

Alan Cram, Chair  
Gabe Dunbar  
Shaun Moscrip  
Eric Richards, Vice Chair  
Casey Roberts  
Mark Teplitsky  
Ronnie Zimmerman

Council Chambers  
300 Laporte Avenue  
Fort Collins, CO

Staff Liaison:  
Marcus Coldiron  
Chief Building Official

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## **Meeting Minutes December 14, 2023**

A regular meeting of the Building Review Commission was held on Thursday, December 14, 2023, at 9:00 a.m. It was remote only via Zoom.

- **CALL TO ORDER**

Chair Cram called the meeting to order at 9:00 a.m.

- **ROLL CALL**

PRESENT: Cram, Dunbar, Moscrip, Richards, Teplitsky, Zimmerman

ABSENT: Roberts

STAFF: Coldiron, Yatabe, Shehan, Matsunaka

- **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None.

- **DISCUSSION AGENDA**

1. CONSIDERATION AND APPROVAL OF THE MINUTES OF THE OCTOBER 26, 2023 MEETING.

*Commissioner Richards moved to approve the minutes of the October 26, 2023, meeting. Commissioner Teplitsky seconded. The motion passed 6-0.*

*[Timestamp: 9:03 a.m.]*

2. PROPOSED MIDCYCLE CODE CHANGE: PLUMBING FIXTURE PERMIT EXEMPTION

**DESCRIPTION:** Staff are requesting a code amendment to exempt toilets and other plumbing fixture replacements from the permit process due to the following: Colorado State Plumbers Practice Act doesn't require permits for this type of work, very few fixture replacements currently apply for a permit, there are no concerns with life/safety, and requiring permits create additional barriers and cost impacts to improving indoor water efficiency.

**STAFF:** Marcus Coldiron, Chief Building Official

Staff Presentation

Marcus Coldiron, Chief Building Official, provided background on Chapter 5 of the Municipal Code. He discussed that Chapter 5 requires a permit for the replacement of new fixtures, including new, high efficiency toilets. Plumbing contractors and the public frequently replace toilets and other fixtures without first receiving a permit; it is not commonly known that a permit is required. He noted that Staff believes a permit exemption for this type of activity is warranted; it would not create life/safety issues and aligns with the state's requirements. It would also minimize barriers to improved indoor water efficiency throughout the city.

Mr. Coldiron noted that one example of how the requirement for permits impacts water efficiency is the County's Water and Energy program offered through a partnership with Fort Collins Utilities. The program provides energy efficiency and water conservation assessments and direct installation of various fixtures and products through the Larimer County Conservation Corp (LCCC). He explained that this no-cost program includes replacing toilets with high efficiency models (0.8 gallons per flush). While this program is available to all community members within Fort Collins, the priority is low-income households to best meet the needs of some of our most vulnerable residents.

He further discussed that every year, LCCC sets goals for home assessments to be completed each season. For the 2023-2024 season, the goal is to have 150 high efficiency toilets installed within the Fort Collins Utilities water service area. These toilets are purchased in bulk by LCCC and are installed by Corp members who have been trained in proper installation techniques.

After becoming aware of the requirement to have a permit and inspection for toilet replacements, it was deemed to be cost prohibitive to proceed with toilet replacements with this program, costing up to \$9,750 (\$65 per permit) per season for permits. The permit cost would not be passed on to individual households, so City staff would need to determine budget adjustments.

Mr. Coldiron explained that there is significant value in installing high efficiency toilets and fixtures and educating households on water conservation, not only for cost-savings to the resident, but to continue to meet the City's Our Climate Future goals. The proposed code change will also align with the State of Colorado's Plumber's Practice Act.

Mr. Coldiron presented the 2021 IRC and IBC with proposed changes read as follows:

"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:

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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 removal and reinstallation of water closets~~ 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 ~~or fixtures.~~”

[Timestamp: 9:07 a.m.]

#### Commission Questions and Discussion

Commissioner Teplitzky and Mr. Coldiron discussed the City’s low water usage fixture requirements and the possibility that individuals could purchase and install a fixture that does not meet requirements. Mr. Coldiron noted that regardless of whether a permit is required or not, Code states that an individual is required to meet any laws or ordinances of the jurisdiction. The new fixtures would not be inspected or verified by the Building Department. However, there is a process in place through the Utilities’ rebate program that verifies and ensures the correct fixtures are installed.

Commissioner Richards asked for clarification on the total amount of toilet fixtures that are replaced versus permitted to be replaced. Mr. Coldiron noted that only a tiny number of the toilet fixtures that get replaced are pulling permits for the installation or replacement. He estimated that less than one percent (<1%) of toilets replaced are being permitted. He noted that the proposed code change will be recognizing a trend in the community.

Commissioner Richards and Mr. Coldiron discussed that the proposed code change will be effective for both commercial and residential buildings.

Chair Cram asked for the Commission to make a motion.

***Commissioner Teplitzky moved that the Building Review Commission recommend that City Council adopt the Chief Building Official’s request to amend the Code, removing the requirement for a permit for plumbing fixture replacements, such as toilets, faucets, and other similar work. Commissioner Dunbar seconded. The motion passed 6-0.***

[Timestamp: 9:13 a.m.]

#### ● **OTHER BUSINESS**

Brad Yatabe, Sr. Assistant City Attorney, introduced Madelene Shehan, Assistant City Attorney, who will be advising the Building Review Commission. Commissioner Richards and Mr. Yatabe discussed the CAO’s practice of drafting motions and legal memos prior to the meeting.

Chair Cram noted that application process for reapplying for the BRC. Commissioner Teplitzky’s term expires in March 2024 and indicated he will be reapplying for another term.

#### ● **ADJOURNMENT**

Chair Cram adjourned the meeting at 9:16 am.

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*Minutes prepared by and respectfully submitted by Melissa Matsunaka.*

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