

ORDINANCE NO. 2476

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST, HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE I OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH ESTABLISHES THE 2021 COMMERCE CITY BUILDING CODE (C3BC) AND INCORPORATES THE 2021 EDITIONS OF THE INTERNATIONAL CODES AND THE 2023 NATIONAL ELECTRICAL CODE

WHEREAS, the purpose of this and related ordinances is to update the city's building code, adopt changes made in the various 2021 editions of the International Codes, apply city-specific revisions to the adopted codes, and to simplify, consolidate, and clarify the city's building code support functions such as appeals, violations, contractor licenses, fees and third-party services;

WHEREAS, Article I, entitled "In General," functions as the administrative provisions of the entirety of the C3BC. Incorporated into the article is charging language that references the code's various volumes, its scope, and requirements for and exemptions from building permits. The administrative provisions within this article have been rearranged for housekeeping purposes but have no substantive changes over the 2018 edition of the C3BC; and

WHEREAS, existing Sections 5-1, entitled "Dedication of public right-of-way," and 5-2, entitled "Agreement for public improvements," remain unchanged and are renumbered 5-9 and 5-10, respectively in the amended article.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendments. Chapter 5 Article I of the Commerce City Revised Municipal Code is hereby repealed and replaced as set forth in Exhibit A, with a redlined version attached as Exhibit B.

SECTION 3. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 17TH DAY OF APRIL, 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 15TH DAY OF MAY, 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A to Ordinance 2476
(Clean Version)

Sec. 5-1. – Establishment of the City of Commerce City Building Code.

The regulations outlined in this chapter shall be known as the City of Commerce City Building Code (C3BC), which is also known as the 2021 edition of the C3BC due to the incorporation of the 2021 model codes.

Sec. 5-2. – Incorporation by reference.

The following codes are adopted and incorporated by reference to be an enforceable volume of the C3BC. Any codes and standards referenced therein are also considered part of the C3BC and are incorporated by reference. In addition, any provisions of the appendices of each referenced code specifically identified and adopted are considered part of the C3BC and are incorporated by reference. The referenced codes include the 2021 International Building Code (IBC), 2021 International Existing Building Code (IEBC), 2021 International Residential Code (IRC), 2021 International Energy Conservation Code (IECC), 2021 International Fuel Gas Code (IFGC), 2021 International Mechanical Code (IMC), 2021 International Plumbing Code (IPC), 2021 International Swimming Pool and Spa Code (ISPSA), 2021 International Private Sewage Disposal Code (IPSDC), 2021 International Green Construction Code (IgCC), 2023 NFPA 70 – National Electrical Code (NEC), 2021 International Fire Code and 2021 International Property Maintenance Code.

Sec. 5-3. – Purpose of the City of Commerce City Building Code.

The purpose of the C3BC is to protect the health, safety and welfare of the public by regulating the construction of new buildings and structures and the maintenance, rehabilitation and reuse of existing buildings and structures using recognized standards of health, safety, fire prevention, energy and resource conservation, accessibility and property maintenance.

Sec. 5-4. – When applicable.

Construction for which a permit application is submitted to the city one year after the effective date of the 2021 C3BC shall comply with the provisions of this code. The applicant for a permit submitted during the one-year period beginning on the effective date of the 2021 edition of the C3BC shall be permitted to choose whether to comply with all of the technical provisions of the 2021 C3BC or the edition in effect immediately prior to the 2021 edition.

Existing buildings and structures shall comply with the provisions of this code related to the City of Commerce City Property Maintenance and Fire Codes on the effective date of the 2021 edition of the C3BC.

Sec. 5-5. – Scope of the City of Commerce City Building Code.

The provisions of the C3BC shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, internal system, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected to such buildings or structures. The following work shall be exempt from the provisions

of the C3BC.

- (a) Equipment and wiring used for providing utility, communications, information, cable television, broadcast or radio service located on either rights-of-way or property the service provider has rights of occupancy and entry with the following conditions:
 - (1) Buildings housing exempt equipment and wiring shall be subject to this code.
 - (2) The equipment and wiring exempted by this section shall not create an unsafe condition prohibited by this code.
- (b) Support structures owned or controlled by a provider of utility service or its affiliates regulated by the state of Colorado for the transmission and distribution of electric service located on either rights-of-way or property for which the service provider has rights of occupancy and entry. The support structures exempted by this section shall not create an unsafe condition prohibited by this code.
- (c) Direct burial poles used to support equipment or wiring providing communications, information or cable television services. The exempted poles shall not create an unsafe condition prohibited by this code.
- (d) Electrical equipment, transmission equipment and related wiring used for wireless transmission of radio, broadcast, telecommunications or information service in accordance with all of the following conditions:
 - (1) Buildings housing exempt equipment and wiring and structures supporting exempt equipment and wiring shall be subject to this code.
 - (2) The equipment and wiring exempted by this section shall not create an unsafe condition prohibited by this code.
- (e) Any temporary system required for the testing or servicing of electrical equipment or apparatus.
- (f) Manufacturing, processing and product handling machines and equipment that do not produce or process hazardous materials regulated by this code, including those portions of conveyor systems used exclusively for the transport of associated materials or products and all of the following service equipment:
 - (1) Electrical equipment connected after the last disconnecting means.
 - (2) Plumbing piping and equipment connected after the last shutoff valve or backflow device and before the equipment drain trap.
 - (3) Gas piping and equipment connected after the outlet shutoff valve.
 - (4) Manufacturing and processing machines that produce or process hazardous materials regulated by this code are only required to comply with the code provisions regulating the hazardous materials.

- (g) Exterior surfaces that are not part of an accessible route such as parking lots, sidewalks and driveways.
- (h) Nonmechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps and similar equipment where no admission fee is charged for its use or for admittance to areas where the equipment is located.
- (i) Federally owned buildings and structures unless federal law specifically requires a permit from the city.
- (j) Off-site manufactured intermodal freight containers, moving containers and storage containers placed on site temporarily or permanently for use as a storage container.
- (k) Automotive lifts.

Sec. 5-6. – Code compliance agency

- (a) Entity charged with code administration. The Community Development Department, as established by the Commerce City Revised Municipal Code, is charged with the administration and enforcement of this code.
- (b) Building official. The building official, appointed by the city manager, is charged with the direct overall administration and enforcement of this code; and, in the performance of said duties, may delegate the necessary authority to the appropriate technical, administrative and compliance staff under the supervision of the building official. Whenever a volume of the C3BC uses the term “code official” or “authority having jurisdiction,” it shall mean “building official.”

Sec. 5-7. – Application for permit.

Any owner or owner’s authorized agent who intends to construct, enlarge, alter, repair, move, demolish, change the occupancy or move a lot line of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the C3BC, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Sec. 5-8. – Work exempt from permit.

Exemptions from permit requirements of the C3BC shall not 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 the city. The occupancy groups referred herein are defined in Chapter 3 of the International Building Code, as amended by the city. Permits shall not be required for the following work:

- (a) One-story detached structures used as tool and storage sheds, playhouses or similar uses, provided the floor area does not exceed 256 square feet (23.78 m²) and the structures are not classified as a Group F-1 or H occupancy.

- (b) Detached prefabricated buildings housing the equipment of a publicly regulated utility service, provided the floor area does not exceed 150 square feet (14 m²).
- (c) Tents or air-supported structures, or both, that cover an area of 400 square feet (37.16 m²) or less, including within that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures have an occupant load of 49 or less persons.
- (d) Fences not over 72 inches (1829 mm) high in Groups R-3, R-4 and R-5 unless used for the barrier of a swimming pool. Fences not over 42 inches (1067 mm) high for all other groups.
- (e) Concrete or masonry walls not over 72 inches (1829 mm) high in Groups R-3, R-4 and R-5 unless used for the barrier of a swimming pool. Ornamental column caps shall not be considered to contribute to the height of the wall and shall be permitted to extend above the 72-inch (1829-mm) height measurement.
- (f) Oil derricks.
- (g) Retaining walls supporting less than 3 feet (914 mm) of unbalanced fill unless supporting a surcharge or impounding Class I, II or III A liquids.
- (h) Prefabricated swimming pools accessory to Groups R-3 and R-5 that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 927 L) and are installed entirely above ground.
- (i) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2:1.
- (j) Signs under the conditions in Appendix H, Section H101.2 of the International Building Code, as amended by the city.
- (k) Flagpoles 30 feet (9144 mm) or less in height.
- (l) Temporary ramps serving dwelling units in Groups R-3 and R-5 where the height of the entrance served by the ramp is no more than 30 inches (762 mm) above grade.
- (m) Temporary motion picture, television and theatre stage sets and scenery.
- (n) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- (o) Window awnings in Group R-3, R-5 and U occupancies supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
- (p) Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- (q) Electrical wiring, devices, appliances, appliance apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

- (r) Electrical work exempted by Title 12, Article 23, Section 111 of the Colorado Revised Statutes, as may be amended by the state of Colorado.
- (s) Portable heating, cooking, cooling, ventilating or clothes drying appliances.
- (t) Portable fuel-cell appliances and equipment not connected to a fixed piping system and not connected to a power grid.
- (u) Self-contained refrigeration systems containing 10 pounds (4.5 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (0.74 kW) or less.
- (v) Construction work deemed by the building official to be minor and ordinary and which does not adversely affect public health or general safety.
- (w) Ordinary repairs that include the following:
 - (1) Replacement of windows and doors with windows and doors of similar operation and opening dimensions that do not require changes to the existing framed opening and that are not required to be fire-resistance rated in Group R-2 where serving a single dwelling unit and in Groups R-3, R-4 and R-5.
 - (2) Replacement of plumbing fixtures and well pumps in all groups without alteration of the water supply and distribution systems, sanitary drainage systems or vent systems.
 - (3) Replacement of general use snap switches, dimmer and control switches, 125 volt-15 or 20 ampere receptacles, luminaries (lighting fixtures) and ceiling (paddle) fans in Group R-2 where serving a single dwelling unit and in Groups R-3, R-4 and R-5.
 - (4) Replacement of mechanical appliances provided such equipment is not fueled by gas or oil in Group R-2 where serving a single-family dwelling and in Groups R-3, R-4 and R-5.
 - (5) Replacement of an unlimited amount of roof covering or siding in Groups R-3, R-4 and R-5 and replacement of 100 square feet (9.29 m²) or less of roof covering in all groups.
 - (6) Replacement of 256 square feet (23.78 m²) or less of roof decking in Groups R-3, R-4 and R-5 unless the decking to be replaced was required at the time of original construction to be fire-retardant-treated or protected in some other way to form a fire-rated wall termination.
 - (7) Installation or application of paint, wallpaper, floor finishes, tiling, cabinets, millwork, trim, casing, countertops and similar finish work.
 - (8) Replacement of Class C interior wall or ceiling finishes installed in Groups A, E and I and replacement of all classes of interior wall or ceiling finishes in other groups.

- (9) Repair work not involving structural members, load bearing walls, fire-resistance rated construction, electrical, plumbing, mechanical systems, fire protection systems or elevator or escalator systems and equipment.
- (10) Replastering or resurfacing of an existing pool or spa.
- (11) Repair or replacement of stationary electric utilization equipment of the same type and rating in the same location.
- (12) Repair or replacement of any overcurrent devices of the correct voltage, interrupting rating and ampere rating in the same location.
- (13) Other repair work deemed by the building official to be minor and ordinary which does not adversely affect public health or general safety.

Sec. 5-9. – Dedication of public right-of-way.

In order to ensure a proper and uniform development of public rights-of-way in the city, the city manager or his designated appointee may require, as a condition for issuance of a building permit, dedication by the applicant of land to the city for use as a public right-of-way in accordance with requirements of the master street grade plan of the city as it applies to the site for which the building permit is desired.

Sec. 5-10. – Agreement for public improvements.

Where deemed necessary by the city for the public health, safety, comfort, convenience and welfare, the city manager or his designated appointee may require, as a condition for issuance of a building permit, an agreement with the applicant, with necessary security to ensure compliance therewith, for construction of public improvements in accordance with standards of the city as they apply to the site for which the building permit is desired.

****END OF EXHIBIT A****

Exhibit B to Ordinance 2476

(Additions are blue, italicized text; deletions are red, strikethrough text)

Sec. 5-1. – *Establishment of the City of Commerce City Building Code.*

The regulations outlined in this chapter shall be known as the City of Commerce City Building Code (C3BC), which is also known as the 2021 edition of the C3BC due to the incorporation of the 2021 model codes.

Sec. 5-2. – *Incorporation by reference.*

The following codes are adopted and incorporated by reference to be an enforceable volume of the C3BC. Any codes and standards referenced therein are also considered part of the C3BC and are incorporated by reference. In addition, any provisions of the appendices of each referenced code specifically identified and adopted are considered part of the C3BC and are incorporated by reference. The referenced codes include the 2021 International Building Code (IBC), 2021 International Existing Building Code (IEBC), 2021 International Residential Code (IRC), 2021 International Energy Conservation Code (IECC), 2021 International Fuel Gas Code (IFGC), 2021 International Mechanical Code (IMC), 2021 International Plumbing Code (IPC), 2021 International Swimming Pool and Spa Code (ISPSC), 2021 International Private Sewage Disposal Code (IPSDC), 2021 International Green Construction Code (IgCC), 2023 NFPA 70 – National Electrical Code (NEC), 2021 International Fire Code and 2021 International Property Maintenance Code.

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The purpose of the C3BC is to protect the health, safety and welfare of the public by regulating the construction of new buildings and structures and the maintenance, rehabilitation and reuse of existing buildings and structures using recognized standards of health, safety, fire prevention, energy and resource conservation, accessibility and property maintenance.

Sec. 5-4. – *When applicable.*

Construction for which a permit application is submitted to the city one year after the effective date of the 2021 C3BC shall comply with the provisions of this code. The applicant for a permit submitted during the one-year period beginning on the effective date of the 2021 edition of the C3BC shall be permitted to choose whether to comply with all of the technical provisions of the 2021 C3BC or the edition in effect immediately prior to the 2021 edition.

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 - (3) Buildings housing exempt equipment and wiring shall be subject to this code.*
 - (4) The equipment and wiring exempted by this section shall not create an unsafe condition prohibited by this code.**
- (m) Support structures owned or controlled by a provider of utility service or its affiliates regulated by the state of Colorado for the transmission and distribution of electric service located on either rights-of-way or property for which the service provider has rights of occupancy and entry. The support structures exempted by this section shall not create an unsafe condition prohibited by this code.*
- (n) Direct burial poles used to support equipment or wiring providing communications, information or cable television services. The exempted poles shall not create an unsafe condition prohibited by this code.*
- (o) Electrical equipment, transmission equipment and related wiring used for wireless transmission of radio, broadcast, telecommunications or information service in accordance with all of the following conditions:
 - (3) Buildings housing exempt equipment and wiring and structures supporting exempt equipment and wiring shall be subject to this code.*
 - (4) The equipment and wiring exempted by this section shall not create an unsafe condition prohibited by this code.**
- (p) Any temporary system required for the testing or servicing of electrical equipment or apparatus.*
- (q) Manufacturing, processing and product handling machines and equipment that do not produce or process hazardous materials regulated by this code, including those portions of conveyor systems used exclusively for the transport of associated materials or products and all of the following service equipment:
 - (5) Electrical equipment connected after the last disconnecting means.*
 - (6) Plumbing piping and equipment connected after the last shutoff valve or backflow device and before the equipment drain trap.*
 - (7) Gas piping and equipment connected after the outlet shutoff valve.*
 - (8) Manufacturing and processing machines that produce or process hazardous materials regulated by this code are only required to comply with the code provisions regulating the hazardous materials.**

- (r) *Exterior surfaces that are not part of an accessible route such as parking lots, sidewalks and driveways.*
- (s) *Nonmechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps and similar equipment where no admission fee is charged for its use or for admittance to areas where the equipment is located.*
- (t) *Federally owned buildings and structures unless federal law specifically requires a permit from the city.*
- (u) *Off-site manufactured intermodal freight containers, moving containers and storage containers placed on site temporarily or permanently for use as a storage container.*
- (v) *Automotive lifts.*

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- (y) *Detached prefabricated buildings housing the equipment of a publicly regulated utility service, provided the floor area does not exceed 150 square feet (14 m²).*
- (z) *Tents or air-supported structures, or both, that cover an area of 400 square feet (37.16 m²) or less, including within that area all connecting areas or spaces with a common means of egress or entrance, provided such tents or structures have an occupant load of 49 or less persons.*
- (aa) *Fences not over 72 inches (1829 mm) high in Groups R-3, R-4 and R-5 unless used for the barrier of a swimming pool. Fences not over 42 inches (1067 mm) high for all other groups.*
- (bb) *Concrete or masonry walls not over 72 inches (1829 mm) high in Groups R-3, R-4 and R-5 unless used for the barrier of a swimming pool. Ornamental column caps shall not be considered to contribute to the height of the wall and shall be permitted to extend above the 72-inch (1829-mm) height measurement.*
- (cc) *Oil derricks.*
- (dd) *Retaining walls supporting less than 3 feet (914 mm) of unbalanced fill unless supporting a surcharge or impounding Class I, II or III A liquids.*
- (ee) *Prefabricated swimming pools accessory to Groups R-3 and R-5 that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 927 L) and are installed entirely above ground.*
- (ff) *Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2:1.*
- (gg) *Signs under the conditions in Appendix H, Section H101.2 of the International Building Code, as amended by the city.*
- (hh) *Flagpoles 30 feet (9144 mm) or less in height.*
- (ii) *Temporary ramps serving dwelling units in Groups R-3 and R-5 where the height of the entrance served by the ramp is no more than 30 inches (762 mm) above grade.*
- (jj) *Temporary motion picture, television and theatre stage sets and scenery.*
- (kk) *Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.*
- (ll) *Window awnings in Group R-3, R-5 and U occupancies supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.*
- (mm) *Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.*
- (nn) *Electrical wiring, devices, appliances, appliance apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.*

- (oo) *Electrical work exempted by Title 12, Article 23, Section 111 of the Colorado Revised Statutes, as may be amended by the state of Colorado.*
- (pp) *Portable heating, cooking, cooling, ventilating or clothes drying appliances.*
- (qq) *Portable fuel-cell appliances and equipment not connected to a fixed piping system and not connected to a power grid.*
- (rr) *Self-contained refrigeration systems containing 10 pounds (4.5 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (0.74 kW) or less.*
- (ss) *Construction work deemed by the building official to be minor and ordinary and which does not adversely affect public health or general safety.*
- (tt) *Ordinary repairs that include the following:*
 - (14) *Replacement of windows and doors with windows and doors of similar operation and opening dimensions that do not require changes to the existing framed opening and that are not required to be fire-resistance rated in Group R-2 where serving a single dwelling unit and in Groups R-3, R-4 and R-5.*
 - (15) *Replacement of plumbing fixtures and well pumps in all groups without alteration of the water supply and distribution systems, sanitary drainage systems or vent systems.*
 - (16) *Replacement of general use snap switches, dimmer and control switches, 125 volt-15 or 20 ampere receptacles, luminaries (lighting fixtures) and ceiling (paddle) fans in Group R-2 where serving a single dwelling unit and in Groups R-3, R-4 and R-5.*
 - (17) *Replacement of mechanical appliances provided such equipment is not fueled by gas or oil in Group R-2 where serving a single-family dwelling and in Groups R-3, R-4 and R-5.*
 - (18) *Replacement of an unlimited amount of roof covering or siding in Groups R-3, R-4 and R-5 and replacement of 100 square feet (9.29 m²) or less of roof covering in all groups.*
 - (19) *Replacement of 256 square feet (23.78 m²) or less of roof decking in Groups R-3, R-4 and R-5 unless the decking to be replaced was required at the time or original construction to be fire-retardant-treated or protected in some other way to form a fire-rated wall termination.*
 - (20) *Installation or application of paint, wallpaper, floor finishes, tiling, cabinets, millwork, trim, casing, countertops and similar finish work.*
 - (21) *Replacement of Class C interior wall or ceiling finishes installed in Groups A, E and I and replacement of all classes of interior wall or ceiling finishes in other groups.*

- (22) *Repair work not involving structural members, load bearing walls, fire-resistance rated construction, electrical, plumbing, mechanical systems, fire protection systems or elevator or escalator systems and equipment.*
- (23) *Replastering or resurfacing of an existing pool or spa.*
- (24) *Repair or replacement of stationary electric utilization equipment of the same type and rating in the same location.*
- (25) *Repair or replacement of any overcurrent devices of the correct voltage, interrupting rating and ampere rating in the same location.*
- (26) *Other repair work deemed by the building official to be minor and ordinary which does not adversely affect public health or general safety.*

Sec. 5-9. – Dedication of public right-of-way.

In order to ensure a proper and uniform development of public rights-of-way in the city, the city manager or his designated appointee may require, as a condition for issuance of a building permit, dedication by the applicant of land to the city for use as a public right-of-way in accordance with requirements of the master street grade plan of the city as it applies to the site for which the building permit is desired.

Sec. 5-10. – Agreement for public improvements.

Where deemed necessary by the city for the public health, safety, comfort, convenience and welfare, the city manager or his designated appointee may require, as a condition for issuance of a building permit, an agreement with the applicant, with necessary security to ensure compliance therewith, for construction of public improvements in accordance with standards of the city as they apply to the site for which the building permit is desired.

****END OF EXHIBIT B****

