

O-2023-18

AN ORDINANCE

AN ORDINANCE REPEALING CHAPTER 15.01 OF THE LAKEWOOD MUNICIPAL CODE, AND ENACTING CHAPTER 14.19 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2021 EDITION OF THE INTERNATIONAL CODE COUNCIL'S INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING APPENDIX A, WITH DELETIONS AND AMENDMENTS AS SET FORTH BELOW, AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF

WHEREAS, Public Works Department Staff, including the Building Official and City Engineer, have presented for adoption by reference the 2021 International Property Maintenance Code, including amendments and modifications thereto, to replace the current versions thereof;

WHEREAS, the City of Lakewood Board of Appeals was established by Lakewood Municipal Code section 14.12.010 and 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 the 2021 edition of the International Property Maintenance Code, including the amendments and modifications set forth herein;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an 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 Chapter 15.01 Uniform Housing Code of the Lakewood Municipal Code is repealed, and Chapter 14.19 is enacted as follows:

14.19.010 International Property Maintenance Code, 2021 Edition, adopted by reference, generally.

In accordance with Colorado Revised Statutes Section 31-16-201, *et seq.*, and the Lakewood City Charter, the International Property Maintenance Code of the International Code Council, 2021 Edition, including Appendix A, hereinafter "International Property Maintenance Code," is hereby adopted by reference, subject to the deletions, amendments and additions contained in this chapter.

14.19.020 Purpose of the International Property Maintenance Code.

The purpose of the International Property Maintenance Code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued occupancy of or maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety, and general welfare as required herein.

14.19.040 Local amendments to certain provisions of the International Property Maintenance Code.

Certain provisions of the International Property Maintenance 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. Subsection 102.2 is replaced with the following:

102.2 Maintenance. Equipment, systems, devices and safe-guards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. An owner, owner's authorized agent operator or occupant shall not cause any service, facility, equipment, or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or owner's authorized agent shall be responsible for the maintenance of buildings, structures, and premises. Where, in a specific case, there is a conflict between a provision of the International Property Maintenance Code and a provision of Title 9 of the Lakewood Municipal Code, the provision of Title 9 shall control.

3. Section 102.3 is replaced with the following:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Title 14 of the Lakewood Municipal Code.

4. Section 103 is deleted.

5. Section 104 is replaced with the following:

104 Fees. Fees and valuation for permits required by this Code shall be as specified in Section 14.01.060 of the Lakewood Municipal Code.

6. Section 107 is replaced with the following:

107 Board of Appeals. Persons aggrieved under this Chapter 14.19 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.

7. Section 108 is deleted.

8. Section 109.2 is replaced with the following:

109.2 Notice of violation. The Building Official is authorized to serve a notice of violation or order on the owner or owner's authorized agent for any violation of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

9. Section 109.3 is replaced with the following:

109.3 Prosecution of violation. If the notice of violation is not complied with promptly, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

10. Section 111.4.1(6) is replaced with the following:

6. Include a statement of the right to file a lien in accordance with this Code.

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

1. Subsections 302.1 through 302.5 are deleted.

2. Subsections 302.8 through 302.9 are deleted.

3. Subsection 304.14 is replaced with the following:

304.14 Insect screens. During the period from May 1st to November 1st, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens or minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

4. Section 308 is deleted.

C. The provisions of Chapter 6 shall include the following amendments:

1. Subsection 602.3 is replaced with the following:

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 31st to May 31st to maintain a minimum

temperature of 68°F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
 2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.
2. Subsection 602.4 is replaced with the following:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 31st to May 31st to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

14.19.050 Penalties for violations of the International Property Maintenance Code

- A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken and decided so as to permit such action, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this title, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020 of the Lakewood Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that the prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

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 should be 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 24th day of April, 2023; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 27th day of April, 2023; set for public hearing to be held on the 8th day of May, 2023, read, finally passed and adopted by the City Council on the 8th day of May, 2023 and, signed by the Mayor on the 9th day of May, 2023.





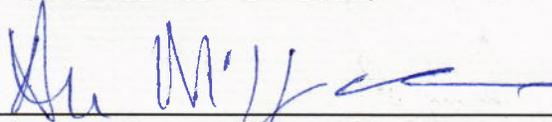
Adam Paul, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney