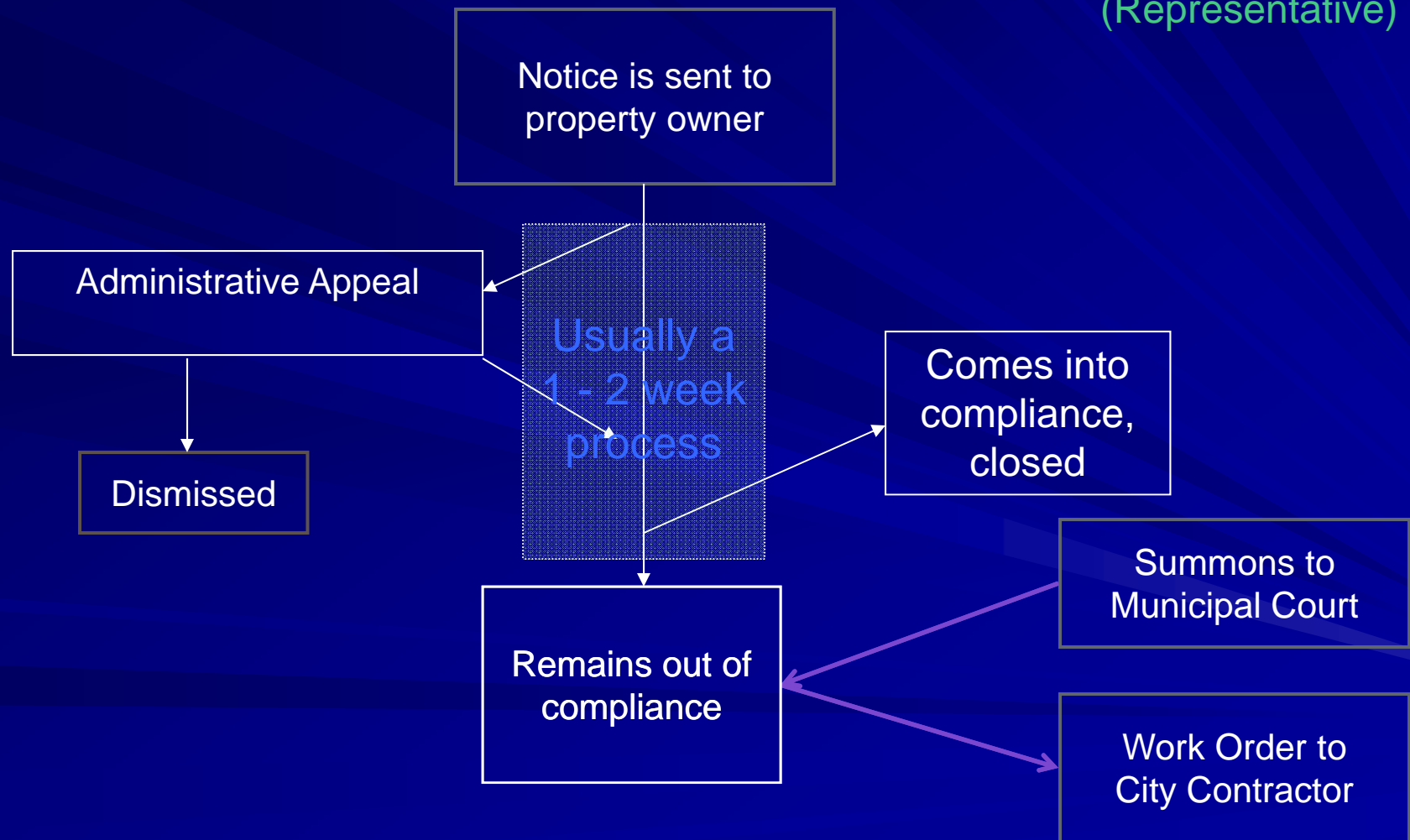
Appeal to the Building Code Advisory Board

- Structural integrity
- Safety
- Egress
- Electrical and mechanical equipment
- Sanitation
- Exterior condition of the building

PROPOSED CHANGES BY THE COMMITTEE

Current Enforcement Process

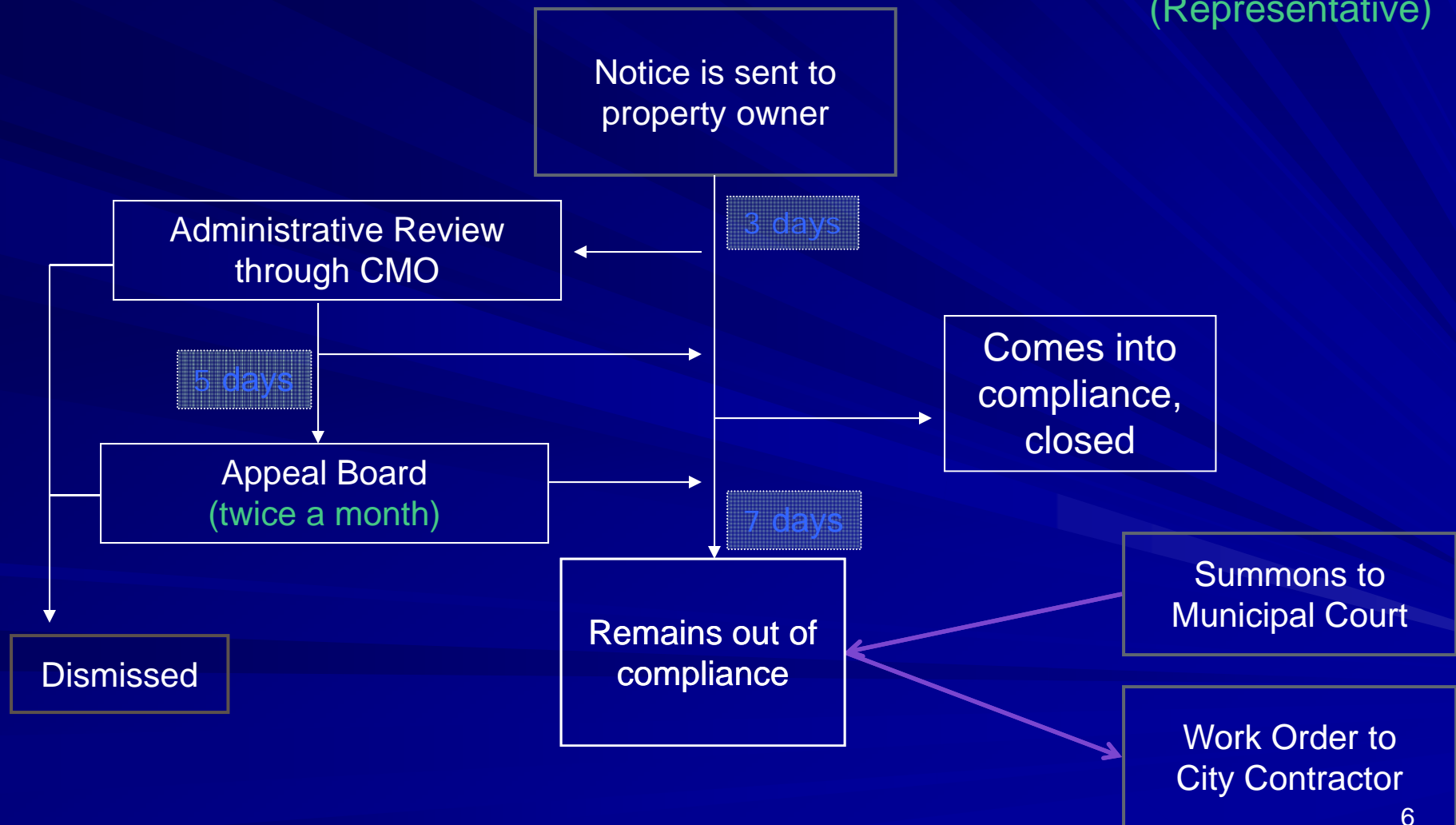
(Representative)



PROPOSED CHANGES BY THE COMMITTEE

Proposed Enforcement Process

(Representative)



PROPOSED CHANGES BY THE COMMITTEE

Informational Review

Section 105 Approval

105.1 Modifications.

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

Staff Comments:

This provision would allow the Building Code Advisory Board to modify the provisions of the IPMC in limited circumstances. Generally this grant of authority is limited to the Chief Building Official.

This expands the role of the Building Code Advisory Board beyond reviewing and then approving / denying enforcement notice.

PROPOSED CHANGES BY THE COMMITTEE

Informational Review

Section 302

302.7 Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound ~~and in good repair.~~

Staff Comments:

Committee felt that the term 'in good repair' was vague and removed it from the code.

The focus is not on Accessory Structures; this is simply where the term first appears in the code. The phrase has been removed in a number of other areas.

PROPOSED CHANGES BY THE COMMITTEE

Informational Review

Section 306 Component Serviceability 306.1.1 Unsafe conditions.

- ~~3. Aluminum that has been subjected to any of the following conditions:~~
- ~~4. Masonry that has been subjected to any of the following conditions:~~
- ~~5. Steel that has been subjected to any of the following conditions:~~
- ~~6. Wood that has been subjected to any of the following conditions:~~

Staff Comments:

The Committee felt that much of section 306.1 was redundant and not needed.

Staff notes that having a check list as provided in this section can aid the inspector and the property owner in determining if an unsafe condition is present.

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes with Edits

101.3 Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. **A structure or premise shall not be considered in violation of this code if such structure or premise complied with applicable codes at the time of construction or alteration.**

Staff Comments:

The Committee included this addition to clarify that existing structures do not need to be constantly renovated to meet present day codes. However staff has concerns that the proposed language can be misconstrued and allow unsafe conditions to occur.

Staff recommends adding the following language: '... unless maintenance is required for health and safety issues.'

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes with Edits

107.2 Form.

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

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the ~~right to appeal~~ **complete enforcement process including the appeals process as set forth in Section 111 of this code.**
6. Include a statement of the right to file a lien in accordance with Section 106.3.

Staff Comments:

The Committee wanted to make sure property owners were knowledgeable about their rights, including the right to an appeal.

Staff recommends that the word 'summary' be substituted for 'complete'.

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes with Edits

108.1.5 Dangerous structure or premises.

For the purpose of this code, any structure or premise that has any or all of the conditions or defects described below shall be considered dangerous:

1 – 11.

12. Any structure, alteration, or improvements that complied with codes applicable at the time of construction shall not be in violation.

Staff Comments:

The Committee added this provision to clarify that a structure may not be declared 'unsafe' simply because it does not meet current codes.

Staff recommends that the following language be inserted: '... construction **and where the use or occupancy of the building has not changed**, shall not be in violation.'

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes with Edits

108.8.11 **Collection of** Costs. The manner in which all administrative costs incurred by the city in removing or eliminating the unsafe structure or condition are collected shall be left to the discretion of the city manager, or designee. Said costs may be assessed against the property on which the unsafe building or condition exists, or may be recovered in a suit against the owner, occupant, and/or lessee of the property. If the city manager or a designee thereof determines to assess costs against the property, a statement enumerating all such costs to be assessed against the property shall be prepared. A copy of the statement of costs or assessment shall be served upon the necessary parties by **certified mail with return receipt required**. In the event the assessment is not paid, collection of the assessment may be handled pursuant to the provisions of chapter 59 entitled "Municipal Liens". **All liens must be recorded within 10 business days.**

Staff Comments:

The Committee felt that delays in recording liens could push the cost onto a new owner; they want liens filed in a timely fashion.

State law and County regulations are important factors in the lien process. A hard deadline may not be viable due to the need to collect the necessary information / costs, or may not allow time to negotiate a payment schedule.

Staff recommends 'All property or tax liens are to be filed without unnecessary delay, and pursuant to State and County regulations'

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes with Edits

Section 112 Stop Work Order

112.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of ~~\$999.00~~ or up to ~~6 months~~ in jail for a fine not to exceed \$300.00.

Staff Comments:

The Committee wants to cap the amount of this particular fine and remove the possibility of jail.

Presently all penalties for violating a stop work order are set by the Court under Section 1-5 of the City Code.

Staff recommends that for consistency, the provision be changed to 'penalties as set forth in Section 1-5 of the City Code'.

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes Not Recommended

108.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure ~~by not providing minimum safeguards to protect or warn occupants in the event of fire~~ because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible, **or for detached single family homes that are non-owner occupied structures by not providing minimum safeguards to protect or warn occupants in the event of fire.**

Staff Comments:

The Committee felt that the requirement for smoke alarms was an encroachment on property rights. They removed the requirement for functioning smoke alarms in owner-occupied single family homes.

Staff does not support the removal of this provision. Smoke detectors are an essential component of household health and safety.

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes Not Recommended

304.14 Insect screens.

~~During the period from [DATE] to [DATE],~~ **In non-residential environments** every door, window and other outside opening required for ventilation of ~~habitable rooms,~~ food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Staff Comments:

The Committee limited this provision to non-residential structures, about 1,000 out of the 35,000 structures in the City. The IPMC is designed and intended to cover all structures and properties though out the city.

Where windows are provided for the required ventilation of a room, screens should be provided. This window is the source of fresh air.

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes Not Recommended

304.8 Decorative features.

For non-residential properties, all cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained ~~in good repair~~ with proper anchorage and in a safe condition.

304.9 Overhang extensions.

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

Staff Comments:

The Committee limited these two provisions to non-residential structures, which comprise about 1,000 out of the 35,000 structures in the City. The IPMC is designed and intended to cover all structures and properties though out the city.

There are residential structures that adjoin public sidewalks where persons can be injured if something detached and fell from the wall. The exemption for residential structures is not consistent with health and safety concerns.

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes Not Recommended

304.18 Building security.

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

304.18.1 Doors.

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

304.18.2 Windows.

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

304.18.3 Basement hatchways.

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

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes Not Recommended

Staff Comments about Building Security:

The Committee felt that the four sections on building security were an encroachment on property rights and removed them.

Staff believes that some provision for basic home security is necessary and should be retained. Everyone has a right to feel safe in their own dwelling; locks are essential for this purpose.

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes Not Recommended

Section 402

Light

402.1 Habitable spaces.

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

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

Staff Comments:

The Committee felt that these provisions were not necessary. Staff notes that these provided basic minimum requirements for providing safe and healthy living conditions.

PROPOSED CHANGES BY THE COMMITTEE

Proposed Changes Not Recommended

~~Section 403 Ventilation~~

~~403.1 Habitable spaces.~~

~~Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.~~

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

Staff Comments:

The Committee felt that these provisions were not necessary and might conflict with homes built under different codes.

Staff notes that habitable areas where living, cooking, sleeping, and eating occur should have adequate ventilation and lighting. Many homes rely on windows to provide natural ventilation and lighting.

Next Steps

- Prepare and distribute memorandum containing staff's understanding of City Council's directions
- Prepare IPMC for adoption