

TOWN OF TIMNATH, COL _____
ORDINANCE NO. 4, SERIES 2019

**AN ORDINANCE AMENDING CHAPTER 18 – BUILDING REGULATIONS OF THE
MUNICIPAL CODE TO ADOPT AND AMEND APPENDIX M OF THE
INTERNATIONAL RESIDENTIAL CODE.**

WHEREAS, The Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") adopted on November 7, 2006 and the Town's Municipal Code (the "Code"). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, the Town of Timnath Town Council adopted Chapter 18 – Building Regulations and by reference the 2015 edition of the International Residential Code with the amendments enumerated therein; and

WHEREAS, the Town Council of the Town of Timnath amends the current Chapter 18 – Building Regulations and more specifically the 2015 edition of the International Residential Code to adopt Appendix M regarding Care Home Facilities; and

WHEREAS, The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience and welfare.

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO,
ORDAINS:**

ARTICLE 1 - The Town Council hereby approves the following amendments to Chapter 18 – Building Regulations, specifically Appendix M – Home Day Care-R-3 Occupancy – of the 2015 edition of the International Residential Code as amended herein:

Section AM102, Definition:

Home Care Facility. A home wherein care is given up to eight care recipients with a maximum number of nine occupants located in the primary residence of the care giver. A Home Care Facility is considered a home occupation.

Section AM103, Means of Egress:

AM103.1 Exits Required. During the time of operation of the day care, two exits are required from the ground-level story. Two exits are required from a home day care operated in a manufactured home regardless of the occupant load. Exits shall comply with Section R311.

AM103.1.2 Basements. An emergency and escape window used as the second means of egress from a basement shall comply with Sections R310 and AM 103.1.1 and be located in the area or room used for home care purposes.

AM103.1.3.1 Yards. Type of fence and hardware. The fence shall be of durable materials and be not less than 4 feet ~~6-feet~~ (1219 mm ~~1529 mm~~) tall, completely enclosing the area used for the day care operations. Each opening shall be a gate or door equipped with a self-closing and self-latching device to be installed at not less than 42 inches ~~5-feet~~ (1067 mm ~~1528 mm~~) above the ground.

AM103.1.3.2 Yards. Construction of fence.

~~3. Maximum mesh size for chain link fences shall be 1 1/4 inches (32 mm) square, unless the fence has slats at the top or bottom that reduce the opening to not more than 13 inches (44 mm). The wire shall be not less than 9 gage [0.148 inch (3.8 mm)].~~

ARTICLE 2 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 3 – CODE REVISIONS

Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

ARTICLE 4 – EFFECTIVE DATE

This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON JANUARY 22, 2019, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON FEBRUARY 12, 2019 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 22ND DAY OF JANUARY 2019.

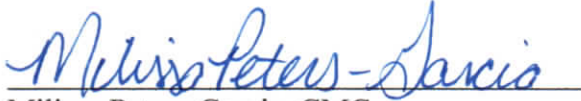
MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON FEBRUARY 12, 2019.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk



APPENDIX M

HOME DAY CARE-R-3 OCCUPANCY

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION AM101 GENERAL

AM101.1 General. This appendix shall apply to a home day care operated within a *dwelling*. It is to include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians or relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.

SECTION AM102 DEFINITION

AM102.1 General. The following term shall, for the purposes of this appendix, have the meaning shown herein.

HOME CARE FACILITY. A home wherein care is given to up to eight care recipients with a maximum number of nine occupants located in the primary residence of the care giver. A Home Care Facility is considered a home occupation.

EXIT ACCESS. That portion of a means-of-egress system that leads from any occupied point in a building or structure to an exit.

SECTION AM103 MEANS OF EGRESS

AM103.1 Exits required During the time of operation of the day care, two exits are required from the ground-level story. Two exits are required from a home day care operated in a manufactured home regardless of the occupant load. Exits shall comply with Section R311.

AM 103.1.1 Exit access prohibited. An exit access from the area of day care operation shall not pass through bathrooms, bedrooms, closets, garages, fenced rear yards or similar areas.

Exception: An exit may discharge into a fenced yard if the gate or gates remain unlocked during day care hours. The gates may be locked if there is an area of refuge located within the fenced yard and more than 50 feet (15 240 mm) from the *dwelling*. The area of refuge shall be large enough to allow 5 square feet (0.5 m²) per occupant.

AM103.1.2 Basements. If the *basement* of a *dwelling* is to be used in the day care operation, two exits are required from the *basement* regardless of the occupant load. One of

the exits may pass through the *dwelling* and the other shall lead directly to the exterior of the *dwelling*.

An emergency and escape window used as the second means of egress from a basement shall comply with Sections R310 and AM 103.1.1 and be located in the area or room used for home care purposes.

AM103.1.3 Yards. If the *yard* is to be used as part of the day care operation it shall be fenced.

AM103.1.3.1 Type of fence and hardware. The fence shall be of durable materials and be not less than 4 feet 6-feet (1219 mm ~~1529-mm~~) tall, completely enclosing the area used for the day care operations. Each opening shall be a gate or door equipped with a self-closing and self-latching device to be installed at not less than 42 inches 5-feet (1067 mm ~~1528-mm~~) above the ground.

Exception: The door of any *dwelling* that forms part of the enclosure need not be equipped with self-closing and self-latching devices.

AM103.1.3.2 Construction of fence. Openings in the fence, wall or enclosure required by this section shall have intermediate rails or an ornamental pattern that do not allow a sphere 4 inches (102 mm) in diameter to pass through. In addition, the following criteria must be met:

1. The maximum vertical clearance between *grade* and the bottom of the fence, wall or enclosure shall be 2 inches (51 mm).
2. Solid walls or enclosures that do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions, except for tooled masonry joints.
3. ~~Maximum mesh size for chain link fences shall be 1¹/₄ inches (32 mm) square, unless the fence has slats at the top or bottom that reduce the opening to not more than 1³/₄ inches (44 mm). The wire shall be not less than 9 gage {0.148 inch (3.8 mm)}.~~

AM103.1.3.3 Decks. Decks that are more than 12 inches (305 mm) above *grade* shall have a guard in compliance with Section R312.

AM103.2 Width and height of an exit. The minimum width of a required exit is 36 inches (914 mm) with a net clear

APPENDIX M

width of 32 inches (813 mm). The minimum height of a required exit is 6 feet, 8 inches (2032 mm).

AM103.3 Type of lock and latches for exits. Regardless of the occupant load served, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Where the occupant load is 10 or less, a night latch, dead bolt or security chain may be used, provided that such devices are openable from the inside without the use of a key or tool and are mounted at a height not to exceed 48 inches (1219 mm) above the finished floor.

AM103.4 Landings. Landings for stairways and doors shall comply with Section R3.1.1, except that landings shall be required for the exterior side of a sliding door where a home day care is being operated in a Group R-3 occupancy.

SECTION AM104 SMOKE DETECTION

AM104.1 General. Smoke detectors shall be installed in *dwelling* units used for home day care operations. Detectors shall be installed in accordance with the approved manufacturer's instructions. If the current smoke detection system in the *dwelling* is not in compliance with the currently adopted code for smoke detection, it shall be upgraded to meet the currently adopted code requirements and Section AM103 before day care operations commence.

AM104.2 Power source. Required smoke detectors shall receive their primary power from the building wiring where that wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Required smoke detectors shall be interconnected such that if one detector is activated, all detectors are activated.

AM104.3 Location. A detector shall be located in each bedroom and any room that is to be used as a sleeping room, and centrally located in the corridor, hallway or area giving access to each separate sleeping area. Where the *dwelling* unit has more than one *story*, and in *dwellings* with *basements*, a detector shall be installed on each *story* and in the *basement*. In *dwelling* units where a *story* or *basement* is split into two or more levels, the smoke detector shall be installed on the upper level, except that where the lower level contains a sleeping area, a detector shall be installed on each level. Where sleeping rooms are on the upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In *dwelling* units where the ceiling height of a room open to the hallway serving the bedrooms or sleeping areas exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the *dwelling* unit in which they are located.