

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Marcus Coldiron, Chief Building Official  
Mariel Miller, Water Conservation Manager

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## SUBJECT

**First Reading of Ordinance No. 007, 2024, Amending Article II of Chapter 5 of the Code of the City of Fort Collins to Exempt Plumbing Fixtures from Permits and Inspections.**

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## EXECUTIVE SUMMARY

The purpose of this item is to request a Code amendment to exempt plumbing fixture replacements, such as sinks, faucets, drains, showers, tubs, and toilets from the permit requirements under Chapter 5 of the City Code, for the following reasons: Colorado State does not require permits for this type of work, very few fixture replacements are currently done with a permit, there are no concerns with life or safety, and requiring permits creates additional barriers and cost impacts to improving indoor water efficiency.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

Chapter 5 of the City Code requires a permit for the replacement of new fixtures, including new, high efficiency toilets and showerheads. The Colorado State Plumbers Practice Act, however, does not require permits for this type of work. Plumbing contractors and the public frequently replace toilets and other fixtures in the City without first receiving a permit; it is not commonly known that a permit is required and historically, this requirement was not enforced by Building Services. Staff believe a permit exemption for this type of activity is warranted; it would not impact life or safety, aligns with the State's requirements, and would minimize barriers to improved indoor water efficiency throughout the city.

Replacing toilets and showerheads with high efficiency models are the most cost-effective water efficiency measures available to reduce residential indoor water use. The cost and effort required to upgrade fixtures to high efficiency models is often a barrier for residents and businesses; one that Fort Collins Utilities Water Conservation and Larimer County have worked to minimize. There are several programs provided by Fort Collins Utilities and one that is in partnership with Larimer County, which provide incentives to replace toilets and showerheads with high efficiency models, either in the form of free direct installations or rebates to residential and commercial customers. The requirement for permits impacts these programs by adding additional cost and complexity (i.e. a permit cost of \$65 and having to receive an inspection of the installed fixture. By removing the permit requirement for new plumbing fixture replacements, this Code amendment would alleviate these additional barriers to improving indoor water efficiency.

Given that permits for these installations have not historically been enforced and are not a well-known requirement, this code amendment aims to align the community's expectation and historical lack of enforcement by exempting the installation of these replacement fixtures from having to receive a permit.

There is little concern that eliminating a permit system for replacement of existing fixtures would result in installation of higher water use fixtures for the following reasons:

- A large majority of fixture replacements currently occur without a permit.
- In 2016, Colorado became a Water Sense state, which means only high efficiency fixtures can be sold by Colorado retailers and wholesalers, helping to ensure that products purchased and installed without a permit are efficient.
- The hundreds of fixtures installed by water conservation programs each year either meet or exceed the City's efficiency requirement and require review and approval of the efficiency rate to be eligible for such programs.

This Code amendment furthers the Citywide initiative to minimize barriers to improving indoor water efficiency and lowering water use as supported by the current Water Efficiency Plan, Our Climate Future, and the City Strategic Plan, Objective 4.4 Environmental Health, which states, "provide a resilient, reliable, and high-quality water supply."

### **CITY FINANCIAL IMPACTS**

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None.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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On December 14, 2023, the Building Review Commission recommended (6-0) that Council adopt staff's request to amend the City Code, by removing the requirement for a permit for plumbing fixture replacements, such as toilets, faucets and other similar work.

### **PUBLIC OUTREACH**

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Various stakeholders such as Larimer County Conservation Corps, plumbers, and the Chamber of Commerce have been engaged related to this code change.

### **ATTACHMENTS**

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1. Ordinance for Consideration
2. Building Review Commission Draft Meeting Minutes, December 14, 2023