

ORDINANCE NO. 1092

AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL BUILDING CODE 2015 Ed., INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS 2015 Ed., INTERNATIONAL MECHANICAL CODE 2015 Ed., INTERNATIONAL FIRE CODE 2015 Ed., INTERNATIONAL ENERGY CONSERVATION CODE 2015 Ed., THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2015 Ed., AND THE INTERNATIONAL FUEL GAS CODE 2015 Ed. WITH AMENDMENTS SPECIFIC TO TINY HOMES

WHEREAS, the City Council of the City of Walsenburg has determined that adopting uniform codes addressing various aspects of building will promote the health, safety and welfare of the citizens of the City of Walsenburg.

BE IT ORDAINED by the City of Walsenburg’s City Council as follows.

1. **International Building Code® 2015 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Building Code®” 2015 Ed. (“IBC”), including appendix chapters, by reference thereto a document, known as the International Building Code® 2015 Ed., published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and appendix includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the City of Walsenburg and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Building Code® 2015 Ed. are adopted.
 - a. **Definition.**
 - i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.
 - b. The following section is waived for tiny homes:
 - i. Section 1208, “Interior Space Dimensions”.
 - c. **Penalties.** Any person, firm or corporation that violates any provision of the International Building Code® 2015 Edition as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction

of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).

2. **International Residential Code for One – and Two-Family Dwellings® 2015 Ed.**

Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the International Residential Code For One – And Two- Family Dwellings®, (“IRC”), including appendix chapters, by reference thereto a document, known as “The International Residential Code For One – And Two- Family Dwellings®” 2015 Ed., published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and appendix includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of all one and two-family dwellings in the City of Walsenburg and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Residential Code for One – and Two-Family Dwellings® 2015 Ed. are adopted.

a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

b. The following sections are waived for tiny homes:

- i. IRC Sections R303.1, R304.1-304.4, minimum room areas;
- ii. IRC Section R307.1- toilet, bath and shower spaces;
- iii. IRC Section 308.4-glazing-hazardous locations;
- iv. IRC Section R310.1, emergency escape and rescue;
- v. IRC Section 311.8-ramp;
- vi. IRC Section 311.7.1-7.10.1, stairways; and
- vii. IRC Section 312.2.1.-egress window sills.

c. The following section is modified for tiny homes:

- i. IRC Section R311.2 is modified to require an exit door width of no less than 32 inches.

- d. Penalties. Any person, firm or corporation who violates any provision of the International Residential Code for One – and Two-Family Dwellings® 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).
3. **International Mechanical Code®2015 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Mechanical Code®” 2015 Ed. (“IMC”), including appendix chapters by reference to a document, known as the “International Mechanical Code®” 2015 Ed., published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and any appendix includes comprehensive provisions and standards regulating all mechanical components of structures in the City of Walsenburg and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Mechanical Code®” 2015 Ed. are adopted.
 - a. Definition.
 - i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.
 - b. The following section is waived for tiny homes:
 - i. IMC Sections 306.1.
 - c. Penalties. Any person, firm or corporation who violates any provision of the International Mechanical Code® 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).
4. **International Fire Code® 2015 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Fire Code®” 2015 Ed. (“IFC”) including appendix chapters by reference to a document, known as the “International Fire Code®” 2015 edition, published by National Fire Protection Association (“NFPA”) 1 Batterymarch Park, Quincy, Mass., 02269 a copy of which is

on file with the City Clerk as a public record. The subject matter of the adopted code and any appendix includes comprehensive provisions and standards regulating all structures in the City of Walsenburg with respect to fire safety and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Fire Code®” 2015 Ed. are adopted.

a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

b. The following section is waived for tiny homes:

- i. IFC Section 903.28 Group R.

- c. Penalties. Any person, firm or corporation who violates any provision of the International Fire Code® 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).

5. **International Energy Conservation Code® 2015 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Energy Conservation Code®” 2015 Ed. (“IECC”) including appendix chapters by reference to a document, known as the “International Energy Conservation Code®” 2015 edition, published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and any appendix includes comprehensive provisions and standards regulating all buildings in the City of Walsenburg with respect to methods of construction that conserve energy and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Energy Conservation Code®” 2015 Ed. are adopted.

a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural

gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

- b. Penalties. Any person, firm or corporation who violates any provision of the International Energy Conservation Code® 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).

- 6. **International Property Maintenance Code® 2105 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Property Maintenance Code®” 2015 Ed. (“IPMC”) including appendix chapters by reference to a document, known as the “International Property Maintenance Code®” 2015 edition, published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and any appendix includes comprehensive provisions and standards regulating the maintenance of buildings and real properties in the City of Walsenburg and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Property Maintenance Code®” 2015 Ed. are adopted.

- a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

- b. Penalties. Any person, firm or corporation who violates any provision of the International Property Maintenance Code 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).

- 7. **International Fuel Gas Code ® 2105 Ed.** Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is hereby adopted the “International Fuel Gas Code®” 2015 Ed. (“IFGC”) including appendix chapters by reference to a document, known as the “International Fuel Gas Code®” 2015 edition, published by the International Code Council® (“ICC”), 4051 West Flossmoor Road, Country Club Hills, IL 60478 a copy of which is on file with the City Clerk as a public record. The subject matter of the adopted code and any appendix includes comprehensive

provisions and standards regulating and governing fuel gas systems and gas-fired appliances as herein provided in the City of Walsenburg and further provides for the issuance of permits and the collection of fees therefore. In addition, the following amendments to the International Fuel Gas Code®” 2015 Ed. are adopted.

a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

- b. Penalties. Any person, firm or corporation who violates any provision of the International Fuel Gas Code® 2015 Ed. as amended shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).

8. Amendments To All Building Codes. The International Building Code® 2015 Ed., International Residential Code for One – and Two-Family Dwellings® 2015 Ed., International Mechanical Code®2015 Ed., International Fire Code® 2015 Ed., International Energy Conservation Code® 2015 Ed., International Property Maintenance Code® 2105 Ed. and the International Fuel Gas Code ® 2105 Ed. are each amended, as necessary, to conform with the following standards that apply only to tiny homes.

a. Definition.

- i. A “tiny home” is a permanent structure constructed on or off site for one or more persons’ year round living with a floor area between 100 and 500 square feet inclusive, mounted to a permanent foundation, attached permanently to City utilities with a separate water meter and, if applicable, a separate natural gas line and meter, that the City building inspector has inspected and for which the City building inspector has issued a certificate of occupancy.

b. **Qualified Foundations.** Qualified Foundations include: stem wall, slab and diamond pier.

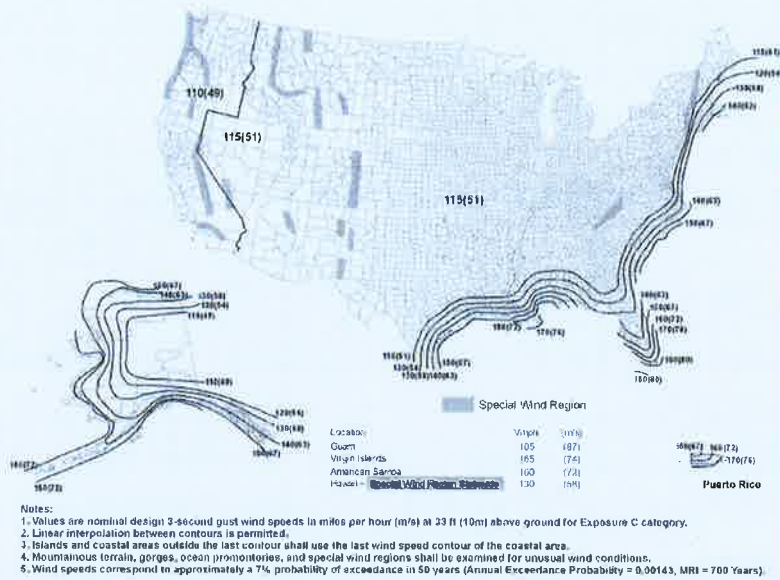
c. **Accessory Dwelling Standards.** Accessory dwellings must meet each of the following standards:

- i. may not exceed 400 square feet;

- ii. must be placed on a permanent foundation;
 - iii. may have a kitchen and cooking privileges;
 - iv. must meet all set back requirements;
 - v. must have utility taps separate from any other dwelling;
 - vi. must conform with the codes adopted in this ordinance;
 - vii. must have all necessary permits and pay all required fees.
- d. **Off Premises Construction.** A primary or accessory dwelling built off premises requires both American National Safety Institute 19.2 or 19.5 (ANCI) and National Fire Protection Agency 1192 (NFPA) approval and certification.
- e. **Foundation and Elevation Certificates.** All foundations and elevation certificates must be wet stamped by a structural engineer.
- f. **Design Criteria Standards.**
- i. Snow load 40-(Source-State of Colorado-recommended basic snow design loads).
 - ii. Roof live load 30- (Source-Basic Roof Load Zone Map).



- iii. Seismic: Zone A (Source United States Seismic Zone Map)
- iv. Wind Speed: 115 mph per 2016 IBC sec 1609.3(1)



v. **Building Materials**-Tiny homes can be constructed from any material providing that the construction meets 2015 IRC standards with exceptions as outlined in this Ordinance and has the finished appearance of a residence.

g. **Penalties.** Any person, firm or corporation who violates any of the General Amendments set forth above shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and, upon conviction of any such violations, such person shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three-hundred dollars (\$300).

9. **No Effect on Current Litigation.** Nothing in this ordinance or the codes hereby adopted shall be construed to affect any suit or proceeding in pending in any court, or any right required, or liability incurred, or any cause or causes of action required or existing, under any act ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.
10. **Effective Date.** This law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the thirty days subsequent to its final passage and adoption.
11. **Conflicts.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform to this ordinance.
12. **Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the city of Walsenburg hereby declares that it would have passed since law, and each section, subsection,

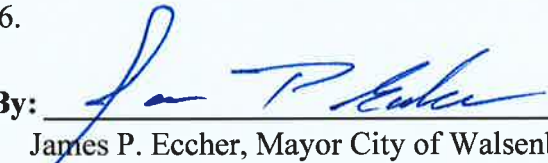
clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

PASSED on the first reading and ordered published the 17th day of May, 2016.

ADOPTED and approved the 21st day of June, 2016.

CITY OF WALSENBURG

DATED this 21st day of June, 2016.

By: 
James P. Eccher, Mayor City of Walsenburg

ATTEST:


Wanda Britt, City Clerk



