

## **ORDINANCE NO.**

### **AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, ADOPTING AND AMENDING THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, 2024 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION AND THE COLORADO PLUMBING AND FUEL GAS CODE, THE NATIONAL ELECTRICAL CODE, MODEL ELECTRIC READY AND SOLAR READY CODE AS PER STATE MANDATE**

**WHEREAS**, pursuant to Title 31, Article 16, of the Colorado Revised Statutes, the Fruita City Council has the power to adopt ordinances which adopt codes by reference, and

**WHEREAS**, the City of Fruita City Council finds that adoption of this Ordinance is necessary to preserve the health, safety and welfare of the citizens of the City of Fruita.

**WHEREAS**, the Fruita City Council finds that it is important for the safety of the Citizens of the City of Fruita to have established a current uniform code. Accordingly, it is necessary to repeal, re-adopt and amend the building codes including the International Building Code, the International Mechanical Code, the International Existing Building Code, the International Residential Code, 2024 Edition and the International Energy Conservation Code, 2021 Edition and the Colorado Plumbing and Fuel Gas Code, the National Electrical Code, Model Electric Ready and Solar Ready Code as per state mandate to be applied throughout the City of Fruita and providing for administration, enforcement and appeals including penalties of violation of the provisions of these Codes.

**NOW THEREFORE, BE IT ORDAINED**, by the City of Fruita City Council as follows:

#### **Part 1: LEGISLATIVE DECLARATION:**

The City of Fruita City Council finds that it is important for the safety of the citizens of the City of Fruita to establish a current uniform code. Accordingly, it is necessary to adopt and amend the current building code together with the plumbing code, the mechanical code, the fuel gas code, the existing building code, the residential code, the electrical code, the energy conservation code and the model electric ready and solar ready code. ("Codes").

#### **Part 2: PURPOSE:**

The provisions of this Ordinance have been made with reasonable consideration of, and in accordance with, the public health, safety, morals and general welfare of the public, and the safety, protection and sanitation of such dwellings, buildings, and structures.

#### **Part 4: ADOPTION AND AMENDMENT OF THE INTERNATIONAL BUILDING CODE:**

##### **Section 1: Adoption of International Building Code.**

- (a) The International Building Code, 2024 Edition, as published by the International Code Council, Inc., together with amendments set forth below (hereafter “IBC” or “International Building Code”) is hereby adopted to provide minimum standards to safeguard life and limb, health, property, and the public welfare by regulating and controlling various matters including, but not limited to the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the Jurisdiction.
- (b) The following chapters of the Appendix of the International Building Code, 2024 Edition, are adopted:
  - a. Chapter C, Group U- Agriculture Building
  - b. Chapter I, Patio Covers
  - c. Chapter P, Sleeping Lofts
  - d. No other chapters of the Appendix of the IBC are adopted

## Section 2: Amendments to International Building Code.

The building code adopted in the Section 1 of this Part 4, is hereby amended as follows:

- (a) Section 101: Section 101.4.4 Property maintenance is amended by deletion of this section in its entirety.
- (b) Section 105 Section 105.1 Required is amended by the addition of the sentence: “Each separate building, structure, pool, retaining wall, etc. shall require a separate permit.”
- (c) Section 105: Section 105.2 Work exempt from permit is amended to read:
  - a. “6. Sidewalks, driveways and platforms not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
  - b. “11. Swings and other playground equipment, located outside, of all occupancies covered by this code.
- (d) Section 105: Section 105.2 Work exempt from permit is amended by the addition of the following new items:
  - a. “14. Plastic covered crop production shelters where access to public is prohibited.”
  - b. “15. Shade fabric structures 400 square feet or less.”
  - c. “16. Storage containers on active construction sites for short-term utilization, subject to annual review.”
- (e) Section 105: Section 105.6 Suspension or revocation is amended by the addition of the section to read: The Building Official may suspend or revoke a permit when a Stop Work Notice is issued in writing by another governing federal, state or local authorities in violation of any ordinance or regulation under their authority.
- (f) Section 109: Section 109.2 Schedule of permit fees is amended by the addition of Exhibit A City of Fruita Building Department Fee Schedule. (Copy of Exhibit A City of Fruita Building Department Fee Schedule, is on file in Building Inspection Office).
- (g) Section 109: Section 109.6 Refunds is amended by the addition of the following: “Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.”

- (h) Section 109: Section 109.7 Fees for agriculture buildings is amended by the addition of Subsection 109.7 to read: “No fees shall be required for a building permit obtained for Agriculture Buildings defined as buildings or structures used for the sole purpose of providing shelter for agricultural implements, farm products, livestock or poultry, that is not a place of employment or open to the public. This agriculture building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.”
- (i) Section 110: Section 110.7 Inspections for agriculture buildings is amended by addition of Subsection 110.7 to read as follows: “No inspections shall be required for a building permit obtained for Agriculture Buildings defined as buildings or structures used for the sole purpose of providing shelter for agricultural implements, farm products, livestock or poultry, that is not a place of employment or open to the public. However, this exemption is not an exception of the minimum building standards set forth in the International Building Code, or to the other requirements for inspections for electrical, mechanical and plumbing.”
- (j) Section 113: Section 113 Board of appeals is amended by deletion of this section in its entirety and replaced with: “The Board of Appeals established in Part 13 shall serve as the Board of Appeals.”
- (k) Section 114: Section 114.4 Violation penalties is amended by deletion of this section in its entirety and replaced with: “Any person who violates a provision of the code or fails to comply with any of the requirements thereof shall be subject to the penalties prescribed in Part 16 of this Ordinance.”
- (l) Section 116: Section 116.1 Unsafe Conditions is amended by adding a paragraph to read: “The building official may cause the premises to be closed up and secure through any available public agency or contractor arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be lien upon such real estate and may be collected by any other legal resource. The building official may condemn unsafe structures.”
- (m) Section 305: Section 305.2.3 “Twelve” or fewer children in a dwelling unit is amended by deleting Five and replacing with Twelve.
- (n) Section 308: Section 308.2.4 Five or fewer persons receiving custodial care is amended by deleting: “provided an automatic sprinkler system is installed in accordance with section 903.3.1.3 or with section 2904 of the International Residential Code.”
- (o) Section 310: Section 310.4.1 Care facilities within a dwelling is amended by deleting: “provided an automatic sprinkler system is installed in accordance with section 903.3.1.3 or with section 2904 of the International Residential Code.”
- (p) Section 310: Section 310.6 Residential Group R-5 is amended by the addition of Section 310.6 to read as follows: “Residential Group R-5. Residential Group R-5 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment. This occupancy requires that all persons residing within shall, without any assistance, be capable of responding to an emergency situation to complete building evacuation. Such occupancy shall comply with the International Residential Code. This group shall include, but not limited to, the following:

Congregate living facilities (nontransient) with 16 or fewer occupants, for whom supervision is provided on a 24-hour basis within the building, structure or portion thereof

- (q) Section 1004: Table 1004.5 Maximum floor area allowances per occupant is amended to change the maximum floor area allowance per occupant of Agriculture Building from: 300 Gross to 500 Gross.
- (r) Chapter 30: Chapter 30 Elevators and conveying systems is amended by the addition of four new sections and subsections to read as follows:

#### SECTION 3010 PERMITS & CERTIFICATES OF INSPECTION

3010.1 Permits Required. It shall be unlawful to install any new elevator, moving walk, escalator or dumbwaiter or to make alterations to any existing elevator, dumbwaiter or moving walk, as defined in ASME A17.1, without first having obtained a permit for such installations from the building official. Permits shall not be required for maintenance or minor alterations.

3010.2 Certificates of Inspection Required. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by an approved inspection agency. Such certificates shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspection and tests have been performed in accordance with ASME A17.1. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3013.

3010.3 Applications for Permits. Applications for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner or the owner's representative, upon payment of the permit fees specified in this section.

3010.4 Applications for Certificates of Inspection. Applications for an inspection and certificates of inspection shall be made to an approved inspection agency by the owner of an elevator, dumbwaiter, escalator or moving walk. Fees for inspections and certificates of inspection shall be determined by the approved inspection agency.

3010.5 Fees. A fee for each permit shall be paid to the building official as prescribed in the jurisdiction Permit Fee Schedule.

#### SECTION 3011

##### DESIGN

3011.1 Detailed Requirements. For detailed design, construction and installation requirements see Chapter 16 and the appropriate requirements for ASME A17.1.

#### SECTION 3012

##### REQUIREMENTS FOR OPERATION AND MAINTENANCE

3012.1 General. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator and moving walk installations and shall cause periodic inspections to be made on such conveyances as required by this section.

3012.2 Periodic Inspection and Tests. Routine and periodic inspections and tests shall be made as required by ASME A17.1.

3012.3 Alterations, Repairs and Maintenance. Alterations, repairs and maintenance shall be made as required by ASME A17.1.

3012.4 Inspection Costs. All costs of such inspections shall be paid by the owner.

## SECTION 3013

### UNSAFE CONDITIONS

3013.1 Unsafe Conditions. When an inspection reveals an unsafe condition of an elevator, escalator, moving walk or dumbwaiter, the inspector shall immediately file with the owner and the building official a full and true report of inspection and unsafe conditions. If the building official finds that the unsafe condition endangers human life, the building official shall cause to be placed on such conveyance, in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance that are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed by the building official when satisfied that the unsafe conditions have been corrected.

- (s) Section 3109: Section 3109.1 General is amended by deletion and replaced with: "Swimming pools, spas and hot tub barriers shall comply with section 305 of the International Swimming Pool and Spa Code."

## Part 5: ADOPTION OF THE COLORADO PLUMBING AND FUEL GAS CODE:

Section 1: Adoption of the International Plumbing Code, International Fuel Gas Code and applicable chapters of the International Residential Code.

- (a) The International Plumbing Code, International Fuel Gas Code and applicable chapters of the International Residential Code published by the International Code Council and as amended and adopted by the State of Colorado Plumbing Board pursuant to Title 12, Article 155 C.R.S., together with amendments set forth below (hereafter "CPFGC" or "Colorado Plumbing and Fuel Gas Code") is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, location, relocation, replacement, addition to, use and maintenance of plumbing systems within the Jurisdiction.

Section 2: Amendments to the Colorado Plumbing and Fuel Gas Code.

The plumbing code adopted in Section 1 of this Part 5 is hereby amended as follows:

- (a) Fee schedule is amended by the addition of Exhibit A City of Fruita Building Department Fee Schedule. (Copy of Exhibit A City of Fruita Building Department Fee Schedule, is on file in Building Inspection Office).
- (b) Fee refunds is amended by the deletion of this section in its entirety and replaced with the following: "Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance."
- (c) Means of appeal is amended by deletion of this section in its entirety and replaced with the following: "The Colorado State Plumbing Board serves as the Board of Appeals for the International Plumbing Code."

#### Part 6: ADOPTION AND AMENDMENTS OF THE INTERNATIONAL MECHANICAL CODE:

##### Section 1: Adoption of the International Mechanical Code.

- (a) The International Mechanical Code, 2024 Edition, as published by the International Code Council, together with amendments set forth below (hereafter "IMC" or "International Mechanical Code") is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the Jurisdiction.

##### Section 2: Amendments to the International Mechanical Code.

The mechanical code adopted in Section 1 of this Part 6 is hereby amended as follows:

- (a) Section 108: Section 108.2 Schedule of Permit Fees is amended by the addition of Exhibit A City of Fruita Building Department Fee Schedule. (Copy of Exhibit A City of Fruita Building Department Fee Schedule, is on file in Building Inspection Office).
- (b) Section 108: Section 108.6 Refunds is amended by the deletion of this section in its entirety and replaced with the following: "Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance."
- (c) Section 112: Section 112 Means of appeal is amended by deletion of this section in its entirety and replaced with the following: "The Board of Appeals established in Part 13 shall serve as the Board of Appeals."
- (d) Section 114: Section 114.4 Violation penalties is amended by deletion of the section in its entirety and replaced with the following: "Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to the penalties as prescribed in Part 16 of this Ordinance."

#### Part 7: ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE:

## Section 1: Adoption of the International Existing Building Code.

- (a) The International Existing Building Code, 2024 Edition, as published by the International Code Council, together with amendments set forth below (hereafter “IEBC” or “International Existing Building Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, location, relocation, replacement, addition to, use and maintenance of existing buildings within the Jurisdiction.

## Section 2: Amendments to International Existing Building Code.

The existing building code adopted in Section 1 Part 7 is hereby amended as follows:

- (a) Section 108: Section 108.2 Schedule of permit fees is amended by the addition of Exhibit A City of Fruita Building Department Fee Schedule. (Copy of Exhibit A City of Fruita Building Department Fee Schedule, is on file in Building Inspection Office).
- (b) Section 108: Section 108.6 Refunds is amended by the deletion of this section in its entirety and replaced with the following: “Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.”
- (c) Section 112: Section 112 Board of appeals is amended by deletion of this section in its entirety and replaced with the following: “The Board of Appeals established in Part 13 shall serve as the Board of Appeals.”
- (d) Section 113: Section 113.4 Violations is amended by deletion of this section in its entirety and replaced with the following: “Any person who violates a provision of the code or fails to comply with any of the requirements thereof shall be subject to the penalties prescribed in Part 16 of this Ordinance.”
- (e) Section R115: Section R115 Unsafe buildings and equipment is amended by deletion of this section in its entirety and replaced with: “As amended in section 116 of the 2024 International Building Code.”

## Part 8: ADOPTION AND AMENDMENT OF THE INTERNATIONAL RESIDENTIAL CODE:

### Section 1: Adoption of the International Residential Code.

- (a) The International Residential Code, 2024 Edition, published by the International Code Council, together with amendments set forth below (hereafter “IRC” or “International Residential Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, location, repair, location, relocation, replacement, addition to, use and maintenance of one-and two family dwellings and townhouses not more than three stories in height within the Jurisdiction.
- (b) The following chapters of the Appendix of the International Residential Code, 2024 Edition, are adopted:
  - a. Appendix BB, Tiny Houses
  - b. Appendix BF, Patio Covers

- c. Appendix BO, Existing Buildings and Structures
- d. Appendix CB, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents
- e. Appendix CC, Recommended Procedure for Safety Inspection of an Existing Appliance Installation
- f. No other Appendix chapters of the IRC are adopted

## Section 2: Amendments to the International Residential Code.

The residential code adopted in Section 1 of this Part 8, is hereby amended as follows:

- (a) Section R101: Section R101.2 Scope is amended by moving Owner-occupied lodging houses with five or fewer guestrooms from exception to scope.
- (b) Section R101: Section R101.2 Scope is amended by moving a care facility with five or fewer persons receiving custodial care within a dwelling unit from exception to scope.
- (c) Section R101: Section R101.2 Scope is amended by moving a care facility with five or fewer persons receiving care that are within a dwelling unit from exception to scope.
- (d) Section 101: Section 101.2 Scope is amended by the addition to scope: "Child Care Facilities as permitted under HB21-1222, but not to exceed 12 Children."
- (e) Section 101: Section 101.2 Scope is amended by the addition to scope: "Residential Group R-5, as defined in the IBC."
- (f) Section 102: Section 102.6 Existing structures is amended by deletion of: "International Property Maintenance Code."
- (g) Section R104: Section R104.2.3.1 Flood hazard areas is amended by the deletion of this section in its entirety and replaced with the following: "No permit will be issued without review and approval from the local jurisdiction floodplain administrator."
- (h) Section R104: Section R104.3.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas is amended by the deletion of this section in its entirety and replaced with the following: "No permit will be issued without review and approval from the jurisdiction floodplain administrator."
- (i) Section R105 Section R105.1 Required is amended by the addition of the sentence: "Each separate building, structure, pool, retaining wall, etc. shall require a separate permit."
- (j) Section R105: Section R105.2 Work exempt from permit is amended to read:
  - a. "5. Sidewalks, Driveways and Platforms not more than 30 inches above the adjacent grade and not over any basement or story below."
  - b. "7. Temporary (removable) prefabricated swimming pools installed for a maximum of 180 days per year."
  - c. "8. Swings, playhouses and other playground equipment."
  - d. "10. Decks that are not more than 30 inches above grade at any point."
- (k) Section R105: Section 105.2 Work exempt from permit is amended by the addition of the following new items:
  - a. "11. Re-siding of buildings regulated by this code."
  - b. "12. Roof recover of buildings regulated by this code that do not exceed Limits of Section R908.4 and 908.4.1"



- c. “13. Plastic covered crop production shelters where access to the public is prohibited.”
- (l) Section R106: Section R106.1.4 Buildings in flood hazard areas is amended by the deletion of this section in its entirety and replaced with the following: “The local jurisdiction floodplain administrator will be responsible for adherence to applicable regulations under their authority. A final verification and approval from the floodplain administrator will be given prior to issuance of a Certificate of Occupancy.”
- (m) Section R106: Section R106.3.1 Construction documents is amended by deletion of the second sentence of the first paragraph: “One set of construction documents so reviewed shall be retained by the Building Official.”
- (n) Section R106: Section R106.5 Retention of construction documents is amended by deletion of this section in its entirety.
- (o) Section R108: Section R108.2 Schedule of permit fees is amended to add Exhibit A City of Fruita Building Department Fee Schedule. (Copy of Exhibit A City of Fruita Building Department Fee Schedule, is on file in Building Inspection Office).
- (d) Section R108: Section R108.5 Refunds is amended by the deletion of this section in its entirety and replaced with the following: “Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.”
- (e) Section R108: Section R108.7 Fees for agriculture buildings is amended by the addition of Subsection 109.7 to read: “No fees shall be required for a building permit obtained for Agriculture Buildings defined as buildings or structures used for the sole purpose of providing shelter for agricultural implements, farm products, livestock or poultry, that is not a place of employment or open to the public. This agriculture building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.”
- (f) Section R109: Section R109.5 Inspections for agriculture buildings is amended by addition of Subsection 110.7 to read as follows: “No inspections shall be required for a building permit obtained for Agriculture Buildings defined as buildings or structures used for the sole purpose of providing shelter for agricultural implements, farm products, livestock or poultry, that is not a place of employment or open to the public. However, this exemption is not an exception of the minimum building standards set forth in the International Building Code, or to the other requirements for inspections for electrical, mechanical and plumbing.”
- (p) Section R112: Section R112 Board of appeals is amended by deletion of this section in its entirety and replaced with: “The Board of Appeals established in Part 13 shall serve as the Board of Appeals.”
- (q) Section R113: Section R113.4 Violation penalties is amended by deletion of the section in its entirety and replaced with the following: “Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to the penalties as prescribed in Part 16 of this Ordinance.”
- (r) Section R115: Section R115 Unsafe structures and equipment is amended by addition to read: “As amended in section 116 of the 2024 International Building Code.”
- (s) Section R202: Section R202 Definitions is amended to read:

- a. "Dwelling. Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. Dwelling is not defined as a building that is used, intended, or designed to be separated as individually owned properties. See definition of townhouse."
- b. "Townhouse. A building that contains two or more attached townhouse units."
- (t) Section R302: Table R302.1 (1) Exterior walls is amended by changing the following:
  - a. "Walls (not fire resistance rated) Minimum Fire Separation Distance = 3 feet"
  - b. "Projections (not fire resistance rated) Minimum Fire Separation Distance = 2 feet"
  - c. "Openings (unlimited) Minimum Fire Separation Distance = 3 feet"
  - d. "Openings, deleted 25% Maximum of Wall Area/ 0 Hours/ 3 feet"
  - e. "Penetrations (all) Minimum Fire Separation Distance < 3 feet, compliance with Section R302.4 and at 3 feet or greater, no requirements."
- (u) Section R302: Section R302.2 Townhouses is amended for the purpose of this section to read: "Townhouse shall include two (2) or more attached townhouse units as defined in Section R202."
- (v) Section R302: Section R302.3 Two-family dwellings is amended for the purpose of this section to read: "Two-family dwelling does not include buildings that are used, intended, or designed to be separated as individually owned properties. See definition of townhouse."
- (w) Section R306: Section R306 Flood-resistant construction is amended by deletion of this section in its entirety and delegating authority to the local jurisdiction floodplain administrator.
- (x) Section R309: Section R309.1 Townhouse automatic sprinkler systems is amended by deletion of this section and replaced with the following: "An automatic sprinkler system shall be installed in townhouses that contain more than four townhouse units. Exception: An automatic sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic sprinkler system installed."
- (y) Section R309: Section R309.2 Automatic fire sprinkler systems is amended by the deletion of "shall be installed" and replaced with "may be installed".
- (z) Section R317: Section R317.1 Floor surface is amended by the deletion of the second paragraph.
- (aa) Section R317: Section R317.5 Fire sprinklers is amended by deletion of this section in its entirety.
- (bb) Section R319: Section R319.1 Emergency escape and rescue openings required first sentence is amended to read: "Basements, floors above grade plane, habitable attics, the room to which a sleeping loft is open and every sleeping room shall have not less than one operable emergency escape and rescue opening."
- (cc) Section R319: Section R319.1 Emergency escape and rescue openings required is amended by the addition of the following exception:
  - a. "5. Storage rooms located above a garage and accessed only through the garage."
- (dd) Section R322: Section R322.1 Dwelling units or sleeping units is amended by deletion of this section in its entirety.
- (ee) Section R323: Section R323 Elevators and Platform Lifts is amended by deletion of this section in its entirety.
- (ff) Section R325: Section R325.1.2 Natural ventilation Exception 3 is amended by deletion in its entirety and replacing with the following: "Required ventilation openings shall be permitted to

open into a thermally isolated sunroom or roofed porch, deck, or patio where the space has adequate openings to the outside.”

(gg) Section R328: Section R328.1 Swimming pools, spas and hot tubs is amended by deletion of this section in its entirety.

(hh) Section R333: Section R333 Wildfire hazard areas is amended by the addition of Section R333.

Section R333 Requirements in Wildfire Hazard Areas.

- a. Section R333.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the City of Fruita Wildfire Hazard Map).
- b. Section R333.2 Roof Covering. Roof coverings for new buildings or structures or additions thereto or roof covering utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL790 or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers or have one layer of 72-pound (32.4 kg) mineral-surfaced, nonperforated cap sheet complying with ASTM D3909 installed over the combustible decking.
- c. Section R333.3 Roof Valleys. Where provided, valley flashings shall be not less than 0.019-inch (0.44 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide (914 mm) underlayment consisting of one layer of 72-pound (32.4 kg) mineral-surfaced, nonperforated cap sheet complying with ASTM D3909 running the full length of the valley.
- d. Section R333.4 Underfloor Enclosure. Buildings or structures shall have underfloor areas with habitable space located above enclosed to the ground with exterior walls.

Exception: Complete enclosure shall not be required where the underside of exposed floors and exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction, fire-retardant-treated wood or heavy timber construction. Fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code.

- e. Section R333.5 Vents. Where provided, attic ventilation openings, foundation or underfloor vents, or ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m<sup>2</sup>) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/8 inch (3.2 mm) or shall be designed and approved to prevent flame or ember penetration into the structure.
- f. Section R333.6 Moved Buildings. Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Area.
- g. Section R333.7 Replacement or repairs to buildings or structures in existence prior to the adoption of this code that are replaced or have 25 percent or more replaced in a 12-month period shall meet the requirements of this section for new construction.

- (ii) Chapter 11 (eleven): Chapter 11 (eleven) Energy efficiency is amended by the deletion of this chapter in its entirety, and replace with: “See 2021 International Energy Conservation Code as adopted for energy code requirements.”

Part 9: ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE:

Section 1: Adoption of the International Energy Conservation Code

- (a) The International Energy Conservation Code, 2021 Edition, published by the International Code Council, (hereafter “IECC” or “International Energy Conservation Code”) (or more current published energy compliance standards used in its entirety as approved by the Building Official) is hereby adopted as the Energy Conservation Code of County of Mesa regulating design, construction, quality of materials, erection, installations, alterations, repair, location, relocation, replacement, additions to, use and maintenance of the building envelope, mechanical, lighting and power systems within the Jurisdiction.

Section 2: Amendments to the International Energy conservation Code

- (a) Section 103: Section R103.5 Retention of construction documents is hereby amended by deletion of this section in its entirety.
- (b) Section C104 & Section R104: Section C104.2 & Section R104.2 Schedule of permit fees are amended by the addition of the Ordinance, Exhibit A, City of Fruita Building Department Fee Schedule. (Copy of Exhibit A, City of Fruita Building Department Fee Schedule, is on file in the Building Inspection office.)
- (c) Section C104 & Section R104: Section C104.5 & Section R104.5 Refunds is amended by the deletion of this section in its entirety and replaced with the following: “Building permit fees may be refunded at the rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced or after 180 days of issuance.”
- (d) Section C110 & Section R110: Section C110 & Section R110 Board of appeals are amended by deletion of these sections in their entirety and replaced with: “The Board of Appeals established in Part 13 of the Ordinance, shall serve as the Board of Appeals.”
- (e) Section C111 & Section R111: Section C111 & Section R111 Duties of the code official are hereby amended by the addition of these sections: “The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.”
- (f) Section R402: Table R402.1.3 Insulation minimum R-values and fenestration requirements by component is amended by changing to the following values from the 2024 International Energy Conservation Code:

5 and Marine 4	0.30i	0.55	NR	49 or 30cij	30 or 20&5cih or 13&10cih or 0&20cih	13/17	30 or 19&7.5ci or 15ci	15ci or 19 or 13&5ci	10ci, 4 ftk	15ci or 19 or 13&5ci
----------------------	-------	------	----	-------------------	---	-------	------------------------------	----------------------------	----------------	----------------------------

- (g) Section R402: Table R402.1.3 Insulation minimum R-values and fenestration requirements by component is amended by adding the following footnotes:
  - a. “j. Insulation entirely above roof deck.”
  - b. “k. Slab insulation shall be installed in accordance with Section R402.2.9.1.”
- (h) Section R402: Section R402.2.9.1 Slab-on-grade floor insulation installation is amended by the deletion of the second sentence and replaced with the following: “Insulation located below grade shall be extended the distance provided in Table R402.1.3, but need not exceed the footing depth in accordance with Section R403.1.4 of the International Residential Code.”
- (i) Section R408: Section R408.2 Additional efficiency package options is amended by the addition of the following sentence at the end of the section: “As an alternative, additional efficiency measures and credits complying with section R408 of the 2024 International Energy Conservation Code, shall be deemed equivalent.”
- (j) Section R404: Section R404.2 Interior lighting controls is amended by the deletion of this section in its entirety.

#### Part 10: ADOPTION OF THE MODEL ELECTRIC READY AND SOLAR READY CODE:

##### Section 1: Adoption of the Model Electric and Solar Ready Code.

- a) The Model Electric Ready and Solar Ready code language developed for adoption by the Energy Code Board, pursuant to Section 24-38.5-401(5), as required by HB122-1362, is adopted as written at the time of this code adoption to regulate the design, construction, quality of materials, erection, installations, alterations, repair, location, relocation, replacement, additions to, use and maintenance of the building envelope, mechanical, lighting and power systems within the Jurisdiction.

#### Part 11: ADOPTION OF THE NATIONAL ELECTRICAL CODE:

##### Section 1: Adoption of the National Electrical Code.

- (a) The National Electrical Code published by the National Fire Protection Association as amended and adopted by the State of Colorado Electrical Board pursuant to Title 12, Article 115 C.R.S. (hereafter “NEC” or “National Electrical Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, location, relocation, replacement, addition to, use and maintenance of electrical systems in the Jurisdiction.

##### Section 2: Amendments to the National Electrical Code

- (a) Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by Exhibit A City of Fruita Building Department Fee Schedule. (Copy of Exhibit A City of Fruita Building Department Fee Schedule, is on file in Building Inspection Office).

#### Part 12: REPEAL OF THE CITY OF FRUITA ORDINANCE 2019-03

The Ordinance #2019-03 and Resolution 2022-40 of the City of Fruita and all other resolutions or ordinances in conflict herewith are repealed. This repeal is not intended, nor does this repeal act to reinstate any prior resolution or ordinances previously repealed.

Part 13: BOARD OF APPEALS, APPEALS PROCEDURES:

- (a) A common appellate procedure and Board of Appeals to hear all appeals arising under the application of this Ordinance, EXCEPT with respect to the National Electric Code and the Colorado Plumbing and Fuel Gas Code is contained within this Part 13.
- (b) In order to determine the suitability of alternate materials and methods of construction and to provide reasonable interpretations of this Ordinance and the adopted Codes, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the Jurisdiction. The Chief Building Official shall be an ex-officio member of and shall act as secretary to said board. The Board of Appeals shall be appointed by the Board of County Commissioners and shall hold office at its pleasure. The Board of Appeals shall adopt rules and procedures for conducting business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Chief Building Official.
- (c) The Board of Appeals shall have jurisdiction to decide any appeals from the Chief Building Official if the decision of the Chief Building Official concerns suitability of alternate material, methods of construction or a reasonable interpretation of this Ordinance and the adopted Codes. The Board of Appeals shall not hear appeals of life safety items, administrative provisions of this Ordinance nor shall the Board of Appeals be empowered to waive requirements of the Codes. The first order of business at any hearing of the Board of Appeals shall be to determine if it has jurisdiction to hear the appeal.
- (d) Any appeal to the Board of Appeals shall be preceded by a written appeal to the Chief Building Official, who shall reply in writing. The decision of the Chief Building Official may be appealed to the Board of Appeals, within ten days from the date of the decision of the Chief Building Official. A Notice of Appeal, together with a copy of the original written appeal and a copy of the Chief Building Officials decision, shall be filed with the Board of Appeals at the time the appeal is requested.
- (e) The Board of Appeals shall meet within thirty (30) days of the written appeal, hear evidence and argument if it deems appropriate, and shall render all decisions and findings in writing to the Chief Building Official with a duplicate copy to the appellant.

Part 14: SCOPE AND APPLICATION:

The Codes adopted herein shall apply throughout the City of Fruita.

Part 15: ADMINISTRATION:

The Chief Building Official is hereby authorized by the Fruita City Council to administer and enforce this Ordinance as is provided herein and pursuant to Article 28 of Title 30, Colorado Revised Statutes. This Ordinance fully adopts any authority granted in Article 28 of Title 30, Colorado Revised Statutes, and no

interpretation of this Ordinance shall be deemed to limit the powers and authority granted in those statutes.

#### Part 16: VIOLATION AND PENALTY:

The penalties imposed for violation of this Ordinance and of the statutory sections authorizing their adoption are as follows:

- (a) Any violation of this Ordinance is subject to any penalty provisions contained in Article 28 of Title 30, Colorado Revised Statutes, as amended. The adoption of this Ordinance does not limit the application of any of the penalty provisions contained in those statutes.
- (b) Each day that an illegal erection, construction, reconstruction, alteration, maintenance or use continues to be in violation of this Ordinance shall be deemed a separate offense.
- (c) The City of Fruita shall bring any action in the appropriate venue to enforce the provisions of this Ordinance and the adopted Codes. Enforcement actions may be in any form authorized by Article 28 of Title 30, Colorado Revised States, as amended, and includes, but is not limited to, criminal sanctions, civil penalties, injunctions, and abatement actions.

#### Part 17: MISCELLANEOUS PROVISIONS:

- (a) Adoption of Codes Unamended. All Sections of the referenced Codes not specifically amended by this Ordinance are adopted as published in said Code.
- (b) Conflicts and Permits Previously Issued. Any and all Resolutions and/or Ordinances or parts thereof in conflict herewith to the extent of such conflicts or inconsistencies are hereby amended; provided, however, this Ordinance shall not affect the construction of buildings which permits were issued prior to the effective date of this Ordinance and all buildings now under construction pursuant to existing permits shall be constructed in conformance with the Building Codes applicable at the time of issuance of said permit; provided further however, that no construction authorized by an existing permit shall be altered without complying with the newly adopted Building Codes. Nor shall the adoption of this Code prevent the prosecution of violations of any prior Resolution or Ordinance adopting prior Building Codes which occurred prior to the effective date of this Ordinance. Where this Ordinance and the Codes adopted herein by reference are in conflict with other resolutions or ordinance of the City of Fruita, Colorado, the more restrictive provision shall apply.
- (c) Copies of Code Available for Inspection. At least three (3) copies of each of the Codes hereby adopted, all certified to be true copies, are now and shall remain on file with the City of Fruita, Building Inspection Department.
- (d) Exhibit A, the "City of Fruita Building Department Fee Schedule", as cited in this Ordinance, is attached to and adopted with this Ordinance and is incorporated herein by reference.
- (e) Nonassumption, nonwaiver. The City of Fruita, its officials, employees and agents thereof shall not be deemed to have assumed a duty of care where none otherwise existed by the performance of a service or an act of assistance for the benefit of any person under this Ordinance. The adoption of these Codes shall not give rise to a duty of care where none otherwise existed. Enactment of this Ordinance shall not constitute a waiver of sovereign immunity by the City of Fruita, its officials, employees or agents.

- (f) Invalidity in Part. If any part, section, subsection, sentence, clause or phrase of this Ordinance or of the Codes adopted herein is for any reason held to be invalid, such decisions shall not affect the validity of remaining sections of this Ordinance or of the Codes adopted herein, the Board of County Commissioners hereby declares that it would have passed the Ordinance and adopted said Codes in each part, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more parts, sections, subsections, sentences or clauses or phrases be declared invalid. Should any portion of this Ordinance or Codes adopted herein be declared invalid, then the extent of such invalidity on the application of this Ordinance shall be limited so as to continue the provisions of this Ordinance in effect for any portions of this Ordinance and Codes which were not declared invalid or unenforceable.
- (g) Effective the \_\_\_\_ day of \_\_\_\_\_ 2025.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL**

**THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2025.**

ATTEST:

CITY OF FRUITA, COLORADO

\_\_\_\_\_  
Deborah Woods, City Clerk

\_\_\_\_\_  
Matthew Breman, Mayor