

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB25

ORDINANCE NUMBER: 2022-25

TITLE: AN ORDINANCE REPEALING ARTICLE II OF CHAPTER 18 AND REPEALING AND REENACTING ARTICLE I OF CHAPTER 18 OF THE CITY OF BLACK HAWK MUNICIPAL CODE TO ADOPT BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2021 EDITION; THE INTERNATIONAL FIRE CODE, 2021 EDITION; THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, 2021 EDITION; THE INTERNATIONAL MECHANICAL CODE, 2021 EDITION; THE INTERNATIONAL PLUMBING CODE, 2021 EDITION; THE INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION; THE INTERNATIONAL EXISTING BUILDING CODE, 2021 EDITION; THE INTERNATIONAL FUEL GAS CODE, 2021 EDITION; THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 EDITION, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION, UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION, ICC/ANSI A117.1 AMERICAN NATIONAL STANDARD – ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES, MOST CURRENT EDITION; ASME A17.1-2019/CSA B44-19 AMERICAN NATIONAL STANDARD SAFETY CODE FOR ELEVATORS AND ESCALATORS, MOST CURRENT EDITION ADOPTED BY THE STATE OF COLORADO; THE NATIONAL ELECTRICAL CODE, MOST CURRENT EDITION ADOPTED BY THE STATE OF COLORADO; AND MAKING SPECIFIC AMENDMENTS TO THE ABOVE REFERENCED CODES AND PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Article I of Chapter 18 of the City of Black Hawk Municipal Code is hereby repealed and reenacted to read as follows:

ARTICLE I

Building Codes

Sec. 18-1. Title.

The provisions of the ordinance codified herein shall be known and cited as the "City of Black Hawk Building Ordinance."

Sec. 18-2. Adopted.

(a) The City hereby adopts the following codes by reference as set forth below, which collectively may be referred to as the *International Code, 2021 Edition*:

(1) *International Building Code*, 2021 Edition (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(2) *International Fire Code*, 2021 Edition (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(3) *International Residential Code for One- and Two-Family Dwellings*, 2021 Edition, with certain appendices as hereafter sent out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(4) *International Mechanical Code*, 2021 Edition, with certain appendices as hereafter sent out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(5) *International Plumbing Code*, 2021 Edition, with certain appendices as hereafter sent out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(6) *International Energy Conservation Code*, 2021 Edition, with certain appendices as hereafter sent out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(7) *International Existing Building Code*, 2021 Edition, with certain appendices as hereafter sent out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(8) *International Fuel Gas Code*, 2021 Edition, with certain appendices as hereafter sent out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(9) *International Swimming Pool and Spa Code*, 2021 Edition, with certain appendices as hereafter sent out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(10) *International Property Maintenance Code*, 2021 Edition, with certain appendices as hereafter sent out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(11) *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition (published by the International Code Council, Inc., 5360 Workman Mill Road, Whittier, CA 90601-2298);

(12) *ICC/ANSI A117.1 American National Standard – Accessible and Usable Buildings and Facilities*, Most Current Edition (published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001);

(13) *ASME A17.1-2019/CSA B44-19 American National Standard – Safety Code for Elevators and Escalators*, Most Current Edition Adopted by the State of Colorado (published by The American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016-5990);

(b) The City hereby further adopts by reference *The National Electrical Code*, as adopted by the State of Colorado (published by National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169-7471), which as of the date of the adoption of this Ordinance is the 2020 Edition of *The National Electrical Code*;

NOTE: For clarification, when any of the International Codes that are adopted by the City refer to the ICC Electrical Code, the reference shall apply to the *National Electrical Code*.

Sec. 18-3. Jurisdiction defined.

(a) Whenever the word *jurisdiction* is used in the *International Code, 2021 Edition*, it shall be held to mean that area included within the corporate limits of the City or any area hereafter annexed to the City.

(b) The Board of Appeals provided for in the *International Code, 2021 Edition*, shall be the board established by the City Council to hear appeals relating to the *International Building Code, 2021 Edition*.

Sec. 18-4. Amendments to the International Building Code, 2021 Edition.

(1) Section 101.1 Title of the *International Building Code, 2021 Edition* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Building Code of the City of Black Hawk*, hereinafter referred to as "this code."

(2) Section 101.2.1 Appendices of the *International Building Code, 2021 Edition*, is amended to read as follows:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The following appendices published by the International Code Council (ICC) are specifically adopted and made part of the *Building Code of the City of Black Hawk*:

1. Appendix Chapter I, Patio Covers;
2. Appendix Chapter J, Grading.

(3) Section 103.1 Creation of enforcement agency of the *International Building Code, 2021 Edition* is amended to read as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

(4) Section 103.2 Appointment. The Building Official shall be appointed by the Community Planning and Development Director of the City of Black Hawk.

(5) Section 105.1.1 Annual Permits of the *International Building Code, 2021 Edition* is deleted in its entirety.

(6) Section 105.1.2 Annual Permit Records of the *International Building Code, 2021 Edition* is deleted in its entirety.

(7) Section 105.1 Required Permits of the *International Building Code, 2021 Edition* is amended by adding Subsection 105.1.3 to read as follows:

105.1.3 Building:

1. Any re-roofing project or any roof repair that requires more than 25 percent (25%) of the roof to be replaced.

(8) Section 109.2 Schedule of Permit fees of the *International Building Code, 2021 Edition* is amended to read as follows:

109.2 Schedule of permit fees. Where a permit is required for structures, gas, mechanical, plumbing systems or alterations, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.

NOTE: Fees are based on the total valuation for a project (labor and material). All trades must be included on the general construction permit application.

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition 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 107.3.4.1, an additional plan review fee shall be charged at the rate in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

(9) Section 109.6 Refunds of the *International Building Code, 2021 Edition* is amended to read as follows:

109.6 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of fee payment. The written request must set forth the basis for the request for refund, identify the project for which a refund is requested and the request must be from the same person or entity which paid the fees.

1. The Building Official may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
2. If the plans for the project have been reviewed to any extent at the time a refund request is submitted, no refund of the plan review fees will be authorized by the Building Official.

(10) Section 115.1 Authority of the *International Building Code, 2021 Edition* is amended to read as follows:

115.1 Authority. Upon notice from the code official that building work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property or to the owner's agent or to the person doing the work. 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 with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

(11) Section 115 Investigation is amended by adding Subsections 115.5 and 115.5.1 to read as follows:

115.5. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made by the Building Official, into why a permit was not obtained before a permit may be issued for such work.

115.5.1 Investigation Fee. 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 shall be charged at the rate in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council. The minimum investigation fee shall be the same as the minimum fee in accordance with the Schedule of Fees of the City of Black Hawk, as 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 or from any penalty prescribed by law.

(12) Section 1110.2.2 Water Closets design for assisted toileting (and all subsections) is deleted in its entirety.

(13) Section 1110.2.3 Standard roll-in-type shower compartment design for assisted bathing (and all subsections) is deleted in its entirety.

(14) Section 1608.2 Ground Snow Loads of the *International Building Code, 2021 Edition* is amended to read as follows:

1608.2 Ground Snow Loads. The design ground snow load for the City of Black Hawk is 77 pounds per square foot.

(15) Section 1612.3 Establishment of Flood Hazard Areas of the *International Building Code, 2021 Edition* is amended to read as follows:

1612.3 Establishment of Flood Hazard Areas. Flood hazard areas in the City of Black Hawk are as established by the Floodplain Information Report for Gilpin County, Colorado and Incorporated Areas in the City of Black Hawk prepared for the City of Black Hawk and the Colorado Water Conservation Board by the Federal Emergency Management Agency Flood Insurance Study for the City of Black Hawk dated April 6, 2022 as amended or revised with the accompanying Flood Insurance Rate Map FIRM Panel Numbers 08047C0136D, 08047C0117D & 08047C0109D dated April 6, 2022, and related supporting data along with any revisions thereto. The adopted Flood Insurance Rate Map and supporting data are hereby adopted by reference and declared to be part of this section.

(16) Section 1809.5 Frost Depth Item 1 of the *International Building Code, 2021 Edition* is amended to read as follows:

EXCEPTION: Extending below the frost line of 48 inches.

Sec. 18-5. Amendments to the International Fire Code, 2021 Edition.

(1) Section 101.1 Title of the *International Fire Code, 2021 Edition* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code of the City of Black Hawk*, hereinafter referred to as "this code."

(2) Section 101.2.1 Appendices of the *International Fire Code, 2021 Edition* is amended to read as follows:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The following appendices published by the International Code Council (ICC) and NFPA standards published by the National Fire Protection Association are specifically adopted and made part of the *Fire Code of the City of Black Hawk*:

Appendix B - Fire Flow Requirements for Buildings;

Appendix C - Fire Hydrant Locations and Distribution;

Appendix D - Fire Department Access Roads;

Appendix I - Fire Protection Systems – Noncompliant Conditions;

National Fire Protection Association (NFPA) - as referenced by the 2021 IFC.

(3) Section 103.1 Creation of agency of the *International Fire Code, 2021 Edition* is amended to read as follows:

103.1 Creation of agency. The Fire Prevention Division of the Black Hawk Fire Department is hereby created and the official in charge therefore shall be known as the Fire Code Official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

(4) Section 103.2 Appointment Division of Fire Prevention, of the *International Fire Code, 2021 Edition* is amended to read as follows:

103.2 Appointment. The Fire Code Official shall be appointed by the Black Hawk Fire Chief.

(5) Section 103.3 Deputies of the *International Fire Code, 2021 Edition* is amended to read as follows:

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the Fire Chief, the Fire Code Official shall have the authority to appoint a Deputy Fire Code Official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the Fire Code Official.

(6) Section 105.5 Required operational permits of the *International Fire Code, 2021 Edition* is amended by adding Section 105.5.53 to read as follows:

105.5.53 Required temporary fire watch. An operational permit is required to operate a business when one of the following conditions exist:

1. When required by other sections of this code;
2. When the fire code official deems a condition essential for public safety;
3. When the fire code official determines that a condition may result in a rekindle;
4. When the fire alarm and detection system is off-line or out of service for scheduled repairs or maintenance for a duration of more than 10 hours;
5. When the fire suppression system is off-line or out of service for scheduled repairs or maintenance for a duration of more than 10 hours; and
6. Where *any* fire alarm and detection or water-based fire protection system is placed out of service for unplanned repair or maintenance.

105.5.53.1 Duration. Temporary fire watch permits shall be valid for a period not to exceed 24 hours.

105.5.53.2 Financial responsibility. The property owner, tenant or occupant in control of the premises shall be responsible for the cost of providing a fire watch.

105.5.53.3 Fire watch logs. Fire watch logs shall include but are not limited to the following:

1. Identification of the building or area by name and address that is under fire watch;
2. The date and time each round or tour is complete, plus comments on what was observed;
3. Each entry shall contain the name and signature of the person conducting the fire watch; and
4. Fire watch logs shall be immediately accessible for review by the fire chief, fire code official or their designee.

105.5.53.4 Fire watch log submission. A copy of the fire watch log shall be submitted to the Black Hawk Fire Department's Fire Prevention Division immediately following the conclusion of the fire watch.

EXCEPTION: The Fire Code Official may approve an extended fire watch permit for a duration that does not exceed 30 days.

(7) Section 112.4 Violation Penalties of the *International Fire Code, 2021 Edition* is amended to read as follows:

112.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a civil infraction punishable by a fine of not more than \$499. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.

(8) Section 507.5.3 Private fire service mains and water tanks of the *International Fire Code, 2021 Edition* is amended by adding new subsections 507.5.3.1 and 507.5.3.2 Fire Protection Water Supplies to read as follows:

507.5.3.1 Fire mains. Fire mains and appurtenances shall be sized to accommodate the calculated fire flow but shall not be less than 6 inches (152 mm) in diameter.

507.5.3.2 Dead-end fire mains. Dead-end fire mains shall not be less than 8 inches (203 mm) in diameter unless calculations determine otherwise and authorized by the authority having jurisdiction.

(9) Section 901.7.4 Preplanned impairment programs of the *International Fire Code, 2021 Edition* is amended to read as follows:

901.7.4 Preplanned impairment programs. Preplanned impairment shall be authorized by the impairment coordinator. Before authorization is given, a designated individual shall be responsible for verifying that all of the following procedures have been implemented:

1. The extent and the expected duration have been determined. If the system is scheduled to be down for 10 or more hours in a 24-hour period, a fire watch shall be initiated with an approved permit;
2. The areas or buildings involved have been inspected and the increased risks determined;
3. Recommendations have been submitted to management or the building owner/manager;
4. The fire department has been notified;
5. The insurance carrier, the alarm company, the building owner/manager and other authorities having jurisdictions have been notified;
6. The supervisors in the areas to be affected have been notified.
7. A tag impairment system has been implemented; and
8. Necessary tools and materials have been assembled on the impairment site.

(10) Section 903.2.1 Group A of the *International Fire Code, 2021 Edition* is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies where one of the following conditions exist:

1. The fire area exceeds 2,500 square feet (232 square meters);
2. The fire area has an occupant load of 100 or more; and
3. The fire area is located on a floor other than the level of exit discharge serving such occupancies.

(11) Section 903.2.1.1 Group A-1 of the *International Fire Code, 2021 Edition* is deleted in its entirety.

(12) Section 903.2.1.2 Group A-2 Casino of the *International Fire Code, 2021 Edition* is amended to read as follows:

903.2.1.2 Group A-2 Casino. An automatic sprinkler system shall be provided throughout buildings and portions thereof containing Group A-2 Casino occupancies regardless of size or occupant load. Such sprinkler system shall be provided throughout the entire building including, but not limited to the casino, offices, multipurpose areas, storage areas, parking garages, hotels, restaurants, and other spaces contiguous and accessory to the building.

(13) Section 903.2.1.3 Group A-3 of the *International Fire Code, 2021 Edition* is deleted in its entirety.

(14) Section 903.2.1.4 Group A-4 of the *International Fire Code, 2021 Edition* is deleted in its entirety.

(15) Section 903.2.1.5 Group A-5, *2021 Edition* of the *International Fire Code* is deleted in its entirety.

(16) Section 903.2.1.6 Assembly occupancies on roofs of the *International Fire Code, 2021 Edition* is amended to read as follows:

903.2.1.6 Assembly occupancies on roofs. Where an occupied roof has an assembly occupancy regardless of occupant load, all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with Sections 903.3.1.1 or 903.3.1.2.

EXCEPTION: Open parking garages of Type I or Type II construction.

(17) Section 903.2.3 Group E of the *International Fire Code, 2021 Edition* is amended to read as follows:

903.2.3 Group E. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group E occupancies where one of the following conditions exist:

1. The fire area exceeds 2,500 square feet (232 square meters);
2. The fire area has an occupant load of 100 or more; and
3. The fire area is located on a floor other than the level of exit discharge serving such occupancies.

(18) Section 903.2.4 Group F of the *International Fire Code, 2021 Edition* is amended to read as follows:

903.2.4 Group F. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group F occupancies where one of the following conditions exist:

1. The fire area exceeds 2,500 square feet (232 square meters);
2. The fire area has an occupant load of 100 or more; and
3. The fire area is located on a floor other than the level of exit discharge serving such occupancies.

(19) Section 903.2.6 Group I of the *International Fire Code, 2021 Edition* is amended to read as follows.

903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group I occupancies where one of the following conditions exist:

1. The fire area exceeds 2,500 square feet (232 square meters);
2. The fire area has an occupant load of 100 or more; and
3. The fire area is located on a floor other than the level of exit discharge serving such occupancies.

(20) Section 903.2.7 Group B and M of the *International Fire Code, 2021 Edition* is amended to read as follows:

903.2.7 Group B and M. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group B and M occupancies where one of the following conditions exist:

1. The fire area exceeds 5,000 square feet (464 square meters);
2. The fire area is located more than 3 stories above grade plane;
3. The combined area of all fire areas on all floors, including mezzanines, exceeds 10,000 square feet (929 square meters); and
4. Occupancies used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet (232 square meters).

(21) Section 903.2.9 Group S-1 of the *International Fire Code, 2021 Edition* is amended to read as follows:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group S-1 occupancies where one of the following conditions exist:

1. The fire area exceeds 2,500 square feet (232 square meters);
2. The fire area has an occupant load of 100 or more; and
3. The fire area is located on a floor other than the level of exit discharge serving such occupancies.

(22) Section 903.2.9 Group S-2 of the *International Fire Code, 2021 Edition* is amended to read as follows:

903.2.9 Group S-2. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group S-2 occupancies where one of the following conditions exist:

1. The fire area exceeds 2,500 square feet (232 square meters);
2. The fire area has an occupant load of 100 or more; and
3. The fire area is located on a floor other than the level of exit discharge serving such occupancies.

(23) Section 903.2.9.3 Group S-1 Distilleries of the *International Fire Code, 2021 Edition* is amended to read as follows:

903.2.9.3 Group S-1 Distilleries. An automatic sprinkler system shall be provided throughout buildings and portions thereof containing Group S-1 distillery occupancies regardless of size or occupant load. Such sprinkler system shall be provided throughout the entire building including, but not limited to the barrel storage areas, tasting rooms, multipurpose areas, storage areas, and other spaces contiguous and accessory to the building.

(24) 903.2.10.1. Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 2,500 square feet (232 square meters).

(25) Section 905.3 Required Installations of the *International Fire Code, 2021 Edition* is amended and reads as follows:

Section 905.3 Required Installations. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Only Class I Standpipe systems with 1 ½" x 2 ½" National Hose adaptors as determined by the Authority Having Jurisdiction shall be installed. Standpipe systems are permitted to be combined with automatic sprinkler systems.

(26) Section 905.11 Locking standpipe outlet caps of the *International Fire Code, 2021 Edition* is amended to read as follows:

905.11 Locking standpipe outlet caps. Standpipe outlets shall be provided with locking caps approved by the fire code official.

(27) Section 907.2.1 Group A of the *International Fire Code, 2021 Edition* is amended by deleting Exception to Section 907.2.1.

(28) Section 907 of the *International Fire Code, 2021 Edition* is amended by adding Section 907.2.1.3 to read as follows:

907.2.1.3 Group A-2 Casino. An automatic and manual fire alarm system shall be installed in accordance with the most current edition of NFPA 72 and the provisions of this code throughout every building containing a casino regardless of size or occupant load. The fire alarm system shall be provided throughout the casino and in all contiguous and accessory spaces including, but not limited to offices, stages, storage areas, parking garages, restaurants and elevator lobbies servicing parking garages and hotels.

EXCEPTION: Parking garages that are protected throughout by an automatic sprinkler system.

(29) Section 912.4.1 Locking fire department connection caps of the *International Fire Code, 2021 Edition* is amended to read as follows:

912.4.1 Locking fire department connection caps. All water-based fire protection systems shall be provided with locking caps approved by the fire code official.

(30) Section 1103.5.1 Group A-2 of the *International Fire Code, 2021 Edition* is amended to read as follows:

1103.5.1 Group A-2. Where alcoholic beverages are consumed in an A-2 occupancy having an occupant load of 100 or more, the fire area containing the Group A-2 occupancy shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1

(31) Section 1103.5.3 Group I-2, condition 2 of the *International Fire Code, 2021 Edition* is deleted in its entirety.

(32) Section 5704.2.9.6.1.1 Above-ground tanks outside of buildings of the *International Fire Code, 2021 Edition* is amended to read as follows:

5704.2.9.5.1.1 Above-ground tanks outside of buildings. In addition to the requirements of the IFC, the storage of Class I and Class II liquids in above-ground tanks outside of buildings shall conform to the provisions of Chapter 16 (Zoning) of the City of Black Hawk Municipal Code.

(33) Section 5706.2.4.4 Locations where above-ground tanks are prohibited of the *International Fire Code, 2021 Edition* is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. In addition to the requirements of the IFC, the storage of Class I and Class II liquids in above-ground tanks outside of buildings shall conform to the provisions of Chapter 16 (Zoning) of the City of Black Hawk Municipal Code.

(34) Section 5806.2 Limitations of the *International Fire Code, 2021 Edition* is amended to read as follows:

5806.2 Limitations. In addition to the requirements of the IFC, the storage of Class I and Class II liquids in above-ground tanks outside of buildings shall conform to the provisions of Chapter 16 (Zoning) of the City of Black Hawk Municipal Code.

(35) Section 6104.2 Maximum capacity within established limits of the *International Fire Code, 2021 Edition* is amended to read as follows:

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 1,000 gallons, with maximum individual container capacity not to exceed 500-gallon water capacity.

EXCEPTION: In particular installations, this capacity limit shall be determined by the Fire Chief and Fire Code Official, after consideration of special features such as topographical conditions, nature of the occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the Fire Department.

Sec. 18-6. Amendments to the International Residential Code, 2021 Edition.

(1) Section R101.1 Title of the *International Residential Code, 2021 Edition* is amended to read as follows:

R101.1 Title. These regulations shall be known as the *Residential Code for One- and Two-family Dwellings of the City of Black Hawk*, hereinafter referred to as "this code."

(2) Section 101.2.1 Appendices of the *International Residential Code, 2021 Edition* is amended to read as follows:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The following appendices published by the International Code Council (ICC) are specifically adopted and made part of the *Residential Code for One- and Two-family Dwellings of the City of Black Hawk*:

1. Appendix AF, Radon Control Methods; and
2. Appendix AH, Patio Covers.

(3) Section 103.1 Creation of enforcement agency of the *International Residential Code, 2021 Edition* is amended to read as follows:

Section 103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the Building Official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

(4) Section R105.1 Required Permits of the *International Residential Code, 2021 Edition* is amended to read as follows by adding Subsections 105.1.1:

R105.1.1 Building:

1. Any re-roofing project or any roof repair that requires more than 25 percent (25%) of the roof to be replaced.

(5) Section R108 Residential Permit Fees of the *International Residential Code, 2021 Edition* is deleted in its entirety and amended to read as follows:

R108.1 Residential Permit Fees. A permit shall be issued by the Building Official for new construction, rehabilitation, remodeling, additions, accessory buildings or alterations to all residential structures including relocated residential structures. Permit fees and plan review fees are assessed but not collected from the homeowner if the residence is located within the Historic Residential (HR) Zoning District. No Sales Tax is assessed or collected on these projects. New construction, rehabilitation, remodeling, relocation, addition or accessory building improvements are made in accordance with the Design Standards of the

City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.

Residential building outside the Historic Residential (HR) Zoning District are responsible for all currently adopted building fees for new construction, rehabilitation, remodeling, additions, accessory buildings, or alterations. All permit applications are reviewed by the Building Official and must meet the Design Standards of the City of Black Hawk, as adopted by the City Council.

R108.1.2 Restoration and Community Preservation Fund Grant Program Fees. A permit shall be issued by the Building Official for all renovations that are approved by the City Council and funded by a Historic Restoration and Community Preservation Program; permit fee and plan review fees are assessed but not collected from the homeowner. No Sales Tax is assessed or collected on these projects.

(6) Section 109.6 Refunds of the *International Residential Code, 2021 Edition* is amended to read as follows:

109.6 Fee Refunds. For building outside the Historic Residential (HR) Zoning District. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of fee payment. The written request must set forth the basis for the request for refund, identify the project for which a refund is requested, and the request must be from the same person or entity which paid the fees.

1. The Building Official may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code; and
2. If the plans for the project have been reviewed to any extent at the time a refund request is submitted, no refund of the plan review fees will be authorized by the Building Official.

(7) Section R114 Authority of the *International Residential Code, 2021 Edition* is amended to read as follows:

R116.1 Authority. Upon notice from the Code Official that building work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be

given to the owner of the property, or to the owner's agent, or to the person doing the work. 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 with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

(8) Section R202 Definitions of the *International Residential Code, 2021 Edition* is amended as follows:

The definition for Bedroom is added to read as follows:

Bedroom is defined as a habitable space in a building used for sleeping, is directly or indirectly heated and cooled, includes an egress window and closet for storage.

(9) Table R301.2(1) of the *International Residential Code, 2021 Edition* is amended by adding design criteria to read as follows:

Table R301.2(1)
Climatic and Geographic Design Criteria

Ground Snow Load ⁰	Wind Design				Seismic Design Category	Subject To Damage From			Winter Design Temp [*]	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index ¹	Mean Annual Temp
	Speed [*] (Mph)	Topo-Graphical Effects ²	Special Wind Region	Wind- Borne Debris Zone		Weathering	Frost Depth	Termite					
55psf	130 3 Sec Gust	-	-	No	B	Severe	48"	Slight- Moderate	0°	Yes	See Footnote G	2000	45°

MANUAL J DESIGN CRITERIA

Elevation	Latitude	Winter Heating	Summer Cooling	Altitude correction factor	Indoor Design Temperature	Design Temperature Cooling	Heating Temperature Difference
8537	39°N	0°	72°	.832	70°	75°	70°
Cooling temperature Difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Sum mer humi dity	-
-3°	15mph	7.5mph	50	H	30%	50%	-

*Footnotes not mentioned here shall be as-is found in published IRC.

g. 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 Gilpin County, Colorado and Incorporated Areas," dated April 6, 2022, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) Panel Numbers — 08047C0136D, 08047C0117D & 08047C0109D dated April 6, 2022, 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 a part of this Section.

Table R301.2(1) - continued
Climatic and Geographic Design Criteria

Roof Snow Load	38
Wind Speed	130 3 Sec Gust
Zone	7
Codes	2021
Electrical by Jurisdiction	Yes

(10) Section R313.2 One- and two-family dwellings automatic sprinkler system of the *International Residential Code, 2021 Edition* is amended to read as follows:

EXCEPTIONS:

1. An automatic sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with a sprinkler system; and
2. An automatic sprinkler system shall not be required in homes located in the Historic Residential Zoning District.

(11) Section G2445 Unvented Room Heaters of the *International Residential Code, 2021 Edition* is deleted in its entirety.

(12) Section P2603.5.1 Sewer Depth of the *International Residential Code, 2021 Edition* is amended to read as follows:

P2603.5.1 Sewer Depth. Building sewers shall be not less than 48 inches (1219 mm) below grade.

Sec. 18-7. Amendments to the International Mechanical Code, 2021 Edition.

(1) Section 101.1 Title of the *International Mechanical Code, 2021 Edition* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Mechanical Code of the City of Black Hawk*, hereinafter referred to as "this code."

(2) Section 103.1 Creation of enforcement agency of the *International Mechanical Code, 2021 Edition* is amended to read as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

(3) Section 109.2 Schedule of Permit fees of the *International Mechanical Code, 2021 Edition* is amended to read as follows:

109.2 Schedule of permit fees. Where a permit is required for structures, gas, mechanical, plumbing systems or alterations, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.

NOTE: Fees are based on the total valuation for a project (labor and material). All trades must be included on the general construction permit application.

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition 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 107.3.4.1, an additional plan review fee shall be charged at the rate in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

(4) Section 109.6 Fee refunds of the *International Mechanical Code, 2021 Edition* is amended to read as follows:

106.5.3 Fee refunds. The Code Official shall authorize the refunding of fees as follows:

The Building Official may authorize refunding of any fee paid hereunder which

was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

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. The written request must set forth the basis for the request for refund, identify the project for which a refund is requested and the request must be from the same person or entity which paid the fees.

1. The Building Official may authorize refunding of not more than 80 percent (80%) of the permit fees paid when no work has been done under a permit issued in accordance with this code.
2. If the plans for the project have been reviewed to any extent at the time a refund request is submitted, no refund of the plan review fees will be authorized by the Building Official.

(5) Section 116 Authority of the *International Mechanical Code, 2021 Edition* is amended to read as follows:

116.1 Authority. Upon notice from the Code Official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. 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 with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

(6) Section 115.4 Violations of the *International Mechanical Code, 2021 Edition* is deleted in its entirety.

(7) Section 403.3 Outdoor air and local exhaust airflow rates is amended to read as follows:

403.3 Outdoor air and local exhaust airflow rates Group R-2, R-3 and R-4 occupancies shall be provided with outdoor air and local exhaust in accordance with Section 403.3.2. Other buildings intended to be occupied shall be provided with outdoor air and local exhaust in accordance with Section 403.3.1.

(8) Section 403.3.1 Other buildings intended to be occupied is amended to

read as follows:

403.3.1 Other buildings intended to be occupied. The design of local exhaust systems and ventilation systems for outdoor air for occupancies other than Group R-2, R-3 and R-4 shall comply with Sections 403.3.1.1 through 403.3.1.4.

(9) Section 403.3.2 Group R-2, R-3, and R-4 occupancies is amended to read as follows:

403.3.2 Group R-2, R-3, and R-4 occupancies. The design of local exhaust systems and ventilation systems for outdoor air in Group R-2, R-3 and R-4 occupancies shall comply with Sections 403.3.2.1 through 403.3.2.5.

(10) Section 903.3 Unvented gas log heaters of the *International Mechanical Code, 2021 Edition* is amended to read as follows:

903.3 Unvented gas log heaters. An unvented gas log heater shall not be installed in a factory-built fireplace.

Sec. 18-8. Amendments to the International Plumbing Code, 2021 Edition.

(1) Section 101.1 Title of the *International Plumbing Code, 2021 Edition* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Plumbing Code of the City of Black Hawk*, hereinafter referred to as "this code."

(2) Section 103.1 Creation of enforcement agency is amended to read as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the Building Official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

(3) Section 109.2 Schedule of Permit fees of the *International Plumbing Code, 2021 Edition* is amended to read as follows:

109.2 Schedule of permit fees. Where a permit is required for structures, gas, mechanical, plumbing systems or alterations, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.

NOTE: Fees are based on the total valuation for a project (labor and material). All trades must be included on the general construction permit application.

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition 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 107.3.4.1, an additional plan review fee shall be charged at the rate in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

(4) Section 109.6 Refunds of the *International Plumbing Code, 2021 Edition* is amended to read as follows:

109.6 Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of fee payment. The written request must set forth the basis for the request for refund, identify the project for which a refund is requested, and the request must be from the same person or entity which paid the fees.

1. The Building Official may authorize refunding of not more than 80 percent (80%) of the permit fees paid when no work has been done under a permit issued in accordance with this code.
2. If the plans for the project have been reviewed to any extent at the time a refund request is submitted, no refund of the plan review fees will be authorized by the Building Official.

(5) Section 116 Authority of the *International Plumbing Code, 2021 Edition* is amended to read as follows:

116.1 Authority. Upon notice from the Code Official that plumbing work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. 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 with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

(6) Section 115.4 Violation Penalties of the *International Plumbing Code, 2021 Edition* is deleted in its entirety.

(7) Section 305.4.1 Sewer. Depth of the *International Plumbing Code, 2021 Edition* is amended to read as follows:

305.4.1 Sewer Depth. Building sewers shall be not less than 48 inches (1,219 mm) below grade.

(8) Section 903.1.1 Roof extension unprotected of the *International Plumbing Code, 2021 Edition* is amended to read as follows:

903.1.1 Roof extension unprotected. Open vent pipes that extend through a roof shall be terminated not less than 12 inches (305 mm) above the roof.

Sec. 18-9. Amendments to the International Energy Conservation Code, 2021 Edition.

(1) Section C101.1 Title of the *International Energy Conservation Code, 2021 Edition* is amended to read as follows:

C101.1 Title. The regulations shall be known as the *Energy Conservation Code of the City of Black Hawk*, hereinafter referred to as "this code."

(2) Section 109.2 Schedule of Permit fees of the *International Energy Conservation Code, 2021 Edition* is amended to read as follows:

109.2 Schedule of permit fees. Where a permit is required for structures, gas, mechanical, plumbing systems or alterations, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.

NOTE: Fees are based on the total valuation for a project (labor and material). All trades must be included on the general construction permit application.

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition 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 107.3.4.1, an additional plan review fee shall be charged at the rate in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

(3) Section C104.5 Refunds of the *International Energy Conservation Code, 2021 Edition* is amended to read as follows:

C104.5 Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of fee payment. The written request must set forth the basis for the request for refund, identify the project for which a refund is requested, and the request must be from the same person or entity which paid the fees.

1. The Building Official may authorize refunding of not more than 80 percent (80%) of the permit fees paid when no work has been done under a permit issued in accordance with this code.
2. If the plans for the project have been reviewed to any extent at the time a refund request is submitted, no refund of the plan review fees will be authorized by the Building Official.

(4) Section C501.6 Historic Building of the *International Energy Conservation Code, 2021 Edition* is amended to read as follows:

C501.6 Historic Building. No provisions of this code relating to the construction, repair, alteration, restoration, and movement of structures, and change of occupancy shall be mandatory for historic buildings.

(5) Section R101.1 Title of the *International Energy Conservation Code, 2021 Edition* is amended to read as follows:

R101.1 Title. This code shall be known as the International Energy Conservation Code of the City of Black Hawk and shall be cited as such. It is referred to herein as "this code."

(6) Section R104 Fees of the *International Energy Conservation Code, 2021*

Edition is amended to read as follows:

R104.1.1 Residential Permit Fees. A permit shall be issued by the Building Official for new construction, rehabilitation, remodeling, additions, accessory buildings or alterations to all residential structures including relocated residential structures. Permit fees and plan review fees are assessed but not collected from the homeowner if the residence is located within the Historic Residential (HR) Zoning District. No Sales Tax is assessed or collected on these projects. New construction, rehabilitation, remodeling, relocation, addition or accessory building improvements are made in accordance with the Design Standards of the City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.

Residential building outside the Historic Residential (HR) Zoning District are responsible for all currently adopted building fees for new construction, rehabilitation, remodeling, additions, accessory buildings or alterations. All permit applications are reviewed by the Building Official and must meet the Design Standards of the City of Black Hawk, as adopted by the City Council.

R104.1.2 Restoration and Community Preservation Fund Grant Program Fees. A permit shall be issued by the Building Official for all renovations that are approved by the City Council and funded by a Historic Restoration and Community Preservation Program; permit fee and plan review fees are assessed but not collected from the homeowner. No Sales Tax is assessed or collected on these projects.

(7) Section R501.6 Historic Building of the *International Energy Conservation Code, 2021 Edition* is amended to read as follows:

R501.6 Historic Building. No provisions of this code relating to the construction, repair, alteration, restoration, and movement of structures, and change of occupancy shall be mandatory for historic buildings.

Sec. 18-10. Amendments to the International Existing Building Code, 2021 Edition.

(1) Section 101.1 Title of the *International Existing Building Code, 2021 Edition* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Existing Building Code of the City of Black Hawk*, hereinafter referred to as "this code."

(2) Section 103.1 Creation of enforcement agency is amended to read as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the Building Official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

(3) Section 109.2 Schedule of Permit fees of the *International Existing Building Code, 2021 Edition* is amended to read as follows:

109.2 Schedule of permit fees. Where a permit is required for structures, gas, mechanical, plumbing systems or alterations, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.

NOTE: Fees are based on the total valuation for a project (labor and material). All trades must be included on the general construction permit application.

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition 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 107.3.4.1, an additional plan review fee shall be charged at the rate in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

(4) Section 108.6 Refunds of the *International Existing Building Code, 2021 Edition* is amended to read as follows:

108.6 Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of fee payment. The written request must set forth the basis for the request for refund, identify the project for which a refund is requested, and the request must be from the same person or entity which paid the fees.

1. The Building Official may authorize refunding of not more than 80 percent (80%) of the permit fees paid when no work has been done under a permit issued in accordance with this code.

2. If the plans for the project have been reviewed to any extent at the time a refund request is submitted, no refund of the plan review fees will be authorized by the Building Official

(5) Section 1301.2 Applicability of the *International Existing Building Code, 2021 Edition* is amended to read as follows:

1301.2 Applicability. These provisions shall not apply to buildings with occupancies in Group H or I-1, I-3, or I-4.

Sec. 18-11. Amendments to the International Fuel Gas Code, 2021 Edition.

(1) Section 101.1 Title of the *International Fuel Gas Code, 2021 Edition* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fuel Gas Code of the City of Black Hawk* hereinafter referred to as "this code."

(2) Section 103.1 Creation of enforcement agency is amended to read as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the Building Official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

(3) Section 109.2 Schedule of Permit fees of the *International Fuel Gas Code, 2021 Edition* is amended to read as follows:

109.2 Schedule of permit fees. Where a permit is required for structures, gas, mechanical, plumbing systems or alterations, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.

NOTE: Fees are based on the total valuation for a project (labor and material). All trades must be included on the general construction permit application.

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition 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 107.3.4.1,

an additional plan review fee shall be charged at the rate in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

(4) Section 109.6 Refunds of the *International Fuel Gas Code, 2021 Edition* is amended to read as follows:

Section 109.6 Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of fee payment. The written request must set forth the basis for the request for refund, identify the project for which a refund is requested, and the request must be from the same person or entity which paid the fees.

1. The Building Official may authorize refunding of not more than 80 percent (80%) of the permit fees paid when no work has been done under a permit issued in accordance with this code.
2. If the plans for the project have been reviewed to any extent at the time a refund request is submitted, no refund of the plan review fees will be authorized by the Building Official.

(5) Section 115.4 Violation penalties of the *International Fuel Gas Code, 2021 Edition* is deleted in its entirety.

(6) Section 116 Authority of the *International Fuel Gas Code, 2021 Edition* is amended to read as follows:

116.1 Authority. Upon notice from the code official that fuel gas work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. 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 with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

(7) Section 621 Unvented Room Heaters of the *International Fuel Gas Code, 2021 Edition* is deleted in its entirety.

Sec. 18-12. Amendments to the International Swimming Pool and Spa Code, 2021 Edition.

(1) Section 101.1 Title of the *International Swimming Pool and Spa Code, 2021 Edition* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Swimming Pool and Spa Code of Black Hawk* hereinafter referred to as "this code."

(2) Section 103.1 Creation of enforcement agency is amended to read as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the Building Official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

(3) Section 108.2 Schedule of Permit fees of the *International Swimming Pool and Spa Code, 2021 Edition* is amended to read as follows:

108.2 Schedule of permit fees. Where a permit is required for structures, gas, mechanical, plumbing systems or alterations, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.

NOTE: Fees are based on the total valuation for a project (labor and material). All trades must be included on the general construction permit application.

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

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. 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 107.3.4.1, an additional plan review fee shall be charged at the rate in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

(4) Section 108.6 Refunds of the *International Swimming Pool and Spa Code* is amended to read as follows:

108.6 Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an

owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of fee payment. The written request must set forth the basis for the request for refund, identify the project for which a refund is requested, and the request must be from the same person or entity which paid the fees.

1. The Building Official may authorize refunding of not more than 80 percent (80%) of the permit fees paid when no work has been done under a permit issued in accordance with this code.
2. If the plans for the project have been reviewed to any extent at the time a refund request is submitted, no refund of the plan review fees will be authorized by the Building Official.

(5) Section 114 Authority of the *International Swimming Pool and Spa Code* *International Swimming Pool and Spa Code, 2021 Edition* is amended to read as follows:

114.1 Authority. Upon notice from the Code Official that pool and/or spa work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. 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 with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

(6) Section 115.4 Violation penalties of the *International Swimming Pool and Spa Code* is deleted in its entirety.

Sec. 18-13. Amendments to the International Property Maintenance Code, 2021 Edition.

(1) Section 101.1 Title of the *International Property Maintenance Code, 2021 Edition* is amended to read as follows:

101.1 Title. These regulations shall be known as the *Property Maintenance Code of Black Hawk* hereinafter referred to as "this code."

(2) Section 103.1 Creation of enforcement agency is amended to read as follows:

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the Building Official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

(3) Section 108.2 Schedule of Permit fees of the *International Property Maintenance Code, 2021 Edition* is amended to read as follows:

108.2 Schedule of permit fees. Where a permit is required for structures, gas, mechanical, plumbing systems or alterations, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council. All permit applications are reviewed by the Building Official.

NOTE: Fees are based on the total valuation for a project (labor and material). All trades must be included on the general construction permit application.

109.2.1 Plan Review Fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

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. 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 107.3.4.1, an additional plan review fee shall be charged at the rate in accordance with the Schedule of Fees of the City of Black Hawk, as adopted by the City Council.

(4) Section 108.6 Refunds of the *International Property Maintenance Code, 2021 Edition* is amended to read as follows:

108.6 Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected,

an audit may be required by the Building Official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of fee payment. The written request must set forth the basis for the request for refund, identify the project for which a refund is requested and the request must be from the same person or entity which paid the fees.

1. The Building Official may authorize refunding of not more than 80 percent (80%) of the permit fees paid when no work has been done under a permit issued in accordance with this code.
2. If the plans for the project have been reviewed to any extent at the time a refund request is submitted, no refund of the plan review fees will be authorized by the Building Official.

(5) Section 110 Authority of the *International Property Maintenance Code, 2021 Edition* is amended to read as follows:

110.1 Authority. Upon notice from the Code Official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. 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 with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

(6) Section 110.4 Violation penalties of the *International Property Maintenance Code, 2021 Edition* is deleted in its entirety.

Sec. 18-14. Penalty.

Failure to comply with the terms of the *International Building Code* or with this Article shall constitute a civil infraction. Any person who is found guilty of, or pleads guilty or nolo contendere to the commission of, the civil infraction shall be subject to a civil penalty as set forth in this Code. For each day, or portion thereof during which any violation continues, a person may be cited for a separate civil infraction.

Section 2. Article II of Chapter 18 of the City of Black Hawk Municipal Code is hereby repealed in its entirety.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

INTRODUCED AND ADOPTED ON FIRST READING this 9th day of November, 2022.


David D. Spellman, Mayor


ATTEST:


Melissa A. Greiner, City Clerk, CMC

READ, PASSED ON SECOND READING AND ORDERED POSTED this 7th day of December, 2022.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, City Clerk, CMC

