

# LAKESWOOD BOARD OF APPEALS REGULAR MEETING AGENDA

HOSTED VIRTUALLY VIA LAKESWOODSPEAKS.ORG`

**February 2, 2021**

**5:00 PM**

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- ITEM 1: CALL TO ORDER AND ROLL CALL**
- ITEM 2: INTRODUCTIONS**
- ITEM 3: ORIENTATION – Greg Graham, Deputy City Attorney**
- ITEM 4: REVIEW PROPOSED ADOPTION OF THE 2020 NATIONAL ELECTRICAL CODE, WITH AMENDMENTS**
- ITEM 5: RESOLUTION REGARDING ADOPTION OF THE 2020 NATIONAL ELECTRICAL CODE AND RECOMMENDATION TO CITY COUNCIL**
- ITEM 6: GENERAL BUSINESS**
- ITEM 7: ADJOURNMENT**

This meeting will be conducted using Zoom and will be recorded. Documents regarding Items 4 and 5 will be available at [lakewoodspeaks.org](http://lakewoodspeaks.org). The public may view the meeting live stream online at [lakewoodspeaks.org](http://lakewoodspeaks.org). Public comments regarding Items 4 and 5 will be accepted via the comment feature of Lakewood Speaks before and during the meeting.

## STAFF MEMO

To: Lakewood Board of Appeals

From: Anne Heine, City Engineer

Date: January 18, 2021

Subject: Update to the Lakewood Building Code – Adoption of the 2020 National Electrical Code

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At the February 2, 2021 meeting, the Board of Appeals will be reviewing an update to a portion of the Lakewood Building Code to adopt the 2020 National Electrical Code. This code addresses all electrical wiring and equipment in commercial and residential buildings. The 2020 edition of the code will be adopted as required by state law and the State of Colorado Electrical Board.

### **Lakewood Building Code**

The Lakewood Building Code is contained within Title 14 of the Lakewood Municipal Code and comprises a series of published building codes and local amendments to the published codes. The ordinance City Council will be considering will adopt the 2020 National Electrical Code, including Annex C and Annex H, published by the National Fire Protection Association, with local amendments.

### **Board of Appeals Review and Recommendation**

The Municipal Code requires the Board of Appeals review adoption and amendments to the Lakewood Building Code and provide a recommendation to City Council. Public Works is recommending the Board approve a resolution recommending City Council adopt the 2020 edition of the National Electrical Code, as amended.

### **Draft Ordinance**

A draft version of the ordinance, in redlined and clean formats, is attached for your review. The ordinance repeals and reenacts the chapter in Title 14 of the Municipal Code related to the National Electrical Code.

A public access version of the published code is available at <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70>. The published code and Annex C: Tables and Annex H: Administration are proposed to be adopted.

The proposed local amendments only affect the administrative provisions in Annex H. The local amendments are proposed to remain the same as those currently in effect. A brief explanation of the local amendments follows:

Subsection 80.15 is deleted. This section creates an Electrical Board, appointed by the Governor of the state. This section is enforced by the State of Colorado and is deleted from the local code.

Subsection 80.19 (D) is deleted. This section allows an electrical contractor to apply for an annual permit. Lakewood deletes this section because the city reviews, approves and tracks each electrical permit by address for each specific project, and the city does not offer an annual permit.

Subsection 80.19 (E) regarding fees is replaced with a section referencing fees established by Lakewood and found in other chapters of the Lakewood Building Code.

Subsection 80.23 (B) is deleted. This section establishes penalties and is deleted because a specific City of Lakewood penalty section (ordinance section 14.06.070) is included in the ordinance.

Subsection 80.27 is deleted. This section establishes qualifications for electrical inspectors. The State of Colorado Electrical Board establishes qualifications for electrical inspectors.

Other changes to Municipal Code sections 14.06.020 and 14.06.070 (A) have been made by the City Attorney's Office to improve readability and to be consistent with other sections of the Municipal Code.

### **Summary**

Public Works staff recommends the Board of Appeals approve a resolution recommending City Council adopt the National Electric Code, 2020 Edition, including Annex C and Annex H, with local amendments, as part of the Lakewood Building Code.

Please contact Anne Heine with questions regarding this memo, the draft ordinance or the draft Board of Appeals resolution.

O-2021-XX

AN ORDINANCE

AN ORDINANCE REPEALING AND REENACTING CERTAIN PROVISIONS OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2020 EDITION OF THE NATIONAL ELECTRICAL CODE, INCLUDING ANNEX C AND INCLUDING ANNEX H WITH AMENDMENTS, AND ESTABLISHING THE PENALTIES THEREFOR

WHEREAS, Colorado state law at C.R.S. 12-115-107 (2) (a) requires local entities to adopt the most current edition of the national electrical code;

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 14.06 of the Lakewood Municipal Code is repealed and reenacted as follows:

14.06.010 National Electrical Code, [2017-2020](#) Edition, adopted by reference, generally.

Pursuant to Title 31, Article 16, 1973 C.R.S., and the Lakewood Municipal Charter, the National Electrical Code of the National Fire Protection Association, [2017-2020](#) Edition, including Annex C and Annex H, hereinafter "National Electrical Code," is hereby adopted by reference, subject to the deletions, amendments and additions contained in this chapter.

14.06.020 Purpose of the National Electrical Code.

The purpose of the National Electrical Code is to safeguard persons in buildings and their contents from hazards arising from the use of electricity for lights, heat, power, radio, signaling, and for other purposes. The subject matter of the code is the regulation of electrical conductors and equipment installed within or on public and private buildings and other premises, including yards, carnival and parking lots, ~~and industrial substations;~~ [mobile homes, and recreational vehicles, also as well as](#) the conductors that connect the installations to a supply of electricity; and other outside conductors adjacent to ~~the a~~ premises; ~~also mobile homes and recreational vehicles.~~

14.06.040 Amendments to certain provisions of the National Electrical Code. Certain provisions of the National Electrical Code, as indicated in this section, are hereby amended.

A. The provisions of Annex H shall include the following amendments:

1. Subsection 80.15 is deleted.
2. Subsection 80.19 (D) is deleted.
3. Subsection 80.19 (E) is replaced with the following:

80.19(E) Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.

4. Subsection 80.23 (B) is deleted.
5. Subsection 80.27 is deleted.

14.06.070 Penalties for violations of the National Electrical Code.

A.— Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates 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, 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 chapter, shall jointly and severally, for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. 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 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 Chapter 14 of the Lakewood Municipal Code not expressly amended hereby shall remain unaltered 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.

O-2021-XX

AN ORDINANCE

AN ORDINANCE REPEALING AND REENACTING CERTAIN PROVISIONS OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2020 EDITION OF THE NATIONAL ELECTRICAL CODE, INCLUDING ANNEX C AND INCLUDING ANNEX H WITH AMENDMENTS, AND ESTABLISHING THE PENALTIES THEREFOR

WHEREAS, Colorado state law at C.R.S. 12-115-107 (2) (a) requires local entities to adopt the most current edition of the national electrical code;

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 14.06 of the Lakewood Municipal Code is repealed and reenacted as follows:

14.06.010 National Electrical Code, 2020 Edition, adopted by reference, generally.

Pursuant to Title 31, Article 16, 1973 C.R.S., and the Lakewood Municipal Charter, the National Electrical Code of the National Fire Protection Association, 2020 Edition, including Annex C and Annex H, hereinafter "National Electrical Code," is hereby adopted by reference, subject to the deletions, amendments and additions contained in this chapter.

14.06.020 Purpose of the National Electrical Code.

The purpose of the National Electrical Code is to safeguard persons in buildings and their contents from hazards arising from the use of electricity for lights, heat, power, radio, signaling, and for other purposes. The subject matter of the code is the regulation of electrical conductors and equipment installed within or on public and private buildings and other premises, including yards, carnival and parking lots, industrial substations, mobile homes, and recreational vehicles, as well as the conductors that connect the installations to a supply of electricity and other outside conductors adjacent to a premises.

14.06.040 Amendments to certain provisions of the National Electrical Code. Certain provisions of the National Electrical Code, as indicated in this section, are hereby amended.

A. The provisions of Annex H shall include the following amendments:

1. Subsection 80.15 is deleted.
2. Subsection 80.19 (D) is deleted.
3. Subsection 80.19 (E) is replaced with the following:

80.19(E) Fees. Fees and valuation for permits required by this code shall be as specified in Section 14.01.060 of the Lakewood Building Code.

4. Subsection 80.23 (B) is deleted.
5. Subsection 80.27 is deleted.

14.06.070 Penalties for violations of the National Electrical Code.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates 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, 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 chapter, shall jointly and severally, for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. 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 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 Chapter 14 of the Lakewood Municipal Code not expressly amended hereby shall remain unaltered 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.

## RESOLUTION OF CITY OF LAKEWOOD BOARD OF APPEALS

Amending the Lakewood Building Code adopting the 2020 National Electrical Code and local amendments

WHEREAS, the City of Lakewood (the "City") has adopted by reference certain codes promulgated by the National Fire Protection Association, including the National Electrical Code (the "Code"), which included various local amendments to the adopted Code;

WHEREAS, the adoption by reference of the Code, and the local amendments thereto, are codified in Title 14 of the Lakewood Municipal Code (the "LMC");

WHEREAS, pursuant to LMC Section 14.01.010, the adopted Code, as amended or modified, constitute a portion of the "Lakewood Building Code";

WHEREAS, the Public Works Department has presented for adoption by reference the 2020 National Electrical Code, including amendments and modifications thereto (the "Amendments"), to replace the current adopted National Electrical Code;

WHEREAS, LMC Section 14.12.010 established the "Board of Appeals" for the purposes of, among other things, reviewing proposed additions, changes or amendments to the Lakewood Building Code and to make recommendations to the Lakewood City Council with respect thereto;

WHEREAS, the Board of Appeals reviewed and considered the proposed 2020 National Electrical Code and Amendments at a regular meeting; and

WHEREAS, based on the Findings of Facts below, the Board of Appeals finds it desirable to repeal the National Electrical Code now in effect and adopt in its place the 2020 National Electrical Code and Amendments as presented by Staff:

### FINDINGS OF FACT

The Board of Appeals hereby finds and determines that:

- A. The adoption of, and Amendments to, the 2020 National Electrical Code will promote the health, safety and welfare of the inhabitants of the City;
- B. The Amendments are necessary and desirable, particularly in light of local conditions prevailing within the City and the state of Colorado;
- C. The 2020 National Electrical Code and Amendments are necessary to conform with State law; and

NOW, THEREFORE, BE IT RESOLVED that the City of Lakewood Board of Appeals, by a vote of \_\_\_ to \_\_\_, adopts Findings of Fact A through C and recommends that the City Council adopt the 2020 National Electrical Code and Amendments as presented.

Motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ to recommend City Council adopt the 2020 National Electrical Code and Amendments.

The roll having been called, the vote of the Lakewood Board of Appeals is as follows:

Donaldo Visani	_____
William Furman	_____
Robert Michael Franz	_____
Matthew Leonard	_____
Alejandro Valente Barba	_____
Jennifer Salisbury	_____
Robert Ramsour	_____

\_\_\_\_\_  
Donaldo Visani, Chair

### **CERTIFICATION**

I, Berta Saracino, Secretary to the City of Lakewood Board of Appeals do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Board of Appeals at a Regular Meeting held on the 2nd day of February, 2021, as the same appears in the minutes of said meeting.

Dated this \_\_\_\_ day of February, 2021

\_\_\_\_\_  
Berta Saracino, Secretary to the Board of Appeals