

O-2024-22

AN ORDINANCE

AMENDING CHAPTER 14.02 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE TO ALLOW SLEEPING UNITS THAT ARE PART OF A CITY APPROVED TRANSITIONAL HOUSING PROGRAM TO BE CONSIDERED TEMPORARY SHELTERS THAT ARE EXEMPT FROM STRICT COMPLIANCE WITH THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE

WHEREAS, the City of Lakewood, Colorado (the "City") previously adopted by reference the International Building Code, 2021 Edition (IBC), of the International Code Council, which is codified in Chapter 14.02 of the Lakewood Municipal Code (the "LMC");

WHEREAS, the current definition of "Sleeping Unit" in the IBC does not allow for sleeping units to be considered temporary structures;

WHEREAS, the conformance standards for temporary structures in the IBC requires temporary transitional housing structures to conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of permanent structures;

WHEREAS, temporary transitional housing structures, such as pallet homes or other similar products, need not strictly conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of the IBC to be sufficiently safe for their intended purposes;

WHEREAS, LMC Chapter 14.02 currently contains multiple local amendments to the IBC to meet local needs;

WHEREAS, the Board of Appeals was established by LMC 14.12.010 and is charged with reviewing proposed additions, changes, or amendments to the City's building codes and to make recommendations to the City Council with respect to the adoption thereof;

WHEREAS, the Board of Appeals has reviewed, considered, and recommended for adoption amendments to Chapter 14.02 to include a local definition of "Sleeping Unit" and 3103.1.1 Conformance standards, subject to the City Council incorporating additional requirements regarding the annual inspection of such units used in a City of Lakewood transitional housing program;

WHEREAS, the City desires to amend LMC Chapter 14.02 to change the definition of "Sleeping Unit" to deem sleeping units and their supporting structures that are a part of a City approved transitional housing program to be considered temporary structures;

WHEREAS, the City further desires to amend LMC Chapter 14.02 to change the conformance requirements for temporary structures so that sleeping units and their supporting structures that are part of a City transitional housing program do not need to strictly comply with the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of the IBC;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the City's Charter by setting a public hearing to provide City staff and the public the opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Chapter 14.02.040 Local amendments to certain provisions of the International Building Code is hereby amended as follows:

14.02.040 Local amendments to certain provisions of the International Building Code.

Certain provisions of the International Building Code, as indicated in this section, are hereby amended.

A. The provisions of Chapter 1 shall include the following amendments:

1. Subsection 101.1 is deleted.
2. Section 103 is deleted.
3. Subsection 105.2 is replaced with the following:

105.2 Work exempt from permit. A building permit will not be required for the following:

1. One story detached accessory buildings used as tool sheds, pergolas, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
2. Moveable cases, cabinets, counters, and partitions not over five feet nine inches in height.
3. Retaining walls not exceeding 30 inches in height, measuring from grade to top of wall unless supporting a surcharge or impounding flammable liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.

5. Private walks and driveways not more than 30 inches above grade and not over any basement or story below and not part of an accessible route.
6. Painting, paper and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery, subject to fire department approval.
8. Window awnings supported by an exterior wall of group R, Division 3 Occupancies when projecting not more than 54 inches.
9. Shutters, windows, gutters doors and other minor cosmetic additions not affecting the structure.
10. Roof repairs of less than 100 square feet unless the repair requires removal of mechanical or electrical equipment.
11. Any unforeseen emergency situation whereby the lack of immediate corrective action creates a substantial risk to life, property, health welfare. Any registered contractor who starts or completes work under this exemption shall apply for the appropriate permit the next business day. Failure to obtain such required permit may be cause for suspension or revocation of the contractor's registration and the permit fee may be doubled.

Exemption from the 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.

4. Subsection 105.2.2 is deleted.
5. Subsection 105.5 is replaced with the following:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Permits shall be extended automatically after each successful inspection for a period of 180 days until the work described in the permit is completed. Failed inspections do not extend the permit automatically.
6. Subsection 105.7 is replaced with the following:

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project. Permit placards must be posted in a conspicuous location visible from the public way. Any inspection performed on a site where no placard is clearly posted as noted will be failed until such placard is posted on the job site.

7. Subsection 109.2 is replaced with the following:

109.2 Fees. Fees and valuation for permits required by this code shall be specified in section 14.01.060 of the Lakewood Municipal Code.

8. Subsection 110.3.6 is amended by deleting the exception.

9. Subsection 111.2 shall be amended as follows:

111.2 Certificate issued. After the Building Official inspects a building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department, the building official shall issue a certificate of occupancy for all new buildings, buildings with a change of use, or buildings with modifications to the fire sprinkler, fire alarm systems or fire safety systems.

10. Subsection 111.3 is replaced with the following:

111.3. Temporary occupancy. A Temporary Certificate of Occupancy may be issued under the following conditions and stipulations:

1. All partial and/or final inspections on the building shall have been made.
2. On-site improvements such as grading, drainage, parking, sidewalks, landscaping, retaining walls and other features that appear on the approved plans shall be completed.
3. Public improvements such as curb, gutter and sidewalk, street paving, street lighting, landscaping of public way, drainage, structures, and all other features that appear on the approved plans shall be completed and accepted.
4. In lieu of completion of an on-site public improvements as required in 2 or 3 above, the Building Inspection and Engineering Sections may collectively review the circumstances involved and determine the advisability of issuing a Temporary Certificate of Occupancy for a stipulated period of time. The decision to issue a Temporary Certificate of Occupancy will, in addition to the other requirements, be based upon whether sufficient improvements, including but not limited to drainage improvements, street paving, driveways, and parking areas, have been completed as are necessary for the health, safety, and welfare of any users of the property.
5. A stipulation of the Temporary Certificate of Occupancy may be the posting of a surety in the form of a Letter of Credit or cash in an amount equal to 150 percent of the total cost of the work to be done at the time the Temporary Certificate of Occupancy is granted. The surety shall be posted for the period of time that the Temporary Certificate of Occupancy is issued. If the work is not completed during the specified time, the surety may be forfeited and used by the City, as necessary, to complete the work. Legal action may be taken to enforce the terms and

conditions that prompted the issuance of the Temporary Certificate of Occupancy.

6. A Temporary Certificate of Occupancy may be issued for any period of time, not to exceed 180 days. The 180-day certificate shall be issued only on the basis of extraordinary need in order to comply with major requirements and it may be renewed by the Building Official upon a showing of continued extraordinary circumstances with approval of the City Engineer and/or Director of Planning. Said renewals may be granted for a period not to exceed 90 days.

11. Section 113 is replaced by the following:

113 Board of Appeals. Persons aggrieved under this Chapter 14.02 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

- B. The provisions of Chapter 2, Section 202 Definitions shall include the following amendment:

1. The definition of "Sleeping Unit" in Chapter 2, "Definitions", is hereby replaced with the following:

[A] SLEEPING UNIT. A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units. Sleeping units and any supporting structures, including bathroom, shower, and meeting facilities, that are part of a City of Lakewood approved transitional housing program shall be considered temporary structures and shall be subject to annual inspection of such units in a manner established within a City of Lakewood transitional housing program.

- C. The provisions of Chapter 3 shall include the following amendments:

1. Add new subsection 303.1.6 to read as follows:

303.1.6 Shelters accessory to places of religious worship. Rooms and spaces within places of religious worship providing overnight homeless sheltering for fewer than 50 occupants, for less than 16 continuous hours, shall be classified as part of the primary occupancy provided the aggregate area used for sleeping is less than 10,000 square feet. An operational permit for such use shall be issued by the fire authority having jurisdiction and shall include any of the following as determined by the fire authority:

1. Emergency means of egress and means of egress lighting shall be provided as required in Chapter 10 of the International Building Code.

2. Fully operational smoke alarms and carbon monoxide detection shall be provided in all sleeping areas and installed as required in Chapter 9 of the International Fire Code.
 3. An emergency plan approved by the Fire Code Official may be required to include a minimum one fire watch/attendant as required in Chapter 4 of the International Fire Code.
2. Add new subsection 303.1.7 to read as follows:

303.1.7 Shelters accessory to government facilities. Rooms and spaces within government facilities may be utilized for the sheltering of unhoused individuals with no restrictions provided the following requirements are met:

1. Emergency means of egress and means of egress lighting are Provided as required in Chapter 10 of the International Building Code.
2. Fully operational smoke alarms and carbon monoxide detection shall be provided in all sleeping areas and installed as required in Chapter 9 of the International Fire Code.
3. An emergency plan approved by the Fire Code Official shall be provided to include a minimum of one fire watch/attendant as required in Chapter 4 of the International Fire Code.
4. Provisions for sanitation shall be provided including adequate toilet and washing facilities.

GD. The provisions of Chapter 4 shall include the following amendments:

1. Section 406.6.4 is replaced with the following:

406.6.4 Mechanical-access enclosed parking garages. Mechanically accessed enclosed parking garages are prohibited within the City of Lakewood.

2. A new subsection 420.12 is added to read as follows:

420.12 Electric vehicle charging. When parking spaces are required to be electric vehicle charging stations (EVCS) capable of supporting future electrical vehicle chargers, they shall be identified on the construction documents. Construction documents shall indicate the location of the proposed EVCS.

420.12.1 Single EVCS required. When only one EVCS space is required, a listed raceway to accommodate a dedicated 208/240-volt branch circuit shall be installed. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box, or other enclosure in close proximity to the proposed location of the electric vehicle charger. Construction documents shall identify the raceway termination point. The service panel or subpanel circuit directory shall provide capacity to install a 50-ampere minimum dedicated branch circuit and space(s) reserved to

permit installation of a branch circuit overcurrent device. Electrical vehicle supply equipment shall be installed in accordance with NFPA 70.

420.12.2 Multiple EVCS required. Construction documents shall indicate the raceway termination point and proposed location of future EVCS and electric vehicle chargers. Construction documents shall also provide information on amperage of future electric vehicle supply equipment, raceway method(s), wiring schematics, and electrical load calculations demonstrating the electrical panel, and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all electric vehicles at all required EVCS at the full rated amperage of the electrical vehicle supply equipment. Plan design shall be based upon 50-ampere minimum branch circuit. Raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of the original construction. Electrical vehicle supply equipment shall be installed in accordance with NFPA 70.

420.12.3 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future electrical vehicle charging as "EV CAPABLE." The raceway termination location shall be permanently and visibly marked as "EV CAPABLE."

DE. The provisions of Chapter 16 shall include the following amendments:

1. Subsection 1608.2 is replaced with the following:

1608.2 Ground snow loads. The ground snow load established for the City of Lakewood is 30 pounds per square foot and not reducible.

2. Subsection 1609.3 is replaced with the following:

1609.3 Basic and Ultimate design wind speed. The basic wind speed for the City of Lakewood is established as 100 mph V^{asd} and 130 V^{ult} , for all structures east of the 10,000 West block and 120 V^{asd} and 155 V^{ult} for all other structures in all other locations. The ultimate design wind speed, V^{ult} for use in the design of Risk Category II buildings and structures shall be 138 V^{ult} for all structures east of the 10,000 West block and 166 V^{ult} for all other structures in all other locations. The ultimate design wind speed, V^{ult} , for use in the design of Risk Category I buildings and structures shall be 130 V^{ult} for all structures east of the 10,000 West block and 155 V^{ult} for all other structures in all other locations. For Risk Category III and IV structures east of the 10,000 West block V^{asd} shall be 100 mph and 120 mph west of the 10,000 West block, V^{ult} shall be 148 mph for structures east of the 10,000 West block, and 178 mph west of the 10,000 West block.

3. Subsection 1609.4 is replaced with the following:

1609.4 Exposure category. Exposure C shall be used for the design of all structures in the City of Lakewood.

EF. The provisions of Chapter 18 shall include the following amendments:

1. A new subsection 1803.3.2 is added to read as follows:

1803.3.2 Location of geotechnical investigations. Geotechnical investigations must be performed on the subject property. Investigation reports from locations other than within the property lines of the subject property will not be accepted by the Building Official.

2. A new subsection 1803.3.3 is added to read as follows:

1803.3.3 Age of geotechnical reports. Geotechnical reports must be performed within twenty (20) years of the date of submittal for permit.

Exception: Geotechnical reports that pre-date site disturbances on the subject property will not be accepted.

FG. The provisions of Chapter 29 shall include the following amendment:

1. Table 2902.1 add footnote (g) to read the following:

- g. Required drinking fountains may be substituted with a water dispenser for an occupant load of 50 or fewer.

GH. The provisions of Chapter 30 shall include the following amendments:

1. A new section 3009 is added to read as follows:

Section 3009 Permits and Certificates of Inspection.

3009.1 Permits required. It shall be unlawful to hereafter install any new elevator, moving walk, escalator, or dumbwaiter, or to make major alterations to any existing elevator, dumbwaiter, escalator or moving walk as defined in Part XII of the ANSI code, without having first obtained a permit for such installation from the State of Colorado.

Exception: Permits for conveyances installed within a dwelling unit shall be obtained from the City of Lakewood.

3009.2 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 the State of Colorado.

Exception: Certificate of inspection shall not be required for conveyances within a dwelling unit.

HI. The provisions of Chapter 31, Section 3101 Temporary Structures shall include the following amendment:

1. Subsection 3103.1.1 under the heading of "Conformance" the language is amended to read as follows:

3103.1.1 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare. Where approved by the City of Lakewood Building Official and the Fire Code Official, sleeping units and supporting structures that are part of a City of Lakewood transitional housing program shall not be required to conform to all requirements of this Code when the City of Lakewood Building Official and Fire Code Official determine there are practical difficulties/impossibilities involved in implementing the provisions of this Code in association with temporary structures. A City of Lakewood transitional housing program is one in which the City of Lakewood owns the program (in whole or in part), approves the program, or both.

J. The provisions of Chapter 33 shall include the following amendment:

1. A new subsection 3302.2.1 is added to read as follows:

3302.2.1 Construction and Demolition waste management plan. For all new buildings, additions, or remodels with a total interior space over 2,500 square feet, or for developments with multiple buildings with a combined total interior space over 5,000 square feet, a construction waste management plan that demonstrates all recyclable concrete, asphalt, untreated wood, metal, recyclable or salvageable finish materials, and cardboard materials will be donated, reused, or recycled is required at the time of application for a building permit. In the case of any building demolition, a demolition waste management plan that demonstrates all recyclable concrete, asphalt, metal, untreated wood, and finish materials will be donated, reused, recycled and where possible, excluding economic infeasibility, all remaining materials such as doors, windows, cabinets, and fixtures will be recycled, is required at the time of application for a demolition permit. The waste management plan shall be conspicuously posted on the construction site adjacent to the permit placard and labeled containers shall be provided at the construction site for use in capturing recyclable materials. Evidence of compliance with the waste management plan, such as hauler or recycling center receipts, shall be transmitted electronically before a certificate of occupancy is issued, or in the case of demolition, before a final inspection is completed.

SECTION 2. All provisions of Title 14 of the Lakewood Municipal Code not expressly amended hereby shall remain unaltered by this Ordinance and in full force and effect.

SECTION 3. This Ordinance shall take effect thirty (30) days after final publication.

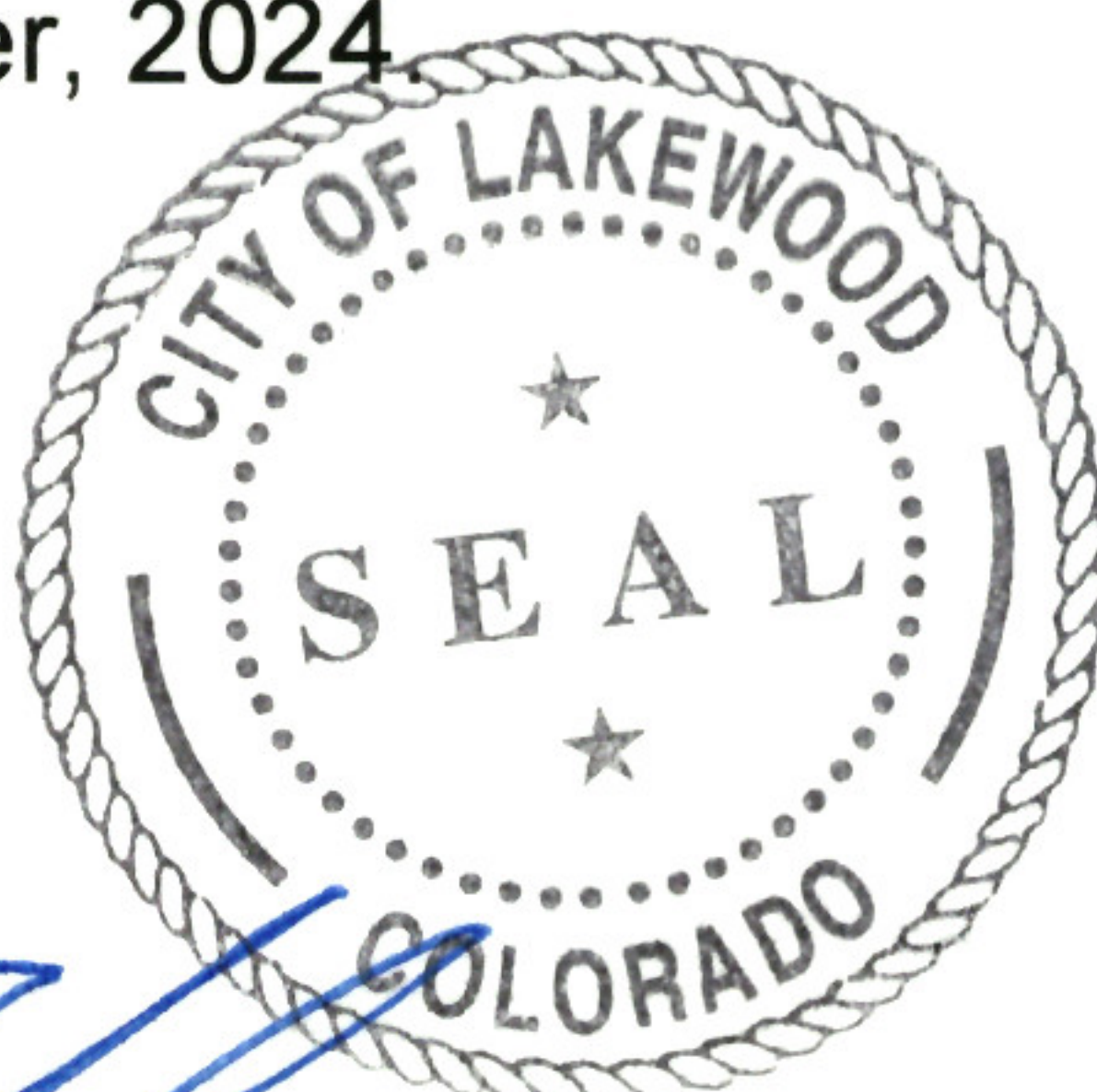
SECTION 4. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

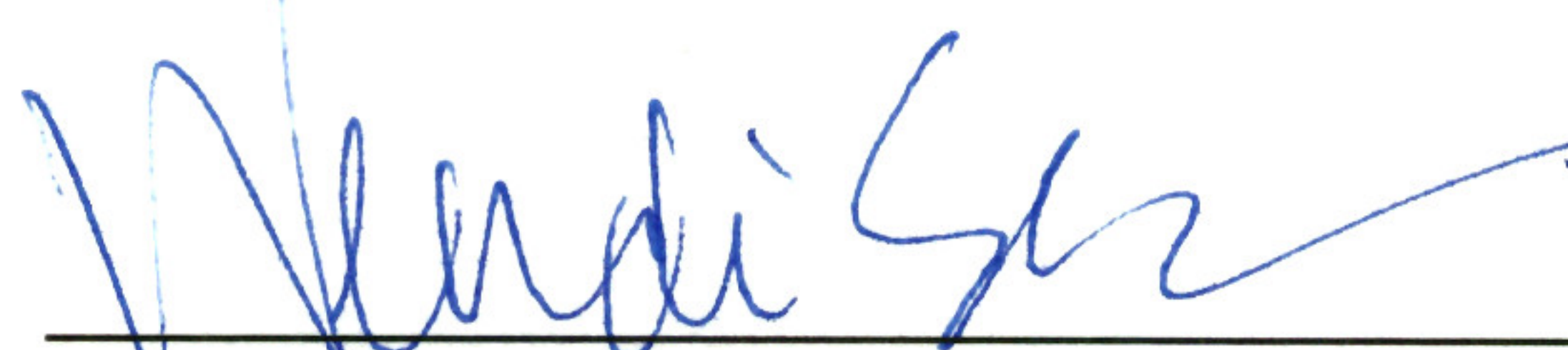
I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 26th day of August, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 29th day of August, 2024; set for public hearing to be held on the 9th day of September, 2024, read, finally passed and adopted by the City Council on the 9th day of September, 2024 and, signed by the Mayor on the 10th day of September, 2024.

ATTEST:



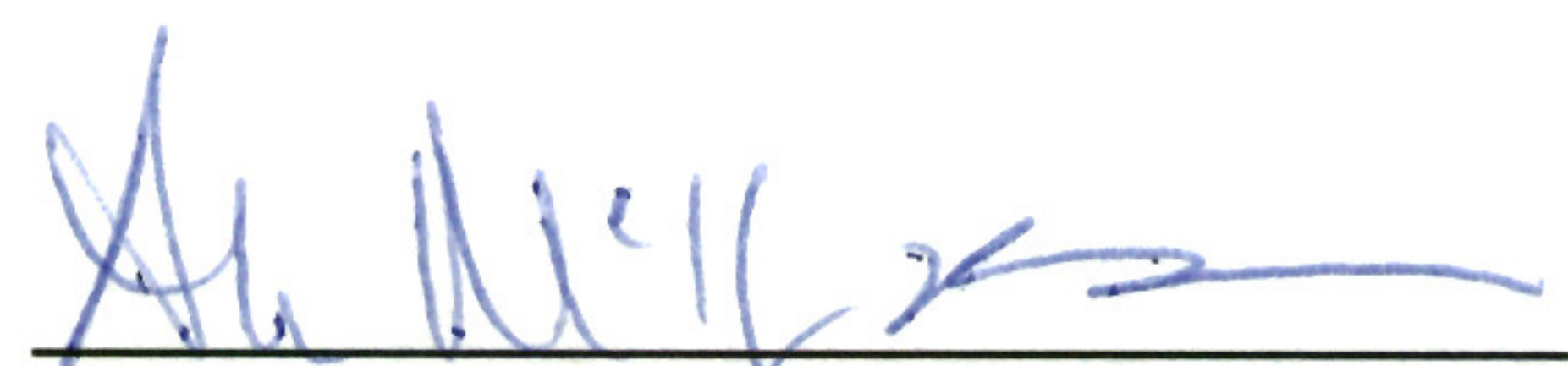
Jay Robb, City Clerk





Wendi Strom, Mayor

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney