

15.09 - International Residential Code

Chapter 15.09 - INTERNATIONAL RESIDENTIAL CODE (IRC)

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15.09.010 Document adopted by reference. Pursuant to Colorado Revised Statutes 1973, 31-16-201 et seq., as amended, there is hereby adopted as the residential code of the City, by reference thereto, the International Residential Code, 2006 Edition, of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. (507-11: 266-04)

15.09.020 Title for citation. The ordinance codified in this chapter may be known and cited as "the Residential Code of the City of Evans, Colorado." (507-11: 266-04)

15.09.030 Purpose. The residential code is adopted in order to preserve and protect the public health, safety and general welfare, and the safety, protection and sanitation of one and two family dwellings, townhouses and accessory structures associated with these occupancies in the City, and to provide uniform building regulations, generally conforming to similar regulations throughout the country, state and nation. (507-11: 266-04)

15.09.040 Scope of residential code. The subject matter of the adopted codes includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of one and two family buildings and structures. (507-11: 266-04)

15.09.050 Interpretation of provisions. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform building regulations. (507-11: 266-04)

15.09.060 Applicability. This chapter shall apply to everyone family and two family dwelling (including townhouses), as defined in said ordinance, which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished or repaired. (507-11: 266-04)

15.09.070 Application of regulations. Where, in any specific case, different sections of this code, the zoning code or other ordinances of the city specify different materials, methods of construction or other requirements, the most restrictive shall govern. (507-11: 266-04)

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15.09.090 IRC Sec. R108.2 is amended to read:

Sec. R108.2 Permit Fees.

The fee for each permit shall be as established by resolution by the City Council.

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. (507-11: 266-04)

15.09.100 IRC Sec. R108.4.1 is added to read:

Any person who commences any work or causes such work to be done on a building, structure, electrical, gas, mechanical, or plumbing system without first obtaining the necessary permits shall be subject to an investigation fee, in addition to the permit fee, whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee as established by resolution 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. (507-11: 266-04)

15.09.110 IRC Sec. R108.5 is amended to read:

Section R108.5 Refunds.

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Section R108.5 Refunds.

The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment. (507-11: 266-04)

15.09.120 IRC Sec. R108.6 is added to read:

Sec. R108.6 Plan Review Fees.

When submittal documents are required to be sub-mitted by Section 108.2, a plan review fee shall be paid at the time of submitting the submittal documents- for review or upon the issuance of permit at the discretion of the Building Official. Said plan review fee -shall be charged at the rate as established by resolution by the City Council. The plan review fees specified in this subsection are separate fees from the permit fees speci-fied in sec-tion 108.2 and are in addi-tion to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106, an additional plan re-view fee shall be charged at the rate as established by resolution by the City Council. (507-11: 266-04)

15.09.130 IRC Sec. R310.1 is amended to read:

R310.0 Emergency escape and rescue required.

Basements and every sleeping room below the fourth story shall have at least one openable emergency escape and rescue opening. Where basements contain more than one sleeping room, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. All basements shall have a minimum of one emergency escape and rescue window for every 650 square feet of basement floor area or fraction thereof unless waived by the Building Official. Where emergency escape and rescue openings are provided, they shall have a sill height of not more than 44 inches above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. (507-11: 266-04)

15.09.140 IRC Sec. R1001.6.1 is amended to read:

R1001.6.1 Spark Arrestors.

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Unless waived by the Building Official, a spark arrester shall be installed on masonry chimneys. The spark arrester shall meet all of the following requirements:

1. The net free area of the arrester shall not be less than four times the net free area of the outlet of the chimney flue it serves.
2. The arrester screen shall have heat and corrosion resistance equivalent to 19-gage galvanized steel or 24-gage stainless steel.
3. Openings shall not permit the passage of spheres having a diameter greater than ½ inch nor block the passage of spheres having a diameter less than 3/8 inch.
4. The spark arrester shall be accessible for cleaning and the screen or chimney cap shall be removable to allow for cleaning of the chimney flue. (507-11: 266-04)

15.09.150 IRC Table N1102.1 Climate Zone 13 Row is amended to read:

Climate Zone	HDD	Glazing U-factor	Ceilings	Walls	Floors	Basement Walls (fin.)	Slab Perimeter	Unvented
13		.35	R-38	R-15	R-21	R-10	R-9, 4ft.	R-15

(507-11: 266-04)

15.09.160 IRC N1102.2.6 is amended to read:

N1102.1.5 Basement Walls.

Habitable space within a basement shall be insulated in accordance with Table N1102.1. When insulating basement walls, the required R-value shall be applied from the top of the basement wall to a depth of 10 feet below grade or to the top of the basement floor, whichever is less. (507-11: 266-04)

15.09.170 IRC Sec. E3301.5 is added to read:

Whenever there is a conflict between the electrical provisions of this code and NFPA 70 National Electrical Code (most currently adopted edition) the most restrictive requirement will apply.

(507-11: 266-04)

15.09.180 IRC Chapter 44 is added to read:

R4401 Moved Buildings and Temporary Buildings.

4401.1 General. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

Buildings or structures moved into or relocated within the City shall comply with the provisions of this code and all other applicable portions of the Evans Municipal Code, City of Evans.

4401.1.1 No person, without the written permission of the building official, shall obstruct a street by placing a building therein or move a building through or upon a street, and no person shall aid or assist in so obstructing a street or moving a building or leaving a building or structure in any street or thoroughfare without providing proper traffic control and warning devices as approved by the Public Works Director.

4401.1.2 All applications for moving or relocating buildings through the streets of the City shall be made to the Building Official in writing upon forms furnished by the Building Inspection Division and shall set forth such information as the building official may require in order to carry out the purposes of this section.

4401.1.3 Every such application shall state the present location of the building proposed to be moved or relocated, its length, width, height, and the principal material of its sides and of the roof; and shall definitely describe the route over which it is to be moved, and shall indicate the location and height of existing above-ground public utility lines and poles along such route; and shall state the legal description and street and house number of the location to which it is proposed to move such building.

4401.2 No relocation permit shall be issued to any person to relocate any building or structure upon another lot unless such use, building or proposed conversion thereof conforms to applicable codes of the City and the Building Code and all other pertinent portions of the Evans Municipal Code.

4401.3 No permit shall be issued to any person to relocate any building or structure which is so constructed or in such condition as to be dangerous or unsafe, or which is infested with pests or is unsanitary or which is so

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dilapidated, defective, or in such a condition of deterioration or disrepair that its relocation at the proposed site would create a safety or health hazard or would cause substantial damage or material detriment to the surrounding properties or is not compatible with other improvements in the vicinity of the proposed site. For the purpose of this section the term compatible will mean being similar in; 1) architectural design, 2) exterior wall & roof coverings and treatments, 3) comparable in size and dimension, and 4) having the ability to blend harmoniously with existing improvements in the vicinity keeping particularly in mind the unique characteristics of existing structures which have established special land values.

4401.4 The Chiefs of Fire and Police Departments or their designees, which shall be notified of the route to be taken and when the removal or relocation shall be made.

4401.5 No person except a qualified housemover holding an unexpired City business license shall remove or relocate any building within the corporate limits of the City.

4401.6 All applications for a relocation permit shall be accompanied by a fee(s) as established by resolution by the City Council to cover the cost of the building official in inspecting the condition of the building or structure to be moved and for the inspection of the proposed new location. Such fee is to be in addition to the regular building permit fee required by the building code. All relocation permits shall expire forty-five (45) days from the date of issuance and are nontransferable. The building official has the authority to waive this fee for good cause.

4401.7 A permit for the actual moving of each individual structure via any public street, alley, and/or right-of-way shall be required. Said permit shall be posted in a visible place on the structure being moved. A permit fee as established by resolution by the City Council shall be assessed for each individual structure for each calendar day or fraction thereof that the structure is being moved and/or parked on a public street, alley, and/or right-of-way within the City of Evans.

4401.8 If the present use or condition of the building or structure permits practical conversion or effective repair or alteration, the building official shall issue a relocation permit, provided plans are submitted to him showing that the proposed improvements and alterations conform to the building code and zoning code and will not cause substantial damage or material detriment to the surrounding property.

4401.8.1 The building official shall cause an inspection to be made of the building or structure to be relocated and of the site upon which it is to be located in order to determine whether or not said permit shall be granted. If the building or structure to be relocated presently lies outside the city limits, the applicant shall pay a mileage fee as established by resolution by the City Council for each mile actually and necessarily traveled by the building official to make such inspection. Such fee shall be paid in advance and shall be in addition to all other fees required by this section.

4401.9 A relocation permit shall not be issued unless the applicant therefore shall first post with the City Clerk a bond executed by the owner of the premises where the building or structure is to be relocated as principal and by a surety company authorized to do business in the State as surety. Such bond shall name the City of Evans, a Municipal Corporation, as obligee and shall be in an amount equal to the cost as estimated by the building official, plus thirty percent (30%) of the work required to be done. Such estimate shall be made in accordance with the existing practices of estimating in the building industry in this area, but in no event shall such estimate be greater than thirty dollars (\$30.00) per square foot of available floor space when completed. In lieu of a surety bond, the applicant may deposit a cash bond with the City Clerk in a similar amount and with conditions as required in the case of a surety bond.

A relocation bond or moving permit shall not be required where the building or structure being moved is a modular unit certified pursuant to regulation adopted under C.R.S. 24-32-701, et seq., and provided such unit is to be located within the City limits and has been issued a building permit under provisions of the Uniform Building Code. A relocation bond or moving permit shall not be required where the building or structure is being moved or relocated by a governmental agency for governmental purposes. A relocation bond shall not be required where a building or structure is being temporarily moved to the regularly occupied business premises of a qualified housemover holding an unexpired City business license, provided that such building or structure shall not be permitted to remain on such premises for a period longer than six (6) months.

Such relocation bond shall be conditioned upon compliance with all provisions of the building code, the zoning code, and all other applicable ordinances, and that the work required to be done shall be fully performed and completed within six (6) months.

Such time limitation may be extended sixty (60) days by the City Manager for good cause shown upon application made prior to the expiration of such time limitation; provided, no such extension shall be valid unless in writing signed by the City Manager and such extension shall not release any surety on the bond. The term of such bond shall commence with the date of execution thereof and shall terminate upon the completion of all work in compliance with the terms and conditions of the relocation permit and bond. Upon such completion the building official shall evidence the same in writing addressed to the principal and surety and execute such release as the surety shall require, or, in the event of a cash bond having been posted, shall cause the necessary requisition to be drawn upon the funds held by the City Clerk in order to refund the same.

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4401.10 Whenever a default shall occur in the performance of any term or condition of a relocation permit or bond, written notice thereof shall be given to the principal and to the surety on the bond, if such there be. Such notice may be served personally, or by registered or certified mail and first class mail, postage pre-paid. Such notice shall state the nature of the default, and shall specify the work to be done and the time within which such work shall be completed. Failure to comply with the requirements of such notice shall without further notice constitute a forfeiture of the bond. Upon notification by the building official of such forfeiture, the City Attorney shall be authorized to forthwith institute such action as may be necessary to obtain the proceeds of such bond. Upon receipt of such notice of default, the owner, permittee or surety may correct such default or perform such work within the time specified in said notice.

4401.11 In the event of a forfeiture of a relocation bond, the building official shall proceed by contract or otherwise to complete the required work using the proceeds of the forfeited bond. Upon completion of such work the balance, if any, of the proceeds of the bond shall be refunded to the payor of same, less an amount equal to twenty-five percent (25%) of the cost of the work which shall be paid into the General Fund of the City to cover the costs of supervision of the work and other incidentals. In lieu of completing the work required, the building official may demolish the building or structure and clear, clean, and restore the site.

In the event of any such default or forfeiture, the building official or any person, or any contractor of the person engaged by the City shall have the absolute right and privilege to enter upon the premises and complete the required work or to remove or demolish the building or structure as the case may be. It shall be unlawful for the owner, his agent, surety, or any other person to interfere with or obstruct or attempt to obstruct in any manner the performance of the work or the removal or demolition of the building or structure. (507-11: 266-04)

15.09.190 Deletion of all references to the International Existing Building code. Any and all references to the International Existing Building Code (IEBC) within the text of the International Building Code as adopted by the City shall be deleted. (507-11: 266-04)

15.09.200 Violation--Penalties.

A. It is 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 code adopted in this chapter.

B. Any person, firm or corporation violating any of the provisions of the code adopted in this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code are committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than one thousand (\$1,000) dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. (507-11: 266-04)

Code Documents



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