

ORDINANCE NO. 007, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE II OF CHAPTER 5 OF THE CODE OF
THE CITY OF FORT COLLINS TO EXEMPT PLUMBING
FIXTURES FROM PERMITS AND INSPECTIONS

A. On April 5, 2022, City Council adopted Ordinance No. 021, 2022, and Ordinance No. 023, 2022, adopting the *2021 International Building Code* (the “IBC”) and the *2021 International Residence Code* (the “IRC”), respectively, with local amendments thereto.

B. Section 105.2 of the IBC and Section R105.2 of the IRC, codified at Sections 5-26 and 5-30 of the City Code, respectively, require permits for the replacement of new plumbing fixtures, including new high efficiency toilets.

C. The *Colorado State Plumbers Practice Act*, Colorado Revised Statutes Sections 12-155-101 *et seq.*, does not require a permit for plumbing fixture replacements.

D. Requiring a permit to install high efficiency toilets and other plumbing fixtures is cost-prohibitive, and plumbing contractors and the public frequently replace toilets and other plumbing fixtures without obtaining permits.

E. Installing high efficiency toilets and fixtures provides significant value in terms of cost-savings to the resident and furthering the City’s Our Climate Future goals.

F. City staff has recommended a proposed exemption to the IBC’s and IRC’s permitting requirements for the replacement of plumbing fixtures, including toilets, provided the repairs do not involve the replacement or rearrangement of valves or pipes.

G. The proposed permit exemption would not raise life or safety concerns and would minimize barriers and cost impacts to improving indoor water efficiency throughout the City.

H. City Council finds that the proposed code amendments set forth in this Ordinance are in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 5-27 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 5-27. Amendments and Deletions to the 2021 International Building Code.

The *2021 International Building Code* adopted in §5-26 is hereby amended to read as follows:

...

4. **Section 105.2 Work exempt from permit, regarding Building and Plumbing subsections**, is hereby amended to read as follows; however, the subsections for **Electrical, Gas, and Mechanical** are retained in their entirety:

105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

Building:

...

Plumbing

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the repair and replacement of garbage disposal units and dishwashers directly connected to the sanitary sewer system, including the necessary replacement of all tail pipes and traps, or the repair, maintenance, and replacement of sinks, faucets, drains, showers, tubs, and toilets, provided such repairs do not involve or require the replacement or rearrangement of valves or pipes.

...

Section 2. Section 5-30 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 5-30. Amendments and Deletions to the 2021 International Residential Code.

The 2021 *International Residential Code* adopted in Section 5-26 is hereby amended to read as follows:

...

4. **Section R105.2 Work exempt from permit, regarding Building and Plumbing subsections**, is amended to read as follows; however, the subsections for **Electrical, Gas, and Mechanical** are retained in their entirety:

R105.2 Work exempt from permit. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

R105.2 Building:

...

Plumbing

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the repair and replacement of garbage disposal units and dishwashers directly connected to the sanitary sewer system, including the necessary replacement of all tail pipes and traps, or the repair, maintenance, and replacement of sinks, faucets, drains, showers, tubs, and toilets, provided such repairs do not involve or require the replacement or rearrangement of valves or pipes.

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Introduced, considered favorably on first reading on January 16, 2024, and approved on second reading for final passage on February 6, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: February 16, 2024
Approving Attorney: Madelene Shehan