

ORDINANCE NO. 1119

AN ORDINANCE OF THE TOWN OF BERTHOUD REPEALING AND REENACTING CERTAIN PROVISIONS OF CHAPTER 11 OF THE TOWN OF BERTHOUD MUNICIPAL CODE; REPEALING TOWN OF BERTHOUD ORDINANCE NO's. 813, 814, AND 825 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH AND ADOPTING BY REFERENCE THE INTERNATIONAL BUILDING CODE OF THE INTERNATIONAL CODE COUNCIL, 2006 EDITION; THE INTERNATIONAL RESIDENTIAL CODE OF THE INTERNATIONAL CODE COUNCIL, 2006 EDITION; THE INTERNATIONAL PLUMBING CODE OF THE INTERNATIONAL CODE COUNCIL, 2006 EDITION; THE INTERNATIONAL MECHANICAL CODE OF THE INTERNATIONAL CODE COUNCIL, 2006 EDITION; THE INTERNATIONAL FUEL GAS CODE OF THE INTERNATIONAL CODE COUNCIL, 2006 EDITION; THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF THE INTERNATIONAL CODE COUNCIL, 2006 EDITION; THE INTERNATIONAL ENERGY CONSERVATION CODE OF THE INTERNATIONAL CODE COUNCIL, 2006 EDITION AND THE NATIONAL ELECTRICAL CODE, 2008 EDITION.

WHEREAS, the Board of Trustees has heard testimony regarding adoption of the 2006 Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation Codes; as well as testimony regarding adoption of the 2008 National Electrical Code and,

WHEREAS, the Board of Trustees, after reviewing these documents in a Public Hearing and hearing all comments, believes it is in the best interests of the Town that the 2006 Editions of these International Codes, and the 2008 Edition of the National Electrical Code be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 1.

The Town Board of Trustees, in recognition of changes in building and construction methods and to help bring the Berthoud community more in line with current Code enforcement regulations and procedures nationwide finds that adoption of the 2006 Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation Codes and the 2008 Edition of the National Electrical Code is in support of the general welfare of the Berthoud community, and

International Building, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation Codes, 2006 Edition, and the 2008 Edition of the

National Electrical Code are hereby adopted pursuant to Title 31, Article 16, C.R.S. and the Town of Berthoud regulations by reference, generally.

The International Residential Code, 2006 Edition, is hereby adopted pursuant to Title 31, Article 16, C.R.S. and the Town of Berthoud regulations, with the following amendments:

Amendments to 2006 Edition, International Residential Code:

a. IRC Table N1102.1 Climate Zone 13 Row is amended to read:

Climate Zone	HDD	Glazing U-Factor	Ceilings	Walls	Floors	Basement walls (Fin.)	Slab Perimeter	Unvented Crawlspace
13	6,000-6,499	0.35	R-38	R-15	R-21	R-10	R-9, 4 ft	R-15

b. IRC N1102.2.6 is amended to read:

Habitable space within a basement shall be insulated in accordance with Table N1102.1. When insulating basement walls, the required R-value shall be applied from the top of the basement wall to a depth of 10 feet below grade or to the top of the basement floor, whichever is less.

The Town Board of Trustees hereby repeals all provisions of the Berthoud Municipal Code in conflict with the 2006 Editions of the International Codes or 2008 Edition of the National Electrical Code as listed above, and

The Town Board of Trustees hereby modifies Chapter 11: Building Regulations with the following:

#### Section 11.1: General Provisions

- a. This Chapter 11 including all codes herein adopted, as amended or modified, may be cited as the "Town of Berthoud Building Code" or "Building Code."
- b. At least one (1) copy of each of the codes adopted by the Town and included within this Chapter 11 shall be on file in the office of the Town Clerk and available for inspection during regular business hours.
- c. References to public officials or departments. Whenever there are any references in the Building Code to public officials by title of office held or to particular departments, boards, commissions, bureaus or other agencies of the Town, such references shall be taken to refer to the

appropriate public officials of the Town holding comparable or similar offices in said Town, although not designated by the same official title. In any event, the Town Administrator is authorized to designate and determine the department, public official or agency or other entity having jurisdiction and authority to enforce or to administer this Building Code or any particular part thereof, unless otherwise clearly provided by law or ordinance.

Whenever a reference is made to the Building Department, the same shall be taken to mean the Planning and Police Departments which have the responsibility for administration of code enforcement, including, but not limited to, building inspection, plan review, contractor licensing, environmental control and permit issuance. Whenever the words "Building Official" are used, said words shall mean the manager of the Building Department.

**d. General application.** Unless otherwise specified herein, the provisions of this Chapter 11 related to such matters as permits, licensing and appeals, shall be generally applicable to each of the individual codes adopted herein.

**e. Compliance.** Any person receiving a building permit to perform work under the provisions of this Chapter 11 must comply with all Town ordinances and regulations relating to construction or to construction related activities.

**f. Penalties.** It shall be unlawful to fail to comply with the requirements of the Codes adopted by reference in this Ordinance and each violation and each day of a continuing violation shall subject the violator to a penalty of a fine of not more than \$300.00 or up to ninety days in jail or both such fine and detention.

**g. Purpose.** The purpose of the 2006 Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation Codes and the 2008 Edition of the National Electrical Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town and certain equipment specifically regulated in this code.

## Section 2. Effective Date.

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

At its meeting on May 11, 2010 this Ordinance was introduced and a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held after public notice of the adopting ordinance is published twice, once at least fifteen days preceding the hearing and once at least eight days preceding it on the 15<sup>th</sup> day of June, 2010. At its meeting on June 15, 2010 this Ordinance was read, passed and ordered published by the Board of Trustees.

**ATTEST:**

Mary K. Cowdin  
Mary K. Cowdin – Town Clerk

**TOWN OF BERTHOUD**

T.P. Patterson  
T.P. Patterson – Mayor

Published: June 24th, 2010

Approved as to form

R.B. Fickel  
R.B. Fickel, Town Attorney