



REGULAR MEETING AGENDA

City of Black Hawk City Council
211 Church Street, Black Hawk, CO

November 9, 2022

BUDGET WORK SESSION

2:00 p.m.

REGULAR MEETING

Immediately following Budget Work Session

RINGING OF THE BELL:

1. CALL TO ORDER:
2. ROLL CALL & PLEDGE OF ALLEGIANCE:
3. AGENDA CHANGES:
4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)
5. INTRODUCTION OF NEW EMPLOYEE:
 - Firefighter Calob Perry
 - Police Officer Duncan Cross
 - Police Officer Timothy Maytum
 - Police Officer Joshua Smith
 - Public Works Water Operator II Michael Downing
 - Public Works Water Operator III Travis (Royce) McLain
 - Public Works Water Operator I John Null
 - Public Works Utility Operator II Matthew Micklich
6. PUBLIC COMMENT: *Please limit comments to 5 minutes*
7. APPROVAL OF MINUTES: October 26, 2022
8. PUBLIC HEARINGS:
 - A. 2023 Budget Adoption – **Continued to December 7, 2022**
 - B. CB24, An Ordinance Repealing and Reenacting Division 3 of Article III of Chapter 15 of the City of Black Hawk Municipal Code Entitled History Appreciation Recreation Destination District
9. ACTION ITEMS:
 - A. Introduction of CB25, 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

MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community

10. CITY MANAGER REPORT:

11. CITY ATTORNEY REPORT:

12. EXECUTIVE SESSION:

Executive Session to hold a conference with the City's Attorney to receive legal advice on specific legal questions regarding land use on Miners Mesa and regarding City-owned buildings pursuant to C.R.S § 24-6-402(4)(b), and to instruct negotiators regarding City-owned land on Gregory Hill, the Gregory Street HARD District, other City-owned property, and potential property acquisition pursuant to C.R.S § 24-6-402(4)(e).

13. ADJOURNMENT:

MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community



City of Black Hawk New Employee Introduction



Calob Perry
Firefighter

I am very excited to be starting a career as a firefighter in Black Hawk. This is a goal I have been working toward for several years; I started volunteering in Granby as a firefighter before becoming an EMT and working at Stadium Medical, at that time I also started volunteering as a firefighter with the City of Golden. Currently I live in Parker but I grew up in the Littleton area. I have played hockey for the majority of my life. I played hockey through high school and took a break for a few years while I explored fencing. Eventually I found my way back to hockey and still play on several rec leagues. In my free time I hang out with my wife and daughter, Riverlynn, who was born on September 6th! In the summer time I enjoy going on hikes and occasionally backpacking trips when I am able.



City of Black Hawk New Employee Introduction



Police Officer
Duncan Cross

Officer Duncan Cross was born and raised Colorado. He attended Colorado Mesa University where he played Lacrosse for the University and studied Criminal Justice (CJ). While in college, they offered POST certification academy as part of the CJ curriculum and Duncan took full advantage of that opportunity. Therefore, when he graduated with his bachelor's degree, he was also POST certified and ready to start his Law Enforcement career.

He became a Black Hawk Officer in June of 2022, and is loving this growth opportunity.

He enjoys spending time with his family, his girlfriend (an officer in Lone Tree), and his friends.

He still enjoys the sport of Lacrosse.



City of Black Hawk New Employee Introduction



Tim Maytum
Police Officer

Greetings,

I was born in Colorado, but my family moved to Texas from age 2-8 years old. When I was 8 my family moved back to Colorado, and I have lived here ever since. I graduated from Littleton High School in 2016 and have some college but no degree.

I graduated the police academy in May of 2020. I have some prior Law Enforcement experience from the Alamosa Police Department.

Some of my interests include Gaming, listening to music, going to concert, camping/backpacking, and spending time in the mountains.

I am happy to be here in Black Hawk.



City of Black Hawk New Employee Introduction



JD Smith
Police Officer

Hello Everyone!

My Name is JD Smith and I am very excited to be a new officer for the city of Black Hawk. A little about me...

I am a native of beautiful Colorado, growing up in Canon City before moving to the metro area in 2017. After leaving my previous career in December 2021, I put myself through Arapahoe Community College's Law Enforcement Academy and graduated in May 2022.

Things I like to do for fun... I like to try out new local restaurants, catch a scary flick at the movie theatre, and soak up the rays of warm sunny weather.

My partner and I have two beautiful daughters who are 9 and 7 years old. We are an adventurous family, and love to do family road trips and vacations, especially to the beach!

I look forward to beginning my new career with the Black Hawk Police Department and serving this thriving community!



City of Black Hawk New Employee Introduction



MICHAEL DOWNING
WATER OPERATOR II

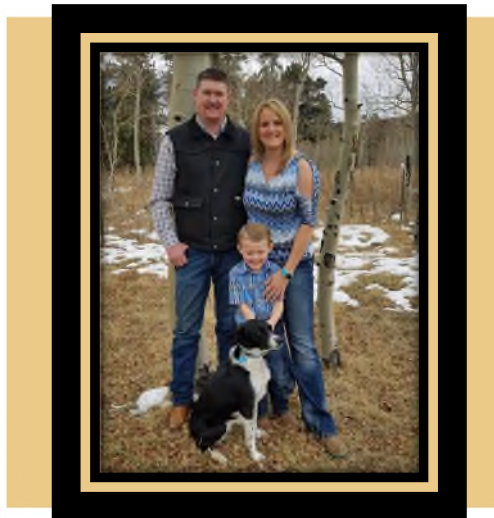
I started with the city on October 21st, 2020. I'm currently working at the Dory Hill plant. Working here has been great so far because it's outside of the busy city life in Denver, and I love the fresh mountain air. I find it meaningful to be a part of creating the best quality water for the city, residents and visitors.

My favorite place to visit in Colorado is near Almont and the Taylor River in Gunnison County, and Crested Butte. I moved to Colorado in July of 2014 from my hometown of Tucson, Arizona. I met my now wife shortly after moving to Denver and we were married in June of 2021. My goals this year are to work hard and learn as much as possible. I will be testing with the State of Colorado this fall to obtain my Water Treatment Class B and Water Distribution Level 3 license.

I would say that my biggest success and my greatest accomplishments up until now is graduating from the University of Arizona with a Bachelor of Science in Natural Resources, Watershed Management and Hydrology.



City of Black Hawk New Employee Introduction



**TRAVIS (ROYCE)
MCLAIN**

I was hired on November 2nd, 2020. I'm tasked with assisting with oversight of the Dory Hill Water Treatment Plant and City Distribution system.

I enjoy working for a smaller system and being back in the mountains. I have a wife and one son. I'm a native to the area.

I enjoy blacksmithing, wood work, and cutting firewood. My favorite movie is "The Cowboys", favorite book is "High Country" and my favorite memory is when my son was born



City of Black Hawk New Employee Introduction



JOHN NULL
WATER OPERATOR I

I started with the City on September 27th. I'm enjoying the job and my co-workers. I moved here from Texas and live with my girlfriend and our 3 cats in Broomfield. Before starting with the City I changed out water meters for various locations in Texas. In my free time I like to hike, go to concerts and sporting events.



City of Black Hawk New Employee Introduction



Matthew Micklich
Utility Operator II

Hello, my name is Matt. I have worked in the water industry for more than 7 years. I am very mechanically inclined and enjoy finding solutions and fixing things when needed. I am a Colorado native and love to spend time hunting, fishing, camping, and volunteering for my kids' sports. I look forward to joining the team at City of Black Hawk.



**City of Black Hawk
City Council**

October 26, 2022

MEETING MINUTES

Local painter Eric Miller rang the bell to open the meeting.

1. **CALL TO ORDER:** Mayor Spellman called the regular meeting of the City Council to order on Wednesday, October 26, 2022 at 3:00 p.m.

2. **ROLL CALL:** Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Staff Present: City Attorney Hoffmann, City Manager Cole, Police Chief Moriarty, Fire Chief Woolley, Finance Director Hillis, Clerk/Administrative Services Director Greiner, Public Works Director Isbester, City Engineer Reed, Water System Superintendent Fredericks, Community Planning and Development Director Linker, Development Services Coordinator Richards, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. **AGENDA CHANGES:** Deputy City Clerk Martin confirmed no agenda changes.

4. **CONFLICTS OF INTEREST:** City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State. City Council noted no conflicts.

City Attorney Hoffmann asked the audience if there were any objections to any member of the Council voting on any issue on the agenda this afternoon. There were no objections noted.

5. PUBLIC COMMENT: Deputy City Clerk Martin noted that Eric Miller had signed up to speak.

Eric Miller of Independent Painting, located in Central City, wanted to thank the City for the recent painting work through the Exterior Paint Grant Program and how wonderful Community Planning & Development employees Cindy Linker and Emily Richards were to work with. Also, in his position as the President of the Gilpin County Arts Association, he wanted to thank the City for its donation to help pull off their 75th anniversary at the Teller House, and they look forward to the City's continued support.

6. APPROVAL OF
MINUTES:

October 12, 2022

**MOTION TO
APPROVE**

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes as presented.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

7. PUBLIC HEARINGS:

A. CB23, An Ordinance Dissolving the Black Hawk Business Improvement District

Mayor Spellman read the title and opened the public hearing.

City Attorney Hoffmann introduced this item. He said the purpose of this hearing is for Council to determine if the City would allow the dissolution of the Business Improvement District (BID), which has been a part of the City since the late 1990s. He outlined the statutory process mainly concerned with debts, indebtedness, or obligations. The policy question for Council, he added, is whether it is a good idea. He submitted two pieces of information as evidence in support of the dissolution; one was the petition, signed by property owners holding more than 50% of the taxable property within the District; and he listed the signers as the Ameristar, Gilpin and Lodge, Wild Card and Sasquatch, Maverick Gaming, Bally's, Harrah's, Monarch, and the Saratoga for the record. He said the second is an agreement of transfer and use of remaining BID funds, dated November 1, 2022. It has to be approved and signed by the BID and the Silver Dollar Metropolitan District (SDMD), and it confirms there will be no obligations or indebtedness of the BID that would be unresolved by the end of the year. He reiterated that the proposed Ordinance meets the statutory criteria and the obligations will be or have been satisfied by December 31, 2022, and the BID is anticipated to be dissolved effective on or before December 31, 2022. He added that the

hearing was properly noticed.

Mayor Spellman said it is a practical matter and that the SDMD, created after the BID, duplicates their services. He added that this would save the casinos some money by not having duplication of districts; it is no longer needed.

PUBLIC HEARING:

Mayor Spellman declared Public Hearing on CB23, an Ordinance dissolving the Black Hawk Business Improvement District open and invited anyone wanting to address the Board either “for” or “against” the proposed Ordinance to come forward.

No one wished to speak, and Mayor Spellman declared the Public Hearing closed.

Alderman Torres asked about the difference between the two districts, to which City Attorney Hoffmann explained that the BID is a component unit of the City, created at the request of the business owners to improve businesses in the area, and Council must approve their Operating Plan each year. The SDMD is a Title 32 Metropolitan District, which is a separate governmental entity; Council approves their Service Plan, but they have statutory authority independent of the City, and Council does not appoint members like they do with the BID.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve CB23, an Ordinance dissolving the Black Hawk Business Improvement District.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

8. ACTION ITEMS:

A. Resolution 65-2022, A Resolution Approving the Construction Manager/General Contractor Agreement Between the City of Black Hawk and White Construction Group for the Residential Rehabilitation Program Preconstruction Phase in an Amount Not to Exceed \$14,500.00

Mayor Spellman read the title.

Community Planning & Development Director Linker and City Engineer Reed introduced this item. They explained the \$14,500.00 was strictly for the preconstruction/design phase of the two residential home rehabilitation projects. The design team kick-off meeting is next week. If the City is satisfied with White’s performance, they will amend the agreement to include the construction fees, currently estimated at

\$518,681.00. Reed explained that a Construction Manager/General Contractor process ultimately saves money because the contractor is involved with the whole design team from the beginning; there is no overlap or over-engineering of the plans.

**MOTION TO
APPROVE**

Alderman Midcap **MOVED** and was **SECONDED** by Alderman Bennett to approve Resolution 65-2022, a Resolution approving the Construction Manager/General Contractor Agreement between the City of Black Hawk and White Construction Group for the Residential Rehabilitation Program Preconstruction Phase in an amount not to exceed \$14,500.00.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

B. Resolution 66-2022, A Resolution Approving Change Order #3 to the Gregory Point Contract Between the City of Black Hawk and PEH Architects in the Amount of \$29,095 to Design a WiFi System Along the Gregory Street Corridor

Mayor Spellman read the title.

City Engineer Reed introduced this item. He said the original agreement for the Gregory Street improvements was approved in 2020; since then, two other Change Orders have been approved administratively. He went on to say that this third change, to propagate WiFi throughout the Gregory Street Corridor, could also be approved administratively, but he wanted to ensure that Council was fully aware that this project would expand to approximately \$300,000-\$500,000 for its implementation to add all the necessary components. He noted that PEH is not just adding a WiFi system, but they are designing the WiFi system for the entire corridor, and with it, it will allow for many opportunities for exciting projects in the future.

**MOTION TO
APPROVE**

Alderman Torres **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 66-2022, a Resolution approving Change Order #3 to the Gregory Point Contract between the City of Black Hawk and PEH Architects in the amount of \$29,095 to design a WiFi System along the Gregory Street Corridor.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

C. Resolution 67-2022, A Resolution Approving the Seventh Addendum to the Agreement for Transit Related Services for the Black Hawk & Central City Tramway for 2023 Between MV Transportation, Inc. and the City of Black Hawk

Mayor Spellman read the title.

Public Works Director Isbester introduced this annual renewal for the City's transit provider and recommended approval.

MOTION TO APPROVE

Alderman Moates **MOVED** and was **SECONDED** by Alderman Armbright to approve Resolution 67-2022, a Resolution approving the Seventh Addendum to the Agreement for Transit Related Services for the Black Hawk & Central City Tramway for 2023 between MV Transportation, Inc. and the City of Black Hawk.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

D. Resolution 68-2022, A Resolution Authorizing the Repair of Hidden Valley Raw Water Pump #1 by Arvada Pump Company in the Total Amount Not to Exceed \$53,300.00

Mayor Spellman read the title.

Public Works Director Isbester and Water System Superintendent Fredericks introduced this item. They said it is the raw water pump used to pump water from the infiltration gallery to the treatment plant that is over 23 years old and just worn out.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 68-2022, a Resolution authorizing the repair of Hidden Valley Raw Water Pump #1 by Arvada Pump Company in the total amount not to exceed \$53,300.00.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

9. CITY MANAGER REPORT:

City Manager Cole had nothing to report.

10. CITY ATTORNEY REPORT:

City Attorney Hoffmann had nothing to report.

12. EXECUTIVE
SESSION:

City Attorney Hoffmann recommended item number 2 only for Executive Session and the specific legal questions regarding personnel issues and a quick update on litigation.

**MOTION TO ADJOURN
INTO EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:27 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions pursuant to C.R.S. § 24-6-402(4)(b).

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

MOTION TO ADJOURN

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 3:50 p.m.

MOTION PASSED

There was no discussion, and the motion **PASSED** unanimously.

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council adjourned at 3:50 p.m.

Melissa A. Greiner, CMC
City Clerk

David D. Spellman
Mayor

2023 Budget Adoption
Continued to
December 7, 2022

**CITY OF BLACK HAWK
GILPIN COUNTY, COLORADO
NOTICE OF PUBLIC HEARING ON 2023 BUDGET**

NOTICE is hereby given that a proposed budget has been submitted to the City Council of the City of Black Hawk for the ensuing year of 2023. That a copy of such proposed budget has been filed in the office of the City Clerk of the City of Black Hawk, where the same is open for public inspection. That such proposed budget will be considered at a public hearing at the regular meeting of the Black Hawk City Council to be held at 211 Church St., Black Hawk, CO 80422 on November 9, 2022 at 3:00 p.m.

Any interested elector of the City of Black Hawk may inspect the proposed budget and file or register any objections thereto at any time prior to the final adoption of the budget.

Respectfully submitted,
Melissa A. Greiner, CMC, City Clerk

Published in the Weekly Register Call:
October 13, 2022

**CITY OF BLACK HAWK
GILPIN COUNTY, COLORADO
NOTICE OF PUBLIC HEARING ON 2023 BUDGET**

NOTICE is hereby given that a proposed budget has been submitted to the City Council of the City of Black Hawk for the ensuing year of 2023. That a copy of such proposed budget has been filed in the office of the City Clerk of the City of Black Hawk, where the same is open for public inspection. That such proposed budget will be considered at a public hearing at a special meeting of the Black Hawk City Council to be held at 211 Church St., Black Hawk, CO 80422 on December 7, 2022 at 3:00 p.m.

Any interested elector of the City of Black Hawk may inspect the proposed budget and file or register any objections thereto at any time prior to the final adoption of the budget.

Respectfully submitted,
Melissa A. Greiner, CMC, City Clerk

Published in the Weekly Register Call:
October 20, 2022

**COUNCIL BILL 24
ORDINANCE 2022-24
AN ORDINANCE
REPEALING AND
REENACTING DIVISION 3
OF ARTICLE III OF
CHAPTER 15 OF THE CITY
OF BLACK HAWK
MUNICIPAL CODE
ENTITLED HISTORY
APPRECIATION
RECREATION
DESTINATION DISTRICT**

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

COUNCIL BILL NUMBER: 24

ORDINANCE NUMBER: 2022-24

**TITLE: AN ORDINANCE REPEALING AND REENACTING DIVISION 3 of
ARTICLE III of CHAPTER 15 OF THE CITY OF BLACK HAWK
MUNICIPAL CODE ENTITLED HISTORY APPRECIATION
RECREATION DESTINATION DISTRICT**

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

Section 1. Division 3 of Article III of Chapter 15 of the Black Hawk Municipal Code
is repealed and reenacted to read as follows:

ARTICLE III

Sign Standards

Division 3 History Appreciation Recreation Destination District

Sec. 15-51. General.

(a) This Division addresses those signs which are allowed within a specific commercial zoning district of the City, those properties which are located within the History Appreciation Recreation Destination (HARD) District.

(b) This Division only applies to those properties zoned HARD on the official zoning map of the City of Black Hawk, as adopted by the City.

(c) The regulations herein are in addition to all other regulations of Chapter 15 (Sign Code). In the event of any conflict between this Division 3 and another regulation, the regulations of this Division 3 shall prevail.

(d) Signs in the HARD District shall be reviewed, as specified by these regulations, by the HARD District Sign Committee. The Committee shall be comprised of the City Manager, the Planning Department Director, and a third member designated by the City Manager.

(e) Types of signs allowed in the HARD District:

- (1) Permanent signs as provided by Section 15-53 of this Chapter. Awning, canopy, marquee, electronic message centers, freestanding, joint identification, blade, wall, sandwich boards and window signs.
- (2) Temporary signs as provided by Section 15-54 of this Chapter. Community event signs, temporary HARD signs (including banners for businesses or events), and other temporary signs (election signs, holiday and seasonal decorations, and limited duration signs).

Sec. 15-52. Permanent sign permit approval.

(a) The owner of any building, group of buildings, public areas, or recreational site or trail located in the HARD District is required to submit a comprehensive sign plan application and a certificate of architectural compatibility application prior to issuance of a sign permit for any such property. The HARD District Sign Committee shall review and make a recommendation to City Council of any application prior to City Council consideration. City Council approval of a comprehensive sign plan and a certificate of architectural compatibility are required prior to any action listed below in Section 15-52(a)(1) through (4). The application process pursuant to this Section 15-52 shall comply with Section 15-13 (comprehensive sign plan) of this Chapter and Section 16-368 (City Council design review and compatibility process) of the Black Hawk Municipal Code. Approval is required for:

- (1) Initial sign installation.
- (2) Major modifications (changes to greater than ten percent (10%) of the initial approved comprehensive sign plan sign area not including a mere change in the text of the sign).
- (3) Signage for permitted secondary uses occupying the same structure as a principal use. The secondary use's signage shall be subordinate to the principal use's signage.
- (4) Initial installation of any electronic message centers of any size. Replacement of a previously approved electronic message center is allowed to be approved administratively by staff only if the replacement sign is the exact same dimensions and in the same location.

(b) HARD District Sign Committee review. Within thirty (30) days of receipt of a complete application, the HARD District Sign Committee shall review and recommend approval or denial of the application to City Council or the Director, as the case may be. The application shall be recommended for approval if:

- (1) Implementation of the sign plan will provide signage that is compatible with the surrounding development and designed with a high-quality appearance;
- (2) Implementation of the sign plan will result in architecture and graphics of a scale appropriate for the surrounding neighborhood and development area;
- (3) Implementation of the sign plan will provide signage consistent with the architecture and site plan characteristics of the proposed or existing project;
- (4) Implementation of the sign plan will be materially beneficial in achieving the goals and objectives of the City's standards that relate to community design and aesthetics; and
- (5) Implementation of the sign plan will be materially beneficial in achieving the goals and objectives cited in the purpose of the Sign Code.

(c) **Tenant Sign Plans.** Business owners that become tenants of City property within the HARD District, and desire to install signs advertising their business, must prepare and submit a Tenant Sign Plan for review and approval by the HARD District Sign Committee. Tenant Sign Plans must include the following:

- (1) Cover sheet with business name, business physical address, business mailing address, business owner name, business owner phone number, business owner email
- (2) Simple site plan showing the locations of all proposed signs
- (3) Building elevations/color renderings showing location of all proposed signs
- (4) Sign table indicating sign materials, dimensions, colors and fonts

Sec. 15-53. Permanent sign regulations for the HARD District.

(a) **Gregory Street signs.** A comprehensive sign plan shall be prepared and approved in accordance with Section 15-13 for properties located within the HARD district and along Gregory Street with the intention that signs on those properties be consistent in style, color and font. Sign colors shall adhere to the historic color palette established by the HARD District Sign Committee. Sign fonts shall be consistent with the Gregory Street HARD District theme as determined by the HARD District Sign Committee.

(b) Permanent signs in the HARD district—Performance standards. Permanent signs permitted in the HARD District include awning, canopy, marquee, electronic message centers, freestanding, joint identification, blade, wall, sandwich boards and window signs. All permanent signs shall comply with the area, dimensions and height requirements set forth in this Article and the Black Hawk Commercial Design Guidelines. Permanent signs shall not be allowed to be made of flexible cardboard, vinyl, fabric (excluding awnings), or similar non-rigid material.

(1) Awning, canopy and marquee signs.

- a. Only the portions of the awning, canopy or marquee sign that contains text shall be counted towards the wall sign allowance for that business;
- b. Awning, canopy, and marquee signs within multi-tenant/multi-building complexes shall be consistent in color, size, material and letter size with all tenants;
- c. Height requirements.
 1. Marquee signs are limited to the height of the roofline; and
 2. Awning and canopy signs are limited to the first-floor elevation; and
 3. Rooftop signs are prohibited.
- d. Setback requirements.
 1. Awning and canopy sign setbacks are subject to review by the HARD District Sign Committee; and
 2. Marquees must be located on the building and not project more than six (6) feet from the wall of the building on which the marquee is placed.

(2) Electronic message centers (EMCs) for interior (window or door) use only.

- a. EMCs are encouraged as a form of sign to be used as a replacement for eight and one-half (8.5) x eleven (11) temporary paper advertisements which are prohibited except as provided by Section 15-43(a)(1). EMCs can be an effective means to eliminate unattractive clutter on windows and doors. EMCs can contain one (1) or multiple messages in form of a slideshow. EMCs do count

toward the total sign area allowed for the property if they are located inside a building within three (3) feet of an exterior window. If an EMC located inside the building is more than three (3) feet from a window, it is not regulated by this Section of the Code.

- b. Message hold time. Each message displayed shall remain static for a minimum of eight (8) seconds. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
 - c. Transition method. Each EMC shall be limited to static messages or streaming recorded video (live video is not allowed) and shall not have movement, or the appearance of optical illusion of movement of any part of the sign structure design, or pictorial segment of the sign. This shall include the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity. The transition duration for each image change shall be instantaneous.
 - d. Each EMC shall be equipped with dimming technology that varies the brightness of the electronic sign according to ambient light conditions. Owners of overly bright EMC that create a public safety risk based on the brightness will be notified to reduce brightness.
 - e. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed five hundred (500) NIT (candelas per square meter) between dusk and dawn as measured by the equivalent "percentage of maximum brightness-nighttime" setting on the applicant's sign controlling software. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT rating. City officials shall have the right to view the technical specifications of the sign to determine compliance, at any time in the future after it is installed.
- (3) Freestanding and joint identification signs are allowed in areas of the Gregory Street Hard District for business center identification (combination of office and/or retail uses) subject to review by the HARD District Sign Committee.
- a. Freestanding signs are permitted for those centers with businesses in the HARD district which do not share a building, a common wall, or common parking area with another business;

- b. No freestanding sign shall be located within ten (10) feet of another freestanding sign;
 - c. All freestanding signs shall be set back a minimum of five (5) feet from a right-of-way and limited to twenty-five (25) feet in height;
 - d. Freestanding signs may be internally or indirectly illuminated.
- (4) Blade signs.
- a. The bottom of the sign shall be a minimum of eight (8) feet above the sidewalk or thirteen (13) feet above a vehicular drive area;
 - b. The sign shall not project more than eight (8) feet from the surface of which the sign is placed.
- (5) Wall signs.
- a. Wall signs shall not exceed the height of the roofline; and
 - b. Wall signs shall not project more than one (1) foot from the wall on which they are placed.
- (6) Sandwich boards.
- a. Sandwich boards may not exceed 24" x 36" in size; and
 - b. Sandwich boards must be placed within thirty (30) feet of the business door for which it is associated, and may not create a risk to pedestrian safety.
 - c. HARD District sandwich board signs shall be limited to those provided by the City. One (1) sandwich board is permitted per tenant or use.
- (7) Window signs.
- a. In accordance with Section 15-41, window signs that are two (2) square feet or smaller shall be exempt from the total area limitations however any of the allowed following signs shall count toward the allowed sign area on a property and must be included in the specific tenant sign plan submitted for review and evaluation by the HARD District Sign Committee;
 - b. Window signs shall not cover more than twenty-five percent (25%) of the glass area on any window or door;

- c. Any sign or image inside a building that is or is not attached to or within three (3) feet of a window or door, but is legible from a distance of fifty (50) feet or more beyond the building where the sign is located, will count toward the total sign area allowed;
 - d. Window signs are limited to the first floor of a building; and
 - e. Window signs must be high quality, professional grade material. Paper signs are not permitted.
- (8) Other permanent signs.
- a. Flags. American, Colorado and City of Black Hawk flags shall be flown in accordance with the United States Flag Code, 36 U.S. Code; flagpoles may be mounted on the fronts of buildings as outrigger poles, not to exceed a forty-five (45) degree angle from vertical (pointed upward), and maximum of ten (10) feet in length with a maximum flag size of six (6) feet by eight (8) feet; and flagpoles may not be mounted on a parapet. Flagpoles attached to the ground shall not be greater than seventy-five (75) feet in height. If mounted on top of a building, flagpoles shall not be greater than twenty-five (25) feet in height. Flags do not count toward allowed sign area. Flags desired to be larger must be reviewed and approved through the comprehensive sign plan process by City Council. Flags proposed shall also be included in the Tenant Sign Plan for approval by the HARD District Sign Committee.
 - b. String lights. String lights, catenary lights or colored tree lights may be used for decorative purposes year-round and shall be installed according to the National Electrical Code.
 - c. Landscape lighting. Lighting of/on landscaping is allowed year-round on public property on live landscaping or on or above a hardscape. Landscape lighting is allowed on private property if a certificate of architectural compatibility is approved by City Council in accordance with Section 16-368 of the Black Hawk Municipal Code.

Sec. 15-54. Temporary sign regulations for the HARD District.

- (a) Temporary signs—Performance standards.
- (1) Temporary signage is subject to the regulations as described below:

- a. Temporary signs shall include all signs used only temporarily and those that are not permanently mounted.
 - b. Temporary signs may be displayed for the duration of an event, construction project or transaction, as allowed in this section or as approved by the HARD District Sign Committee, but shall not exceed 30 days without approval by the HARD District Sign Committee.
 - c. Temporary signs shall not exceed the size limitations provided in this section.
- (b) Temporary signs requiring HARD District Sign Committee review and approval:
- (1) Community event signs (including banners for businesses or events). These temporary signs can be used for announcing new businesses, community events and activities. These signs are subject to the following restrictions:
 - a. Community event signs are to be placed at the designated community event sign locations as determined through Hard District Sign Committee approval;
 - b. Community event signs are to be placed no more than three (3) weeks prior to the event and must be removed within three (3) days after the event;
 - c. Community event signs may be placed on a fence or wall;
 - d. Each community event sign shall be limited to forty-eight (48) square feet; and
 - e. No community event sign shall be erected over eight (8) feet in height if placed as a freestanding sign.
 - (c) Temporary signs allowed without a permit.
 - (1) Election season signs. These signs are allowed thirty (30) days prior to a scheduled election, and must be removed three (3) days immediately following the election as defined in this Article; no more than one (1) sign equal to the total number of national, State or local ballot questions and candidate elections is permitted on a nonresidential parcel. Such signs shall not exceed four (4) square feet per face, not be taller than four (4) feet, and can only be on private property.

(2) Holiday and seasonal decorations. Holiday string lights or colored tree lights may be used for decorative purposes to coincide with the holiday season and shall be installed according to the National Electrical Code. Holiday string lights or colored tree lights may be installed beginning on October 1 and must be removed no later than February 15 of the following year. Holiday string lights or colored tree lights may be illuminated during the holiday season, which begins on November 1 and continues to February 15 of the following year. All other holiday/seasonal decorations may be used twenty (20) days prior to a national holiday or seasonal change and shall be removed ten (10) days after the national holiday or seasonal change. Illumination is allowed.

(3) Building permits. Signs announcing the City or State approved building permits on the property are exempt from permit requirements. The permit should be in a noticeable location that is visible to a visiting inspector.

(4) Small temporary signs. Small temporary signs that do not require a permit shall be subject to the following restrictions.

- a. Small temporary signs shall not exceed six (6) square feet per face and the top of the sign shall not be higher than ten (10) feet above street grade;
- b. There shall be not more than two (2) small temporary signs on any property;
- c. Small temporary signs shall be displayed only on the property to which they pertain;
- d. Small temporary signs shall not be illuminated;
- e. Small temporary signs may be displayed for the duration of a construction project, transaction, or event and they shall be removed upon completion of the project, transaction or event.

Section 2. 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 3. 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 4. 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.

READ, PASSED AND ORDERED POSTED this 9th day of November, 2022.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, CMC, City Clerk

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Black Hawk Board of Aldermen shall hold a public hearing concerning a proposed amendment to the City of Black Hawk Municipal Code, Chapter 15 – Sign Code, pursuant to the City of Black Hawk zoning ordinance.

The public hearing is to be held before the City of Black Hawk Board of Aldermen on Wednesday, November 9, 2022, at 3:00 p.m. or as soon as possible thereafter. The public hearing shall be held in the City of Black Hawk Council Chambers, located at 211 Church Street, Black Hawk, CO 80422, or at such other time or place in the event this hearing is adjourned.

ALL INTERESTED PARTIES MAY ATTEND

Melissa A. Greiner, CMC
City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: To consider an ordinance amending Chapter 15 (Sign Code), Article III (Sign Standards), Division 3 (History Appreciation Recreation Destination District) of the City of Black Hawk Municipal Code.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE COUNCIL BILL 24 - Ordinance 2022-24 Repealing and Reenacting Division 3 of Article III of Chapter 15 of the City of Black Hawk Municipal Code entitled History Appreciation Recreation Destination District.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

In July 2019, the City of Black Hawk identified the need to update portions of Chapter 15 (Sign Code), of the Black Hawk Municipal Code. Based on the needs and timing of the proposed amendments, a three-phase approach was established to accomplish the amendments. Phase 1 (regarding clarifications, the addition of small temporary signs allowed without a permit, and the addition of regulations particular to temporary signs to the HARD District) was completed in November 2019. Phase 2 (regarding monument signs in the HARD District) was completed in September 2020. Phase 3 is this request and is in regards to clarifications and the addition of specific regulations for permanent signs in the HARD District. Please refer to the attached staff report for details.

AGENDA DATE: November 9, 2022

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: ☒ Yes ☐ No

STAFF PERSON RESPONSIBLE: Cynthia L. Linker
CP&D Director

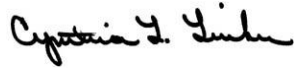
DOCUMENTS ATTACHED: Council Bill 24
Ordinance 2022-24
Staff Report
Proposed Changes Outline

RECORD: ☒ Yes ☐ No

CoBH CERTIFICATE OF INSURANCE REQUIRED ☐ Yes ☒ No

CITY ATTORNEY REVIEW: ☒ Yes ☐ N/A

SUBMITTED BY:



Cynthia L. Linker, CP&D Director



Vincent Harris, AICP, Baseline Corporation

REVIEWED BY:



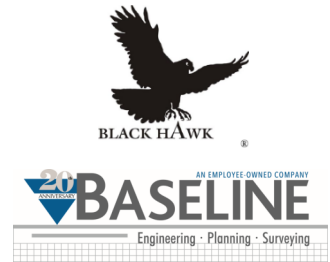
Stephen N. Cole, City Manager

Staff Report

**CITY OF BLACK HAWK
PLANNING / LAND USE**

Date prepared: October 26, 2022
Meeting Date: November 9, 2022

STAFF REPORT: Sign Code Amendment – HARD District
For: City Council
Project Number: P-19-24
Applicants: City of Black Hawk
Prepared by: Julie Esterl - Baseline Corporation
Approved by: Vincent Harris, AICP - Baseline Corporation
Reviewed by: Cynthia Linker, CP&D Director



BACKGROUND:

In July 2019, the City of Black Hawk identified the need to update portions of Chapter 15 (Sign Code), of the Black Hawk Municipal Code. Based on the needs and timing of the proposed amendments, a three-phase approach was established to accomplish the amendments.

Phase 1 (completed) involved the update of Chapter 15 (Sign Code) regarding ‘Certificate of Appropriateness (COA)’ and ‘Certificate of Architectural Compatibility (COAC)’ language, the addition of regulations for small temporary signs allowed without permit, and the addition of regulations particular to temporary signs in the History Appreciation Recreation Destination (HARD) zone district. Phase 1 was approved by Ordinance 2019-23 on November 13, 2019.

Phase 2 (completed) involved Chapter 15 (Sign Code), Section 15-11 which involved the addition of language exempting City of Black Hawk signs from being included in a Comprehensive Sign Plan, and requiring City of Black Hawk signs to receive Certificate of Architectural Compatibility review and approval prior to installation. Phase 2 was approved by Ordinance 2020-25 on September 9, 2020.

Phase 3 (this proposal) involves Sign Code amendments which addresses Chapter 15 (Sign Code), Article III (Sign Standards), Division 3 (History Appreciation Recreation Destination District) and will add regulations for permanent signs in the HARD district, provide clarifying language, remove content-based language, and provide continuity with the Gregory Street HARD District Comprehensive Sign Plan approved on March 24, 2021 by Resolution 14-2021 and amended on April 27, 2022 by Resolution 27-2022.

SUMMARY OF PROPOSED AMENDMENTS:

Sec. 15-51. General.

- This section includes corrections and clarifying language.

Sec. 15-52. Permanent sign permit approval.

- This section includes corrections and clarifying language, and removes content-based language.
- This section adds regulations for sign permits for Tenant Sign Plans that shall be reviewed and approved by the previously established HARD District Sign Committee.

Sec. 15-53. Permanent sign regulations for the HARD District.

- This section establishes specific regulations for permanent signs in the HARD District and eliminates language that requires permanent signs in the HARD District to follow the standards and regulations of permanent signs in non-residential districts as outlined in Sec. 15-43.
- This section allows permanent signs including awning, canopy, marquee, electronic message centers, freestanding and joint identification signs, blade signs, wall signs, sandwich board signs, window signs, flags, string lights and landscape lighting.

Sec. 15-54. Temporary sign regulations for the HARD District.

- This section includes corrections and clarifying language.
- This section adjusts language to remove the City Council as the reviewing body for temporary signs in the HARD District and adds approval authority to the HARD District Sign Committee.
- This section adds language that regulates holiday and seasonal decorations in the HARD District.

APPLICABLE CITY OF BLACK HAWK REGULATIONS

Excerpts from:

*City of Black Hawk
Municipal Code
Chapter 1 – General Provisions*

Sec. 1-47. Amendments to Code.

Ordinances and parts of ordinances of a permanent and general nature, passed or adopted after the adoption of this Code, may be passed or adopted either in the form of amendments to the Code adopted by this Code or without specific reference to the Code. However, in either case, all such ordinances and parts of ordinances shall be deemed amendments to the Code, and all of the substantive, permanent and general parts of said ordinances and changes made thereby in the Code shall be inserted and made in the Code as provided in Section 1-50 hereof.

STAFF SUMMARY:

Staff believes that the proposed amendment to Chapter 15 (Sign Code), Article III (Sign Standards), Division 3 (History Appreciation Recreation Destination District) is an appropriate course of action which will add appropriate regulations for permanent signs in the HARD district, provide clarifying language, remove content-based language which is not allowed via federal regulations, and provide continuity with the Gregory Street HARD District Comprehensive Sign Plan.

City Council may approve the proposed amendment to Chapter 15 (Sign Code), Article III (Sign Standards), Division 3 (History Appreciation Recreation Destination District) of the Municipal Code and give consideration to the criteria below:

- a. A need exists for the proposal

Staff Comment: Staff believes a need exists for these proposed amendments to the Sign Code. This amendment makes corrections and adds clarity to the code and will provide appropriate regulations for permanent and temporary signs in the HARD District.

- b. The proposal is in conformance with the goals and objectives of the Comprehensive Plan.

Staff Comment: The proposed amendments will assist the City, property owners and tenants located in the HARD District, and particularly along Gregory Street, with appropriate sign

regulations, therefore allowing signs that will promote Primary Goal 3 of the Comprehensive Plan which encourages diversified commercial development that compliments gaming.

Staff recommends that City Council pass the proposed ordinance amending Chapter 15 (Sign Code), Article III (Sign Standards), Division 3 (History Appreciation Recreation Destination District) of the City of Black Hawk Municipal Code as more fully described in the attached ordinance.

FINDINGS:

City Council may *approve, conditionally approve, or deny* the proposal to amend Chapter 15 (Sign Code), Article III (Sign Standards), Division 3 (History Appreciation Recreation Destination District) of the City of Black Hawk Municipal Code. To support this proposal, the following findings can be used:

1. A need exists for code amendments that correct and clarify the code, and provide appropriate regulations for permanent and temporary signs in the HARD District.
2. The proposed amendments are in conformance with Primary Goal 3 of the Comprehensive Plan to encourage diversified commercial development that compliments gaming in the City.

RECOMMENDATION:

Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE COUNCIL BILL 24 - Ordinance 2022-24 Repealing and Reenacting Division 3 of Article III of Chapter 15 of the City of Black Hawk Municipal Code entitled History Appreciation Recreation Destination District.

ATTACHMENTS:

1. Proposed Changes Outline

Applicant's Submittal

Division 3 History Appreciation Recreation Destination District

Sec. 15-51. General.

- (a) This Division addresses those signs which are allowed within a specific commercial zoning district subset of nonresidential districts of the City, those properties which are located within the History Appreciation Recreation Destination (HARD) ~~zone-d~~ District.
- (b) This Division only applies to those properties zoned HARD per on the official zoning map of the City of Black Hawk, as adopted by the City Council.
- (c) The regulations herein are in addition to all other regulations of ~~this Section~~ Chapter 15 (Sign Code). In the event of any conflict between this Division 3 and another regulation, the regulations of this Division 3 shall prevail.
- (d) Signs in the HARD District shall be reviewed, as specified by these regulations, by the HARD District Sign Committee. The Committee shall be comprised of the City Manager, the Planning Department Director, and a third member designated by the City Manager.
- (e) Types of signs allowed in the HARD District:
 - (1) Permanent signs as outlined provided by in Section 15-53 of this Chapter. Awning, ~~changeable copy~~, canopy, marquee, electronic message centers, freestanding, ~~marquee~~, joint identification, blade, wall, bulletin boards, sandwich boards and window signs.
 - (2) Temporary signs as outlined in provided by Section 15-54 of this Chapter. Community event signs, temporary HARD signs (including banners for businesses or events), and other temporary signs (election signs, holiday and seasonal decorations, and limited duration signs).

~~(Ord. 2019-23 §1)~~

Sec. 15-52. Permanent sign permit approval.

- (a) The owner of any building, group of buildings, public areas, or recreational site or trail located in the HARD District is required to submit a comprehensive sign plan application and a certificate of architectural compatibility application prior to issuance of a sign permit for any such given property. The HARD District Sign Committee shall review and make a recommendation to City Council of any proposals ~~application~~ prior to City Council consideration. City Council approval of a comprehensive sign plan and a certificate of architectural compatibility are required prior to any action listed below in Section 15-52(a)(1) through (4). The application process pursuant to this Section 15-52 regulations governing a comprehensive sign plan and certificate of architectural compatibility can be found in shall comply with Section 15-13 (comprehensive sign plan) of this Chapter and Section 16-368 (City Council design review and compatibility process) of the Black Hawk Municipal Code, ~~respectively~~. Approval is required for:
 - (1) Initial sign installation ~~(including a change in signage due to change in business name)~~.
 - (2) Major modifications (changes to greater than ten percent (10%) of the initial approved comprehensive sign plan sign area not including a mere change in the text of the sign).

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- (3) Signage for permitted secondary uses occupying the same structure as a principal use. The secondary use's signage shall be subordinate to the principal use's [signage](#).
 - (4) Initial installation of any electronic message centers of any size. Replacement of a previously approved electronic message center is allowed to be approved administratively by staff only if the replacement sign is the exact same dimensions and in the same location.
- (b) HARD District Sign Committee review. Within thirty (30) days of receipt of a complete application, the HARD District Sign Committee shall review and recommend approval or denial of the application to City Council or the Director, as the case may be. The application shall be recommended for approval if:
- (1) Implementation of the sign plan will provide signage that is compatible with the surrounding development and designed with a high-quality appearance;
 - (2) Implementation of the sign plan will result in architecture and graphics of a scale appropriate for the surrounding neighborhood and development area;
 - (3) Implementation of the sign plan will provide signage consistent with the architecture and site plan characteristics of the proposed or existing project;
 - (4) Implementation of the sign plan will be materially beneficial in achieving the goals and objectives of the City's standards that relate to community design and aesthetics; and
 - (5) Implementation of the sign plan will be materially beneficial in achieving the goals and objectives cited in the purpose of the Sign Code.

~~(Ord. 2019-23 §1)~~

~~(c) Tenant Sign Plans. Business owners that become tenants of City property within the HARD District, and desire to install signs advertising their business, must prepare and submit a Tenant Sign Plan for review and approval by the HARD District Sign Committee. Tenant Sign Plans must include the following:~~

- ~~(1) Cover sheet with business name, business physical address, business mailing address, business owner name, business owner phone number, business owner email~~
- ~~(2) Simple site plan showing the locations of all proposed signs~~
- ~~(3) Building elevations/color renderings showing location of all proposed signs~~
- ~~(4) Sign table indicating sign materials, dimensions, colors and fonts~~

Sec. 15-53. Permanent sign regulations for the HARD District.

~~All permanent signs in the HARD District shall follow the standards and regulations of permanent signs for nonresidential districts. See Section 15-43 of the Municipal Code.~~

~~(Ord. 2019-23 §1)~~

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- (a) Gregory Street signs. A comprehensive sign plan shall be prepared and approved in accordance with Section 15-13 for properties located within the HARD district and along Gregory Street with the intention that signs on those properties be consistent in style, color and font. Sign colors shall adhere to the historic color palette established by the HARD District Sign Committee. Sign fonts shall be consistent with the Gregory Street HARD District theme as determined by the HARD District Sign Committee.
- (b) Permanent signs in the HARD district—Performance standards. Permanent signs permitted in the HARD District include awning, canopy, marquee, electronic message centers, freestanding, joint identification, blade, wall, sandwich boards and window signs. All permanent signs shall comply with the area, dimensions and height requirements set forth in this Article and the Black Hawk Commercial Design Guidelines. Permanent signs shall not be allowed to be made of flexible cardboard, vinyl, fabric (excluding awnings), or similar non-rigid material.
- (1) Awning, canopy and marquee signs.
- a. Only the portions of the awning, canopy or marquee sign that contains text shall be counted towards the wall sign allowance for that business;
 - b. Awning, canopy, and marquee signs within multi-tenant/multi-building complexes shall be consistent in color, size, material and letter size with all tenants;
 - c. Height requirements.
 - 1. Marquee signs are limited to the height of the roofline; and
 - 2. Awning and canopy signs are limited to the first-floor elevation; and
 - 3. Rooftop signs are prohibited.
 - d. Setback requirements.
 - 1. Awning and canopy sign setbacks are subject to review by the HARD District Sign Committee; and
 - 2. Marquees must be located on the building and not project more than six (6) feet from the wall of the building on which the marquee is placed.
- (2) Electronic message centers (EMCs) for interior (window or door) use only.
- a. EMCs are encouraged as a form of sign to be used as a replacement for eight and one-half (8.5) x eleven (11) temporary paper advertisements which are prohibited except as provided by ~~in~~ Section 15-43(a)(1). EMCs can be an effective means to eliminate unattractive clutter on windows and doors. EMCs can contain one (1) or multiple messages in form of a slideshow. EMCs do count toward the total sign area allowed for the property if they are located inside a building within three (3) feet of an exterior window. If an EMC located inside the building is more than three (3) feet from a window, it is not regulated by this Section of the Code.
 - b. Message hold time. Each message displayed shall remain static for a minimum of eight (8) seconds. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.
 - c. Transition method. Each EMC shall be limited to static messages or streaming recorded video (live video is not allowed) and shall not have movement, or the appearance of optical illusion of movement of any part of the sign structure design, or pictorial segment of the sign. This shall include the movement or appearance of movement of any illumination or the flashing.

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- scintillating or varying of light intensity. The transition duration for each image change shall be instantaneous.
- d. Each EMC shall be equipped with dimming technology that varies the brightness of the electronic sign according to ambient light conditions. Owners of overly bright EMCs that create a public safety risk based on the brightness will be notified to reduce brightness.
 - e. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed five hundred (500) NIT (candelas per square meter) between dusk and dawn as measured by the equivalent "percentage of maximum brightness-nighttime" setting on the applicant's sign controlling software. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT rating. City officials shall have the right to view the technical specifications of the sign to determine compliance, at any time in the future after it is installed.
- (3) Freestanding and joint identification signs are allowed in areas of the Gregory Street Hard District for business center identification (combination of office and/or retail uses) subject to review by the HARD District Sign Committee.
- a. Freestanding signs are permitted for those centers with businesses in the HARD district which do not share a building, a common wall, or common parking area with another business.;
 - b. No freestanding sign shall be located within ten (10) feet of another freestanding sign;
 - c. All freestanding signs shall be set back a minimum of five (5) feet from a right-of-way and limited to twenty-five (25) feet in height;
 - d. Freestanding signs may be internally or indirectly illuminated.
- (4) Blade signs.
- a. The bottom of the sign shall be a minimum of eight (8) feet above the sidewalk or thirteen (13) feet above a vehicular drive area;
 - b. The sign shall not project more than eight (8) feet from the surface of which the sign is placed.
- (5) Wall signs.
- a. Wall signs shall not exceed the height of the roofline; and
 - b. Wall signs shall not project more than one (1) foot from the wall on which they are placed.
- (6) Sandwich boards.
- a. Sandwich boards may not exceed 24" x 36" in size; and
 - b. Sandwich boards must be placed within thirty (30) feet of the business door for which it is associated, and may not create a risk to pedestrian -safety.
 - c. HARD District sandwich board signs shall be limited to those provided by the City. One (1) sandwich board is permitted per tenant or use.
- (7) Window signs.
- a. In accordance with Section 15-41, window signs that are two (2) square feet or smaller shall be exempt from the total area limitations however any of the allowed following signs shall count toward the allowed sign area on a property and must be included in the specific tenant sign plan submitted for review and evaluation by the HARD District Sign Committee;

- b. Window signs shall not cover more than twenty-five percent (25%) of the glass area on any window or door;
- c. Any sign or image inside a building that is or is not attached to or within three (3) feet of a window or door, but is legible from a distance of fifty (50) feet or more beyond the building where the sign is located, will count toward the total sign area allowed;
- d. Window signs are limited to the first floor of a building; and
- e. Window signs must be high quality, professional grade material. Paper signs are not permitted.

(8) Other permanent signs.

- a. Flags. American, Colorado and City of Black Hawk flags shall be flown in accordance with the United States Flag Code, 36 U.S. Code; flagpoles may be mounted on the fronts of buildings as outrigger poles, not to exceed a forty-five (45) degree angle from vertical (pointed upward), and maximum of ten (10) feet in length with a maximum flag size of six (6) feet by eight (8) feet; and flagpoles may not be mounted on a parapet. Flagpoles attached to the ground shall not be greater than seventy-five (75) feet in height. If mounted on top of a building, flagpoles shall not be greater than twenty-five (25) feet in height. Flags do not count toward allowed sign area. Flags desired to be larger must be reviewed and approved through the comprehensive sign plan process by City Council. Flags proposed shall also be included in the Tenant Sign Plan for approval by the HDSC.
- b. String lights. String lights, catenary lights or colored tree lights may be used for decorative purposes year-round and shall be installed according to the National Electrical Code.
- c. Landscape lighting. Lighting of/on landscaping is allowed year-round on public property on live landscaping or on or above a hardscape. Landscape lighting is allowed on private property if a certificate of architectural compatibility is approved by City Council in accordance with Section 16-368 of the Black Hawk Municipal Code.

Sec. 15-54. Temporary sign regulations for the HARD District.

- (a) Temporary signs—Performance standards. ~~Temporary signs shall include all signs used only temporarily and those that are not permanently mounted.~~
 - (1) Temporary signage is subject to the regulations as described below:
 - a. ~~Temporary signs placed inside the bulletin board on the property do not count toward the temporary sign area allowed in this section; and~~
 - a**b.** Temporary signs shall include all signs used only temporarily and those that are not permanently mounted.
 - b. Temporary signs may be displayed for the duration of an event, construction project or transaction, as allowed in this section or as approved by the HARD District Sign Committee, but shall not exceed 30 days without approval by the HARD District Sign Committee.
 - c. Temporary signs shall not exceed the size limitations provided in this section.
- (b) Temporary signs requiring HARD District Sign Committee review and ~~City Council~~ approval:
 - (1) Community event signs (including banners for businesses or events). These temporary signs can be used for announcing new businesses, community events and activities. Use of t~~These signs is limited to notification of public events or other occurrences of public interest and~~ are subject to the following restrictions:

-
- a. Community event signs are to be placed at the designated community event sign locations as determined through Hard District Sign Committee~~City Council~~ approval;
 - b. Community event signs are to be placed no more than three (3) weeks prior to the event and must be removed within three (3) days after the event;
 - c. Community event signs may be placed on a fence or wall; Not more than five (5) community event signs may be placed within the City to advertise any one (1) event;
 - d. Each community event sign shall be limited to forty-eight~~thirty-two~~ (48)~~32~~ square feet; and
 - e. No community event sign shall be erected over eight (8) feet in height if placed as a freestanding sign.

~~(c) Temporary signs requiring HARD District Sign Committee review and administrative approval and permit:~~

~~(1) Temporary HARD signs. Temporary HARD signs are subject to the following restrictions:~~

- ~~a. Temporary signs may be coordinated and placed amongst a grouping of buildings;~~
- ~~b. Temporary signs may be placed on a fence or wall;~~
- ~~c. Temporary signs shall not exceed an area calculated as eight (8) feet times the length of the lot;~~
- ~~d. Temporary signs may be illuminated; and~~
- ~~e. Temporary signs may be displayed for the duration of the construction project or development and they shall be removed upon completion of the project or development.~~

~~(cd)~~ Temporary signs allowed without a permit.

- (1) Election season signs. These signs are allowed thirty (30) days prior to a scheduled election, and must be removed three (3) days immediately following the election as defined in this Article; no more than one (1) sign for each national, State or local ballot question or candidate is permitted on a nonresidential parcel. Such signs shall not exceed four (4) square feet per face, not be taller than four (4) feet, and can only be on private property.

~~(2) String lights. String lights or colored tree lights may be used for decorative purposes year round and shall be installed according to the National Electrical Code. Flashing lights are discouraged, but not prohibited.~~

~~(3) Landscape lighting. Lighting of/on landscaping is allowed year round on public property.~~

~~(2) Holiday and seasonal decorations. Holiday string lights or colored tree lights may be used for decorative purposes to coincide with the holiday season and shall be installed according to the National Electrical Code. Holiday string lights or colored tree lights may be installed beginning on October 1 and must be removed no later than February 15 of the following year. Holiday string lights or colored tree lights may be illuminated during the holiday season, which begins on November 1 and continues to February 15 of the following year. All other holiday/seasonal decorations may be used twenty (20) days prior to a national holiday or seasonal change and shall be removed ten (10) days after the national holiday or seasonal change. Illumination is allowed.~~

~~(34)~~ Building permits. Signs announcing the City or State approved building permits on the property are exempt from permit requirements. The permit should be in a noticeable location that is visible to a visiting inspector.

~~(45)~~ Small temporary signs. Small temporary signs that do not require a permit shall be subject to the following restrictions.

-
- a. Small T temporary signs shall not exceed six (6) square feet per face and the top of the sign shall not be higher than ten (10) feet above street grade;
 - b. There shall be not more than two (2) small temporary signs on any property;
 - c. Small T temporary signs shall be displayed only on the property to which they pertain;
 - d. Small T temporary signs shall not be illuminated;
 - e. Small T temporary signs may be displayed for the duration of a construction project, or transaction, or event and they shall be removed upon completion of the project, or transaction or event.

(Ord. 2019-23 §1)

Sec. 15-55. Illumination.

All illumination in the HARD District shall follow the standards and regulations of illumination for nonresidential districts. See Section 15-45 of the Municipal Code.

(Ord. 2019-23 §1)

Secs. 15-56—15-60. Reserved

COUNCIL BILL 25

ORDINANCE 2022-25

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

**CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION**

SUBJECT: To introduce the *DRAFT* Ordinance repealing Article II, National Electrical Code, of Chapter 18 of the Black Hawk Municipal Code and Repealing and Reenacting Article I, International Building Code, of Chapter 18 of the City of Black Hawk Municipal Code; and to approve the Public Hearing Notice to consider the proposed adoption by reference the codes collectively referred to as the *International Code, 2021 Edition*.

RECOMMENDATION: After the Introduction of the Adopting Ordinance, Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE THE PUBLIC HEARING NOTICE TO CONSIDER THE PROPOSED ADOPTION OF THE CODES COLLECTIVELY REFERRED TO AS THE INTERNATIONAL CODE, 2021 EDITION, AND TO SCHEDULE THE PUBLIC HEARING FOR DECEMBER 7, 2022, WITH TWO (2) PUBLICATION PERIODS IN THE WEEKLY REGISTER CALL ONCE AT LEAST 15 DAYS PRIOR TO THE HEARING (THURSDAY, NOVEMBER 17, 2022) AND ONCE AT LEAST 8 DAYS PRIOR THE HEARING (THURSDAY, NOVEMBER 24, 2022).

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The proposed code amendment aims to provide uncomplicated relevant information, correct discrepancies, and provide a more user-friendly format for the user.

Currently, the Building Code (Black Hawk Municipal Code Chapter 18) consists of two (2) Articles and five (5) Sections. The research by reviewers (City staff and SAFEbuilt) allowed for a formal comparison between the currently adopted 2015 codes and the proposed 2021 codes to identify any significant changes. Once the reviewers identified the critical differences, they compared them to most of the permits issued in the past year. During this exercise, the reviewers also considered other relevant local agency amendments to determine if adopting the new 2021 code would enhance or hinder future development within the City of Black Hawk.

Staff is recommending the proposed Building Code Adoption as follows:

1. Repeal Article II, National Electrical Code, of Chapter 18 of the City of Black Hawk Municipal Code.
2. Repeal and Reenact Article I, International Building Code, of Chapter 18 of the City of Black Hawk Municipal Code.
3. The adoption of the 2021 Building Code includes significant Section changes. The complete reorganization of Sections from five (5) to fourteen (14) allows users more clearness and simplicity for clarity and digital accessibility.
4. City staff notes the International Energy Conservation Code has become more stringent. Under Colorado law, all jurisdictions must adopt the most current International Energy Conservation Code by January 1, 2025. It is unlawful for any jurisdiction to adopt amendments to its building code, making the energy code less strict.
5. City staff recommends the adoption of the International Property Maintenance Code (IPMC) 2021 Edition, which has never previously been adopted. This Code will assist with the abatement of nuisance violations.

6. Following is the proposed Code Adoption:

Building Code Adoption (Article 1: Section 18-1 - 18-3)

- International Building Code (IBC) 2021 Edition (Article 1: Section 18-4);
- International Fire Code (IFC) 2021 Edition (Article 1: Section 18-5);
- International Residential Code (IRC) 2021 Edition (Article 1: Section 18-6);
- International Mechanical Code (IMC) 2021 Edition (Article 1: Section 18-7);
- International Plumbing Code (IPC) 2021 Edition (Article 1: Section 18-8);
- International Energy Conservation Code (IECC) 2021 Edition (Article 1: Section 18-9);
- International Existing Building Code (IEBC) 2021 Edition (Article 1: Section 18-10);
- International Fuel and Gas Code (IFGC) 2021 Edition (Article 1: Section 18-11);
- International Swimming Pool and Spa Code (ISPSC) 2021 Edition (Article 1: Section 18-12);
- International Property Maintenance Code (IPMC) 2021 Edition (Article 1: Section 18-13). – *The City has not previously adopted this Code*

Other Codes Adopted by Reference

- 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 Adopted by the State of Colorado;
- 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;
- National Electrical Code. Most Current Edition Adopted by the State of Colorado.

The City of Black Hawk has specific procedures for adopting Building Codes by Reference, making specific amendments to the above-referenced codes, and providing penalties for violations in the proposed Ordinance. The ***DRAFT*** Ordinance must first be introduced to City Council. After the introduction, City Council must approve the public hearing notice submitted below or select another date. The public hearing is scheduled, advertised, and posted by City for the City Council-approved date.

Staff recommends City Council approve and schedule the public hearing for December 7, 2022, with two (2) publication periods in the Weekly Register Call once at least 15 days prior to the hearing (Thursday, November 17, 2022) and once at least 8 days prior the hearing (Thursday, November 24, 2022). Electronic and hard copies of the "International Building Codes," 2021 Edition, and other Codes adopted by reference, will be available for review in the City Clerk's office at least fifteen (15) days before the public hearing.

AGENDA DATE:

November 7, 2022
DRAFT Ordinance Introduction and
Set Public Hearing

WORKSHOP DATE:

N/A

FUNDING SOURCE:

010-1901-4196107
General Supplies / Books

DEPARTMENT DIRECTOR APPROVAL:

☒ Yes ☐ No

STAFF PERSON RESPONSIBLE:

Cynthia L. Linker, CP&D Director

DOCUMENTS ATTACHED:

Public Hearing Notice
DRAFT Ordinance

RECORD:

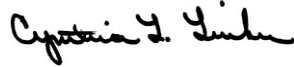
☐ Yes ☒ No

CoBH CERTIFICATE OF INSURANCE REQUIRED ☐ Yes ☒ No

CITY ATTORNEY REVIEW:

☒ Yes ☐ N/A

SUBMITTED BY:



Cynthia L. Linker, CP&D Director

REVIEWED BY:



Stephen N. Cole, City Manager

**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 ¹	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

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a **Public Hearing** before the Board of Aldermen of the City of Black Hawk at 3:00 P.M. on **Wednesday, December 7, 2022**, at 211 Church Street, Black Hawk, Colorado, for the purpose of considering the proposed adoption of the following "International Codes," 2021 Edition, as adopted by reference as the building code of the City of Black Hawk.

(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*.

The City of Black Hawk has specific procedures for adopting Building Codes by Reference, making specific amendments to the above-referenced codes, and providing penalties for violations in the Ordinance.

The subject matter of these codes relates primarily to the building regulations for the City. The purpose of the Ordinance and the Codes adopted therein is to provide a system of building regulations consistent with state law and generally conforming to similar regulations throughout the state and nation. The above-referenced publications are being adopted to establish and regulate building standards within the City of Black Hawk.

Copies of the above-referenced codes are on file at the City Clerk's office, starting at least days before the Public Hearing, and may be inspected during regular business hours. If enacted as an Ordinance of this City, this code as amended will not be published in full, but in accordance with state law, copies will be kept on file.

This Notice is given and published by the order of the Board of Aldermen.
DATED this 9th day of November 2022.

**ALL INTERESTED PARTIES
MAY ATTEND**

CITY OF BLACK HAWK
Melissa A. Greiner, CMC
City Clerk

First Notice of Hearing is published on November 17, 2022.
Second Notice of Hearing is published on November 24, 2022.