

COUNCIL COMMUNICATION

Meeting Date: December 14, 2021	Agenda Item: 12A	Agenda Location: Action Items	Goal(s):	Legal Review: <i>TY</i>	<input checked="" type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: An ordinance repealing and reenacting Chapter 10, Article IV, Sections 10-166, 10-170, and 10-172 adopting by reference the 2019 Edition of the Safety Code for Elevators and Escalators, the 2017 Edition of the Safety Standards for Platform Lifts and Stairway Chair Lifts, and the 2013 Automated People Mover Standards, of the Thornton City Code and setting the Public Hearing date for January 11, 2022.					
Recommended by: Jeff Coder <i>JBC</i>				Approved by: Kevin S. Woods <i>KW</i>	
Presenter(s): Greg Wheeler, Chief Building Official				Ordinance previously introduced by: _____	

SYNOPSIS:

The ordinance repeals and reenacts Chapter 10, Article IV, Section 10-166 adopting by reference the 2019 Edition of the Safety Code for Elevators and Escalators, Section 10-170 adopting by reference the 2017 Edition of the Safety Standards for Platform Lifts and Stairway Chair Lifts, and Section 10-172 adopting by reference the 2013 Edition of the Automated People Movers Standards.

Adoption of these codes brings the City into compliance with the State of Colorado Elevator and Escalator Certification Act, C.R.S. 9-5.5-101, *et seq.* and allows the City to continue to perform inspections and plan review for all types of new and existing conveyances.

Pursuant to Section 2-55 of the City Code, the codes are adopted by reference and Council will consider their adoption on first reading on December 14, 2021, then set a public hearing for second reading of the ordinance on January 11, 2022. The ordinance will become effective upon final passage.

RECOMMENDATION:

Staff recommends Alternative No. 1, adopt the Colorado Department of Oil and Public Safety mandated editions of the elevator and escalator codes, allowing the City to continue its elevator/escalation inspection program consistent with Colorado Department of Oil and Public Safety, and establish January 11, 2022, as the Public Hearing date, with the ordinance taking effect upon final passage.

BUDGET/STAFF IMPLICATIONS:

All fees authorized in this ordinance are existing fees that are currently collected by the Building Inspection Division. There are no new fees proposed.

ALTERNATIVES:

1. Adopt the latest editions of the elevator and escalator codes as recommended.
2. Do not update the codes, cancel the City's contract for elevator/escalator inspections by the City's third-party inspection firm and turn over the program to the Colorado Department of Oil and Public Safety. This would result in fewer inspections and inconsistency of the five-year testing as required by the codes.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

When the State of Colorado believed there were no active elevator and escalator inspection programs, it was determined that the OPS should oversee this program. At the time, several jurisdictions in the metro area were using the elevator and escalator inspection program under DRCOG. The program was started in the 1980s until the State determined that it needed to intervene without any research. DRCOG terminated the program and dismissed the employees associated with the program, at which time Colorado Code Consults picked up the program and hired the terminated employees to provide inspection services. Many jurisdictions gave OPS their list of elevator and escalator locations and said they, the local jurisdictions, would not be participating as OPS's agent for inspections.

The City Council was briefed as to what was transpiring and made the determination that the City was going to take care of the elevator/escalator owners and the public by maintaining the City's program and entered into a contract with Colorado Code Consults to administer the inspection program.

INTRODUCED BY: _____

AN ORDINANCE REPEALING AND REENACTING CHAPTER 10, ARTICLE IV, SECTIONS 10-166, 10-170, AND 10-172 ADOPTING BY REFERENCE THE 2019 EDITION OF THE SAFETY CODE FOR ELEVATORS AND ESCALATORS, THE 2017 EDITION OF THE SAFETY STANDARDS FOR PLATFORM LIFTS AND STAIRWAY CHAIR LIFTS, AND THE 2013 AUTOMATED PEOPLE MOVER STANDARDS, OF THE THORNTON CITY CODE AND SETTING THE PUBLIC HEARING DATE FOR JANUARY 11, 2022.

WHEREAS, the City adopted previous editions of the above-referenced codes on July 13, 2010; and

WHEREAS, the above-referenced revised editions of the identified codes represent national building and construction standards that are updated and amended from time to time to conform to the changing need of the construction industry; and

WHEREAS, it is deemed to be in the best interest of the citizens of the City and in the interest of public health, safety, and general welfare to adopt by reference the updated versions of the codes identified herein pursuant to Section 2-55 of the City Code.

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

1. Subsection 10-64(g)(1) of the Thornton City Code is hereby amended, by the addition of the words double-underlined and the deletion of the words stricken, to read as follows:

Sec. 10-64. Inspections.

(g) *Certificate of occupancy.*

- (1) No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Building Code, regulations or standards or of any other ordinances of the City of Thornton. A certificate of occupancy shall be issued for completion of a project in accordance with the International Building Code, as adopted in Section 10-151, or the International Residential Code, as adopted in Section ~~10-166-10-164~~, or the International Existing Building Code, as adopted in Section ~~10-17710-176~~, otherwise a letter of compliance shall be issued upon the completion of a job following the final inspection if it is found that all licenses and building permits are in order, the building complies with the provisions of this Building Code and other applicable municipal regulations and the use of the structure is a permitted use.

2. Sections 10-166, 10-170 and 10-172 of the Thornton City Code are hereby repealed and reenacted to read as follows:

Sec. 10-166. - ASME A17.1 Safety Code for Elevators and Escalators adopted by reference.

The ASME A17.1 Safety Code for Elevators and Escalators, 2019 edition, published by the American Society of Mechanical Engineers. Two Park Avenue, New York, New York 10016, is hereby adopted by this reference and incorporated in this Code as the elevator code of the city. The purpose and subject matter of the ASME A17.1 Safety Code for Elevators and Escalators includes the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of elevators and escalators. The ASME A17.1 Safety Code for Elevators and Escalators, 2019 edition, is adopted in full, including the outline of contents and the index, but excluding all appendix chapters.

Sec. 10-170. - ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts adopted by reference.

The ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts, 2017 edition, published by the American Society of Mechanical Engineers. Two Park Avenue, New York, New York 10016, is hereby adopted by this reference and incorporated in this Code as the platform lift and stairway chairlift standard of the city. The purpose and subject matter of the ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts includes the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of platform lifts and stairway chairlifts. The ASME A18.1 Safety Standard for Platform Lifts and Stairway Chairlifts, 2017 edition, is adopted in full, including the outline of contents and the index, but excluding all appendix chapters.

Sec. 10-172. - ASCE 21 Parts 1, 2, 3, 4 Automated People Mover Standards adopted by reference.

The ASCE 21 Parts 1, 2, 3, 4 Automated People Mover Standards, 2013 edition, published by the American Society of Civil Engineers. 1801 Alexander Bell Drive, Reston, Virginia 20191, is hereby adopted by this reference and incorporated in this Code as the people mover code of the city. The purpose and subject matter of the ASCE 21 Parts 1, 2, 3, 4 Automated People Mover Standards includes the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of Automated People Movers. The ASCE 21 Parts 1, 2, 3, 4 Automated People Mover Standards, 2013 edition, is adopted in full, including the outline of contents and the index, but excluding all appendix chapters.

3. Subsection 10-281(1) of the Thornton City Code is hereby amended, by the addition of the words double-underlined and the deletion of the words stricken, to read as follows:

Sec. 10-281. References.

This division lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title. The application of the referenced standards shall be as specified in Section 10-237(g).

- (1) ASME:

American Society of Mechanical Engineers
~~Three~~Two Park Avenue
New York, NY 10016-5990

Standard Referenced: A17.1/CSA B44-~~2007~~2019
Title: Safety Code for Elevators and Escalators

4. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.
5. 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 or conflict.
6. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.
7. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on _____, 2021.

PASSED AND ADOPTED on second and final reading on _____, 2022.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Tami Yellico, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, and Thornton Active Adult Center after first and second readings.

Published on the City's official website after first reading on _____, 2021, and after second and final reading on _____, 2022.