

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: XI. 2.1.
Meeting Date: April 3, 2023**

TO: Mayor Rogin and Members of the Board of Trustees
FROM: Aaron Caplan, Engineering, Building & Utilities Director
DATE: 28 Mar 2023
ITEM: Memo - Adopting the 2021 International Building Safety Codes

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

Last fall the Town adopted the 2018 editions of the suite of international building safety codes except for the International Fire Code, IFC. "The International Codes (I-Codes), developed by the International Code Council, is a family of coordinated, modern building safety codes that help ensure the engineering of safe, sustainable, affordable and resilient structures."

Lyons Fire Protection District, LFPD, was working on its review of the 2021 IFC and the Town usually waits for LFPD to make their recommendation before adopting a new version of the IFC. LFPD has now adopted the 2021 International Fire Code with specific amendments. They are recommending the Town also adopt the 2021 IFC as amended by LFPD.

Staff was also directed to begin looking into the possible adoption of the 2021 suite of building safety codes. We have been looking at other jurisdictions that have already adopted the 2021 I-Codes. The chairs of all the boards and commissions were emailed on February 15th using the new Chair email list the Town has. They were advised that staff would probably be presenting to the trustees on the adoption of the 2021 I-Codes at the first April board meeting.

This memo provides information to the trustees on the adoption of the 2021 I-Codes. We will begin with some legal discussion. There are 15 volumes to the full suite of I-Codes. The Town, as well as other jurisdictions we have looked at, have adopted 9 of them. These include volumes such as the International Building Code, International Plumbing Code, and International Energy Conservation Code. Some of the volumes not adopted may not be relevant to Lyons like the International Private Sewage Code or are newer and not widely yet adopted like the International Wildland Urban Interface Code.

It is worth noting there is not an International Electric Code in this suite. Electric code in the US is usually covered by the National Electric Code, NEC. The state of Colorado mandates that jurisdictions adopt the same version of the NEC that they have adopted. That is currently the 2020 NEC. The 2023 NEC was just released and when Colorado adopts that code, staff will be back with a required update to adopt that version of the NEC.

Another difference between codes from state regulations is the International Fire Code (IFC). State statute mandates that a fire protection district first adopt a version of the IFC. A municipality then decides if they want to ratify the version of code the fire protection district has adopted or if they would like to make their own modifications.

It may be noticed that currently the Lyons Municipal Code, LMC, does not list the version of the IFC that we are following. This is because the 2015 IFC was adopted by the Lyons Fire Protection District in 2018 and the board at that time ratified the IFC version via a resolution. Staff recommends that in addition to this process of ratification via resolution, the Town also has it documented in the LMC so it is more accessible to the public. This is one topic of discussion to have with the trustees, staff, and legal counsel.

Another item for discussion with regard to the IFC is the requirement for all new buildings to have fire suppression or sprinkler systems installed. When the 2015 IFC was adopted in 2018 the board at that time included an exclusion that single-family and duplex residential structures would not be required to install fire suppression or sprinkler systems as required by the 2015 IFC. The Lyons Fire Protection District would advocate that this exclusion be removed and that the 2021 IFC be ratified with the specific amendments they have proposed. Those amendments will be presented when the resolution comes before the board. The LFPD has advised that they have all the same amendments to the 2021 IFC that they made to the 2015 IFC except for extra language for marijuana facilities. This is because the extra language they previously added to the 2015 IFC is now a part of the actual 2021 IFC.

With regard to the adoption of the additional 2021 suite of codes Lyons contracted building inspection company, Charles Abbott & Associates is recommending to their clients to remain on the 2018 versions of the code until the 2024 versions are released. They have advised that code releases are usually done in two phases, three years apart. One phase is a large overhaul of the entire code. This was done with the 2015 and 2021 versions of the code. Then the code council works out any issues or concerns with these large overhauls and puts out more of an upgrade to the existing code. This was done in 2018 and should be in 2024.

The staff has not recently heard back from any of the boards and commissions since the email that went out in mid-February. The trustees may remember during a discussion last fall on adopting the 2018 version, the Sustainable Futures Commission strongly recommended moving up to the 2021 version of the International Energy Conservation Code, IECC. They felt the climate crises warranted doing all we can and that the 2021 IECC was one method to reduce energy consumption.

The 2021 IECC has some appendixes for solar-ready construction. These are not mandatory unless specifically required by the jurisdiction during the adoption process. Would we want to require new construction to be solar-ready? Would we differentiate between commercial and residential? For residential, the code has a note saying “Although Appendix RB does not require solar systems to be installed for a building, it does require the space(s) for installing such systems, providing pathways for connections and requiring an adequate structural capacity of roof systems to support the systems.”

What effect will the new codes have on construction in Lyons? There will be increased costs. How much additional cost appears to depend on who one talks to. There are also long-term savings in energy costs after a building is built.

What effect would this have on building more affordable housing and commercial buildings, which are also goals of Lyons? Amendments might be added that help carve out exceptions to allow certain development that the Town wants to encourage. However, trying to determine specific situations and the amendment required to make something feasible can be difficult.

Longmont, Erie, Fort Collins, Larimer County, Broomfield, Blackhawk, and Berthoud have all adopted the 2021 codes. Fort Collins and Boulder County are on the 2015 codes, although Boulder County has a separate energy efficiency code standard that has been said to be stronger than the 2021 IECC. Nederland and Loveland are on the 2018 codes.

Should staff bring forward an ordinance to adopt the 2021 international building codes? Should we include any exceptions to requiring fire suppression or sprinkler systems when bringing forward a resolution to ratify the 2021 IFC? Should we look into options to try and reduce the cost while at the same time reducing the energy efficiency of any particular type of construction, such as affordable, commercial, multi-family, ADU, or smaller size? Should we require buildings to be solar-ready with the adoption of the appendixes in the IECC for solar-ready commercial and solar-ready residential?