

BE IT RESOLVED BY THE STATE HOUSING BOARD OF THE STATE OF COLORADO;

THAT PURSUANT TO §24-32-3301et seq C.R.S. as amended, the State Housing Board of the State of Colorado (the Article 545 Housing Board") Built Nonresidential Structures; and

THAT PURSUANT TO §24-32-3301et seq C.R.S. as amended, the State Housing Board adopts the nationally recognized code as cited in SCHEDULE "B" as the "Colorado Construction Safety Code for Factory Built Nonresidential Structures", and

THAT PURSUANT TO §24-32-3301et seq C.R.S. as amended, the Housing Board states the basis and purpose of these rule changes is to update the current minimum construction and safety code for "Factory Built Nonresidential Structures" manufactured, sold, or offered for sale in Colorado; and

THAT PURSUANT TO §24-32-3301et seq C.R.S. as amended, the Housing Board establishes standards, to the extent allowed by the state constitution, Article 50 of the "State Personnel System Act", and the rules promulgated by the Personnel Board, for private inspection and certification entities to perform the Colorado Division of Housing's certification and inspection of in-state and out-of-state Factory Built Nonresidential Structures; and

THAT PURSUANT TO §24-32-3301et seq C.R.S. as amended, the Housing Board states that "Factory Built Nonresidential Structures" manufacturers shall have the option to contract with the Colorado Division Housing or an authorized inspection agency to perform inspection and certification functions; and

The Housing Board states that these rules do not include later amendments to or editions of the nationally recognized code; and

The Housing Board repeals and readopts these rules and regulations to be administered and enforced by the Colorado Division of Housing (the Division of Housing).

RULES AND REGULATIONS

Section 1: SCOPE

Every Factory-Built Nonresidential Structure manufactured after the effective date of these regulations that is manufactured, sold, or offered for sale in this state must display an insignia issued by the Division of Housing certifying that the unit is constructed in compliance with the standards adopted in schedule "B" which is incorporated herein and made a part of these Rules and Regulations by reference, and all other requirements set forth by this resolution.

The Housing Board states that the Program Manager, Technology and Standards Section, Colorado Division of Housing, 1313 Sherman Street, Room 518, Denver, Colorado 80203, will provide information regarding how the codes adopted in Schedule "B" may be obtained or examined. Incorporated material may also be examined at any state publications depository library.

Section 2: DEFINITIONS

"ADMINISTRATIVE AGENCY" is the Colorado Division of Housing. The Division of Housing is the state agency responsible for enforcing the Factory-Built Nonresidential Construction Statutes.

"AUTHORIZED INSPECTION AGENCY" means the Division of Housing or any state, firm, corporation or entity approved by the Division of Housing to conduct production inspections and to evaluate the manufacturer's quality control procedures.

"FACTORY-BUILT NONRESIDENTIAL STRUCTURE" is a structure or component thereof, designed

primarily for commercial, industrial, or other nonresidential use either permanent or temporary (as determined by the local building department), which is wholly or in substantial part, made, fabricated, formed or assembled in a manufacturing facility for installation, or assembly and installation, on permanent or temporary foundation at the building site.

“INSIGNIA” means a seal, label or tag issued by the Division of Housing to indicate compliance in the manufacture of a unit with the regulations established by the Housing Board. All structures manufactured after December 2, 1991 must display a Division of Housing insignia.

“INSIGNIA FEES” cover commensurate expenses incurred by the Division of Housing in evaluating the performance of authorized inspection agencies and in carrying out inspections, administration and enforcement of the Factory-Built Nonresidential Structure Program.

“INTERIM CHANGE” means any change made between the approval date and the expiration date.

“MANUFACTURER” means any person who constructs or assembles a manufactured residential or nonresidential structure in a factory or other off-site location.

“MODEL” is a specific design of factory-built nonresidential structure designed by the manufacturer, which is based on size, floor plan, method of construction, location arrangement and sizing of plumbing, mechanical or electrical equipment and systems therein in accordance with plans submitted to the Division of Housing.

“PRODUCTION INSPECTION” means the evaluation of the ability of the manufacturing facility to follow approved plans, standards, codes and quality control procedures during continuing production.

“PROHIBITED SALE NOTICE” means a printed notification issued by the Division of Housing for a structure on a dealer's lot providing that the structure may not be sold or offered for sale because of imminent safety hazards as set forth in §24-32-703(3.8) C.R.S., as amended and these regulations.

“QUALITY CONTROL PROCEDURES” means procedures prepared by a manufacturer for each of its manufacturing facilities and approved by the Division of Housing describing the method that the manufacturer uses to assure structures produced by that manufacturer are in conformance with the applicable standards, codes, quality control procedures and approved plans.

“A RED TAG NOTICE” is a physical identification that a particular structure, in the manufacturing process, has a life threatening violation as set forth in §24-32-703 (3.8). Structures with life threatening deviations shall not be sold or offered for sale in Colorado.

“STRUCTURE” means a factory built non-residential building that shall comply with these rules and regulations

Section 3: PROGRAM PARTICIPANTS,

States

This program is open on a voluntary basis to all states with statutory authority to regulate the design and construction of Factory Built Nonresidential Structures covered by this Division of Housing Resolution.

Each state that wishes to participate in this program recognizes that they must enter into a memorandum of understanding with Colorado to establish mutual recognition and acceptance of codes and inspections. Areas of agreement include:

Acceptance of codes that are adopted by the State of Colorado Housing Board for structures sold or offered for sale in Colorado. (See Schedule “B”).

Acceptance of the design evaluation performed by the Division of Housing for structures sold or offered for sale in Colorado.

Perform plant certifications and for routine inspections, make complete inspections of at least one (1) structure in each phase of manufacturing. To perform a minimum of a rough, final and other tests or inspections (as required in Schedule "B") when a production line process is not being utilized. Also to place the manufacturer on a higher frequency of inspection when it is unable to conform, on a continuing basis, to approved quality control procedures and or approved plans and standards.

Investigate at the manufacturing facility, consumer complaints arising on labeled Colorado structures and to work with the manufacturer(s) in resolving such complaints by adequate follow-up of the manufacturer's production and/or inspection process.

Provide sixty (60) days notice before withdrawing from participation in the program, thereby allowing a manufacturer sufficient time to obtain an Authorized Inspection Agency.

PARTICIPATING STATES OPERATING UNDER AN EXISTING STATE FACTORY BUILT NONRESIDENTIAL LAW HAVE THE OPTION TO ACT AS THE EXCLUSIVE AUTHORIZED INSPECTION AGENCY WITHIN THEIR STATE. They are not required to change any of their state fees, laws, or regulations other than those changes, which may be necessary to allow them to agree to the above items. Manufacturers are required to be inspected by their host state when this state agrees to perform inspections on Colorado units.

Manufacturers

Any manufacturer of Factory Built Nonresidential Structures that are sold or offered for sale in Colorado may participate in this program provided they agree and comply with the following:

All certified in-state manufacturers shall have the option to contract with an Authorized Inspection Agency or continue to use the Division of Housing as the Authorized Inspection Agency to perform certifications, in-plant production inspections and to evaluate their plant's quality control procedures.

Out of state manufacturers not previously certified are required to immediately obtain the services of an Authorized Inspection Agency to perform certifications, in-plant production inspections and to evaluate the plant's quality control procedures.

Out of state manufacturers with existing plant certifications must obtain the services of an Authorized Inspection Agency to conduct certifications, in- plant production inspections and to evaluate the plant's quality control procedures.

Out of state manufacturers located in states that have reciprocity or other agreements with the Division of Housing shall be notified if the state in which they are located will continue to inspect Colorado units or if they have to obtain the services of a firm or corporation to perform certification and in plant production inspections of Colorado units.

After notification that the state in which they are located will no longer inspect Colorado units, manufacturers have sixty (60) days to obtain another Authorized Inspection Agency.

Out of state manufacturers located in states that enter into an agreement with Colorado to inspect Colorado units, shall use that state as the Authorized Inspection Agency to perform certifications, in-plant production inspections and evaluations of their quality control procedures.

Out of state manufacturers located in states that do not inspect Colorado units, shall obtain the

services of an Authorized Inspection Agency to perform certifications, in-plant production inspections and evaluations of their quality control procedures.

All manufacturers shall register with and obtain prior approval from the Division of Housing for all quality control manuals and plans before manufacturing and affixing the Colorado and Authorized Inspection Agency labels to units constructed under those plans.

All manufacturers shall allow and pay for the reasonable costs incurred by the Division of Housing for oversight inspections and other work related to retaining and evaluating their performance and certification.

All manufacturers shall allow and pay for periodic inspections by the Authorized Inspection Agency to assure compliance to the approved designs.

All manufacturers shall permit Division of Housing monitoring personnel to review plans and to perform in plant inspections.

All manufacturers shall correct any code violations in plans discovered by the Division of Housing or by the Authorized Inspection Agency monitoring personnel, or forfeit the right to have Division of Housing and Authorized Inspection Agency labels affixed.

All manufacturers shall correct any construction code violations within 20-days, or forfeit the right to have Division of Housing and Authorized Inspection Agency labels affixed.

All manufacturers must provide the Division of Housing with a monthly inspection report showing the Authorized Inspection Agency and the Division of Housing label number (s), unit serial number(s), and the first destination.

All manufacturers shall submit a fully completed oversight inspection data sheet to the Division prior to shipment of the home.

Manufacturer Certification Procedures and Performance Requirements

Manufacturers of Factory Built Nonresidential Structures that are manufactured, sold, or offered for sale in the State of Colorado may be certified. Plant certification is granted to a manufacturer based on adequate plant production performance, for a specific plant location and is not transferable to other locations including those of the same manufacturer.

At the time of plan submittal all manufacturers are required to inform the Division of Housing, in writing, of the state, firm, corporation or entity that will conduct the certification and in-plant inspections of Colorado units. Additionally, manufacturers are also required to notify the Division of Housing thirty (30) days prior to any subsequent change of their Authorized Inspection Agency.

Upon Division of Housing approval of the Authorized Inspection Agency, approved copies of the plans and quality assurance manual shall be sent to the manufacturer. Upon the manufacturer's receipt of the approved plans and manual, the Authorized Inspection Agency shall schedule plant certification inspections.

Upon completion of certification inspections, a letter recommending plant certification and a copy of the certification inspection report is faxed by the Authorized Inspection Agency to the Division of Housing with a copy to the manufacturer. Upon receipt of this report, the Division of Housing will review it for completeness and accuracy. The manufacturer can then ship this certification unit(s) to Colorado for field inspection by the Division of Housing. After field inspection, the Division of Housing will notify the manufacturer if the unit has passed inspection and if the plant is certified or not certified.

Manufacturers are required to construct, on a continuing basis, factory built nonresidential structures in conformance with plans, quality control manual, codes standards and procedures prepared by them and approved by the Division of Housing. The certification of a plant is considered to be ongoing unless conditions warrant removal of the certification. Conditions for removal of certification are:

The change of an Authorized Inspection Agency.

The change of a plant location.

Where a plant has had Division of Housing and Authorized Inspection Agency labels removed by the Authorized Inspection Agency pursuant to the Division of Housing procedures.

Manufacturers demonstrating that they cannot perform within their approvals shall be placed on a higher frequency of inspection until their performance improves. If their performance does not improve, the manufacturer may have their Division of Housing certification revoked.

In accordance with C.R.S. 24-32-3307, the State Director of Housing may pursue injunctive relief against manufacturers that fail to construct nonresidential structures in accordance with their approved plans and quality control manual, fail to correct code violations, fail to comply with C.R.S. 24-32-Part 33, or fail to comply with these rules.

Manufacturer Recertification Requirements

The initial plant certification last for six (6) months. Prior to the end of the initial certification, recertification is required which will last for twelve (12) months. Each manufacturer is required to resubmit their quality control manual (and when applicable, plans) for approval prior to the certification expiration date that is stamped on the quality control manual. This shall be complied with regardless of when plans are approved or homes shipped. Failure to comply with this requirement shall result in the plant having to comply with the initial certification inspection requirements.

Section 4: AUTHORIZED INSPECTION AGENCIES

Authorized Inspection Agency Approval

All manufacturers that use agencies to perform production inspections shall have such agencies, other than states, request approval from the Division of Housing as an inspection agency for the State of Colorado. Request from firms, corporations or other entities shall contain the following minimum requirements:

Name and address of agency making application.

Category for which agency seeks approval.

A list of key personnel, with resumes, indicating their primary functions or duties.

The number of years the agency has actively engaged in the business for which they seek approval.

A statement by the agency that it will adhere to all the requirements of the Division of Housing

An explanation of the agency plant certification and inspection procedures, including copies of the quality assurance and other inspection reports.

Agree to furnish any other information that the Division of Housing may deem necessary in order to properly evaluate and grant approval.

A statement that the submitting firm, corporation or entity is independent and does not have any actual or potential conflict of interest and is not affiliated with or influenced or controlled by any present or potential client manufacturer in any manner which might effect its capacity to render service or reports of findings objectively and without bias.

The request must contain the signature of a responsible officer, owner, or partner of the submitting agency.

A list of the factory built (UBC) nonresidential structure manufacturers that you currently inspect.

Authorized Inspection Agency Qualifications

An authorized inspection agency shall meet the following requirements. Any exceptions shall have the prior approval of the Division of Housing.

States-Must have existing statutory authority to regulate the design and construction of Factory Built (UBC) Nonresidential structures. Must also enter into a memorandum of understanding with Colorado.

Units of Local Government-Must have existing statutory authority to adopt and regulate building and construction codes.

Firms, corporations or other entities- Must currently be listed with a national listing agency such as National Evaluation Services, U. S. Testing, Underwriters Laboratories, Inc., PFS Corporation, Factory Mutual, Warnock Hersey, etc.

After reviewing the request, the Division of Housing will notify the requesting firm, corporation or entity of their acceptance or denial as an Approved Inspection Agency for Colorado.

Authorized Inspection Agency Quality Control and Reporting Requirements

Authorized Inspection Agencies shall conduct certifications., in-plant production inspections and in-plant evaluations of the plant's quality control procedures in accordance with Division of Housing approved documents.

Upon approval of the inspection agency by the Division of Housing, approved copies of the plans and quality assurance manual shall be sent to the manufacturer. Upon the manufacturer's receipt of the approved plans and manual, the Authorized Inspection Agency shall schedule plant certification inspections.

The structure will be inspected to the approved plans, except where the plans are not specific, and then the inspection shall be to the standards. The Authorized Inspection Agency will also monitor the personnel performing the approved quality control procedures.

The Authorized Inspection Agency shall use an engineer and an inspector to conduct certification inspections. If the first structure inspected fails to conform to the approved plans or fails to conform with respect to any aspect of the standards or codes, and if the approved quality control procedures are not complied with, additional structures shall be similarly inspected until the Authorized Inspection Agency is satisfied that the manufacturer is capable of consistently manufacturing units to the approved plans and codes.

Upon completion of certification inspections, a letter recommending plant certification and a copy of the certification inspection report is faxed by the Authorized Inspection Agency to the Division of Housing with a copy to the manufacturer. Upon receipt of this report, the Division of Housing will review it for completeness and accuracy. The manufacturer can then ship this certification unit(s) to Colorado for field

inspection by the Division of Housing. After field inspection, the Division of Housing will notify the manufacturer if the unit has passed inspection and if the plant is certified or not certified.

After certification, routine inspections shall consist of the Authorized Inspection Agency inspecting a minimum of one (1) phase of construction for each structure being produced for Colorado. A minimum of a rough, final and other inspections (as required in Schedule "B") must be conducted when a production line process is not being utilized. In the course of each visit, the inspector shall also make a complete inspection of every phase of production, and of every unit, which is in each stage of production, and a random sampling of finished product when available.

Whenever the Authorized Inspection Agency finds that a manufacturer is unwilling or unable to conform on a continuing basis to the approved quality control procedures, and/or approved plans or standards, that manufacturing facility shall be placed on a higher frequency of inspection. The Division of Housing shall be notified and the labels held until the manufacturer demonstrates that he can perform within his approvals. If after three consecutive inspections, the last inspection still indicates that the manufacturer is not able to perform within his approvals or standards, all remaining insignias paid for by the manufacturer will be returned to the Division of Housing and no further insignias issued until problems are resolved. The inspection agency shall notify the Division of Housing of the action taken.

Additional information, such as increased frequency and routine quality assurance inspection reports, will be requested by the Division of Housing in order to review the inspections conducted on specific structures.

The Authorized Inspection Agency is required to provide its own inspection label to the manufacturer so that it, also, can be affixed to each unit shipped to Colorado.

Division of Housing Monitoring of Authorized Inspection Agencies

The performance of all Authorized Inspection Agencies shall be monitored by Division of Housing to determine if they are fulfilling their responsibilities as required under this program.

The monitoring activities carried out by the Division of Housing staff shall consist of:

- Performing oversight inspections on structures that are shipped to Colorado. The purpose of these certification and other inspections are to evaluate the performance of the manufacturer and inspection agency in ensuring that selected structures comply with approved plans and construction codes.

- Based upon finding(s) of inadequate performance, the frequency of inspections may be increased as determined by the Division of Housing procedures.

- Reviewing all records of interpretations of the standards made by the Authorized Inspection Agency to determine whether they are consistent.

- Reviewing inspection reports, records and other documents to assure that Authorized Inspection Agencies are carrying out all their responsibilities as set forth in the Division of Housing requirements.

- Reviewing records to assure that the Authorized Inspection Agency is maintaining proper label control and records pursuant to the requirements of this program.

Frequency of Monitoring Visits

An approved Authorized Inspection Agency shall be periodically monitored.

Every aspect of all actions of the Authorized Inspection Agencies shall be monitored at a frequency adequate to assure that they are performing consistently to the Division of Housing requirements.

Scope of Monitoring Visits

Division of Housing monitoring may consist of a review of records at the Authorized Inspection Agency's main office and visit(s) to at least one (1) plant within the jurisdiction of the Authorized Inspection Agency in the company of an Authorized Inspection Agency inspector.

Section 5: MANUFACTURER APPLICATION AND PLAN SUBMITTAL

All manufacturers shall obtain prior approval of each set of designs from the Division of Housing before manufacturing and affixing the Colorado and Authorized Inspection Agency label(s) to structure(s) constructed under those plans.

Applications shall be made on forms supplied by the Division of Housing and shall be accompanied by the appropriate fees from Schedule "A" which is incorporated herein and made a part of these Rules and Regulations by reference.

Submittal for approval of quality control manuals and model plans shall meet or exceed the minimum requirements as specified by the Division of Housing.

All applications submitted shall be signed by an officer of the manufacturer that is in a responsible position with the authority to commit manufacturers to comply with the rules and regulations that govern the Colorado Factory Built Nonresidential Construction Program.

The Division of Housing will grant or deny approval within twenty (20) working days of the receipt of a complete submittal with the appropriate fee and with the required number of copies.

If a submittal is not completed within one hundred twenty days of the initial application date, the application shall expire and all fees shall be forfeited.

Expired applications must be resubmitted as new applications with new application forms, submittals and fees.

Approved plans and quality control manuals shall be evidenced by the stamp of approval of the Division of Housing. One approved copy shall be returned to the manufacturer and shall be retained at the place of manufacture. An additional approved copy shall be kept on file with the Division of Housing. Interim changes, additions, or deletions will not be acceptable without prior approval of the Division of Housing.

All structures that are manufactured, sold or offered for sale in the State of Colorado must display the Division of Housing and Authorized Inspection Agency insignias. These insignias certify that the structure is constructed in compliance with applicable codes and regulations adopted by the State Housing Board.

The granting of plan approval shall not be construed to be a permit or approval of any violation of the provisions of these regulations. All structures shall be subject to Division of Housing field inspection. The approval of the plans shall not prevent the Division of Housing or other Division of Housing authorized inspection agencies from requiring the correction of errors found in the plans or the structure itself, when found in violation of these regulations.

Approved copies of the quality control manual and plans shall be kept on file within the plant of manufacture for the purpose of construction and inspection by Division of Housing inspectors or the Authorized Inspection Agency.

Plan approvals are granted to a manufacturer for a specific plant location and are not transferable to other

locations including those of the same manufacturer.

Interim plan change approvals shall be required where the manufacturer proposes a change in plumbing, heating, electrical, and/or fire life safety systems. Such changes shall become part of the approved plan unless the Division of Housing determines that the change constitutes a new model. If determined a new model, the interim change shall be processed as a new application. The difference in fees will be assessed

Where there is a change in ownership, address, or location of manufacture, the manufacturer having Division of Housing certification shall notify the Division of Housing within ten (10) working days of such a change. At such time the Division of Housing shall review the performance of the manufacturer and transfer or revoke the certification.

When amendments to these regulations require changes to be made to an approved plan, the Division of Housing shall notify the manufacturer of the requirement and shall allow the manufacturer a reasonable time to submit revised plans for approval. Revised plans shall be processed as interim changes with the appropriate fees assessed.

Some building departments require a set of prints with the Colorado approval stamp. This can be addressed by requesting that additional prints be approved and provided to them at the time of original application. Appropriate fees must accompany the requests for additional prints.

Section 6: PLANT/PLAN/QUALITY CONTROL CERTIFICATION EXPIRATION DATE

The initial plant certification last for six (6) months. Prior to the end of the initial certification, recertification is required which will last for twelve (12) months. Each manufacturer is required to resubmit their quality control manual (and when applicable, plans) for approval prior to the certification expiration date that is stamped on the quality control manual. Failure to comply with this requirement shall result in the plant having to comply with the initial certification inspections requirements.

The certification expiration date for all plants is determined by the expiration date that is stamped on the quality control manual. Plans that are submitted at the time of certification and/or within the certification period shall have the same certification expiration date as the quality control manual.

It shall be the responsibility of the manufacturer to submit to the Division of Housing an application for plan and quality control manual approval thirty (30) days prior to the expiration date.

Section 7: PLANT CERTIFICATION AND INSPECTIONS FEES

The Division of Housing and/or the Authorized Inspection Agency shall conduct certification and production inspections of all manufacturers engaged in the manufacturing or offering for sale of Factory-Built Nonresidential Structures in the State of Colorado. This inspection shall include the quality control program and systems testing.

Manufacturers will be billed by the Authorized Inspection Agency for the cost of their inspection.

The fees for Division of Housing inspections are shown in Schedule "A".

The costs of Division of Housing inspections are not refundable.

At the time of initial certification and upon each request to renew certification, all manufacturers must submit a copy of I. R. S. Form W-9 (request for taxpayer identification number and certification).

Section 8: POSTED STRUCTURES

Whenever an inspection reveals that a structure fails to comply with any provision of these rules and regulations, the Division of Housing or the Authorized Inspection Agency shall post such a structure with a Prohibited Sale Notice and a Red Tag Notice.

Prohibited Sale Notice

When a structure is posted with a Prohibited Sale Notice, the Division of Housing or the Authorized Inspection Agency will notify the manufacturer and the dealer that the structure contains a violation(s).

A structure posted with a Prohibited Sale Notice, shall not be sold or offered for sale in the State of Colorado, nor shall the structure be moved or caused to be moved without the prior written approval of the Division of Housing.

Within five (5) working days, the manufacturer or his agent shall notify, in writing, the Division of Housing of the action taken to correct the violation(s) and what steps have been taken by management to preclude the recurrence of the violation. Failure to respond within five (5) days may cause revocation of model approval and/or plant certification.

All structures posted with a Prohibited Sale Notice shall be corrected or removed from the state (upon prior written approval of the Division of Housing). All structures that are corrected shall be reinspected to assure compliance with the codes and regulations. A reinspection fee will be assessed.

Red Tag Notice

A Red Tag Notice is a physical identification that a particular structure, in the manufacturing process, has a life threatening violation. When a structure is posted with a Red Tag Notice, the Division of Housing or the Authorized Inspection Agency inspector will notify the manufacturer that the structure contains a code violation(s).

A structure posted with a Red Tag Notice shall not be sold or offered for sale in the State of Colorado.

All structures that are corrected shall be reinspected to assure compliance with the codes and regulations. A reinspection fee will be assessed.

Prohibited Sale Notices and Red Tag Notices shall be removed only by an authorized representative of the Division of Housing.

Section 9: REVOCATION OF PLANT CERTIFICATIONS

The Housing Board may revoke a plant certification after notice and hearing pursuant to Section 24-4-104 ' 24-4-105, C.R.S., whenever a manufacturer has violated any provision of these regulations or when a plant certification was granted in error, on the basis of incorrect information supplied by the applicant. Judicial review of plant certification revocation actions shall be governed by Section 24-4-106, C.R.S.

Section 10: DENIAL OF PLANT CERTIFICATION

The Division of Housing may deny an application for plant certification or re- certification if an applicant manufactures any structure in violation of Division approved plans or these rules and regulations. In addition, as a condition of certification or re- certification, the Division of Housing may impose any of the following conditions for certification or re-certification:

Revision of the manufacturer's Quality Control Program.

Identification by model and serial number of each structure to be offered for sale in Colorado.

Inspection of each unit prior to affixing certification insignias.

Inspection of the manufacturer's plant (with the cost of inspection borne by the manufacturer).

Any combination of above or other action as determined necessary to insure future compliance with these regulations.

The Division shall promptly notify the applicant of the denial or condition imposed. The applicant may, within sixty (60) days following such action, request a hearing before the Housing Board. If requested, a hearing shall be conducted pursuant to Section 24-4-105, C.R.S. Thereafter, the final decision of the Housing Board shall be subject to judicial review in accordance with Section 24-4-106, C.R.S.

Section 11: CERTIFICATION INSIGNIA APPLICATION AND REPORTS

Following the receipt of the Plant Certification Inspection Certificate, application for Colorado insignias must be submitted on forms provided by the Division of Housing with the appropriate fees from Schedule "A".

Insignias are assigned for use at a specific plant location and shall not be transferable or used on an unapproved model. Colorado certification insignias issued for one type of certification may not be used on a structure of another (different) type.

Insignias must be permanently affixed to each floor section in a visible location as indicated on the approved model plan, prior to structures being removed from the plant.

The manufacturer shall legibly stamp the unit serial number, date of manufacture, wind design load, roof design load and the fire rating of the exterior walls and ceiling, on the insignia.

Insignia reports shall be submitted by the manufacturer to the Division of Housing by the first of each month on forms or copies of forms supplied by the Division of Housing. An insignia report is required when the manufacturer has insignias outstanding during that period. Manufacturers are also required to provide the Division of Housing a copy of their monthly production report.

Corrected or delinquent insignia reports may be required prior to the issuance of additional insignias.

Insignias are to be affixed in consecutive order.

Colorado insignias shall remain the property of the State of Colorado and may be confiscated by the Division of Housing upon any violation of this resolution. Defaced, marked in error, or voided insignias shall be returned to the Division of Housing without refund.

ATTEST:

Kathi Williams, DirectorColorado Division of Housing-----Dated

Rick Padilla, ChairpersonColorado State Housing Board-----Dated

SCHEDULE "A" FEE SCHEDULE

All fees, except inspection fees, are due in advance and must accompany the application. Fees shall not be subject to refund.

1. Annual Plant registration fee: \$500.00

2. Annual Inspection Agency registration fee: \$ 150.00
3. Plan check fee for each model: \$0.25 per sq. ft. (\$160 min.)
4. Supplemental plan check fee (revisions, duplicates sets, etc.): \$0.10 per sq. ft. (\$50 min.)
5. Certification Insignia fee: \$ 100.00 per floor
6. Waiver of fees for Government - assisted economic development projects: with State Housing Board concurrence, the Division of Housing may waive plan review and unit certification fees for units to be subsidized under local, state or federal economic development projects.
7. Inspection fees:
 - A. Plant certification inspection fee: \$350.00 per inspector per trip
 - B. Oversight inspection fee: \$230.00
 - C. Special inspection fee:

In-State: \$50.00 per hour, per inspector plus actual trip expenses of travel, food, lodging, parking and car rental, etc. as allowed in state fiscal rules for per diem and travel.

Out-of-State: \$50.00 per hour per inspector plus actual trip expenses of travel, food, lodging, parking and car rental, etc. as allowed in state fiscal rules for per diem and travel.
 - D. Red Tag fee: \$250.00 Unit

SCHEDULE "B"

The State Housing Board adopts the following nationally recognized codes as the "Colorado Construction Safety Code for Factory-Built Nonresidential Structures".

Factory-Built Nonresidential Construction Code of the State of Colorado

Shall be:

1. The International Building Codes, 2003 Edition, published by the International Code Council, Inc.
2. The International Residential Code, 2003 Edition, published by the International Code Council, Inc.
3. The International Mechanical Code, 2003 Edition, published by the International Code Council, Inc.
4. The International Plumbing Code, 2003 Edition, published by the International Code Council, Inc.
5. The Uniform Plumbing Code, 2003 Edition, published by the International Association of Plumbing and Mechanical Officials.
6. The National Electric Code, 2002 Edition, published by the National Fire Protection Association, Inc.

7. The International Fuel Gas Code, 2003 Edition, published by the International Code Council, Inc.
8. The International Energy Conservation Code, 2003 Edition, published by the International Code Council, Inc.

Transition Period: Manufacturers shall be permitted to use the construction codes in effect prior to the adoption of this resolution for a maximum of 90-days after this resolution takes effect.

AMENDMENTS;

The following amendments by addition, deletion, revision and exceptions are made:

INTERNATIONAL BUILDING CODE:

Section 901.5.1 Add the following Section:

Special inspector required. All fire protection systems required by this Chapter shall be inspected and approved by a special inspector. The inspector shall be an employee of the fire department having jurisdiction or another qualified individual with prior approval of DOH. Inspections and approvals will be regulated under Chapter 17 of this Code.

Section 1507.2.8.2. Ice dam Membrane is amended to read:

"Regardless of roof slope or material, when the snow load is above sixty five pounds per square foot (65lb./sq.ft.), roofing underlayment shall be two layers of Type 15 felt applied shingle fashion and solid mopped together with approved cementing material between the plies, or 40 mil listed self adhering roofing membrane and shall be installed extending from the eave up the roof to a point 8 feet 6 inches inside the exterior wall line of the building and shall extend continuously to a point 4 feet from any valley, cricket or similar construction junctions with roofs.

Section 1608.2. Ground Snow Load is amended to read:

Roof Snow Load design criteria will be in accordance with a pamphlet entitled, 1989 Survey of Colorado Building Departments, dated May 1990, prepared by the Structural Engineers Association of Colorado with a minimum Snow Load design criteria of 30 psf. To calculate ground snow load use the roof snow load x 0.833 = Ground Snow Load. The 15% adjustment for wood and mechanical fastening for duration, as for snow, may not be taken when the snow load is 65 lb. per sq. ft. or above.

Section 1609.1.1. Add the Following:

Wind Load design criteria will be in accordance with a pamphlet entitled, 1989 Survey of Colorado Building Departments, dated May 1990, prepared by the Structural Engineers Association of Colorado with a minimum Wind Load design criteria of 90 mph, Exposure C, unless otherwise justified.

Section 2111.1.1. New Fireplaces - Add the following section:

Every new fireplace shall have permanently installed one of the following:

1. Approved gas logs.
2. Other approved gas or alcohol specific appliances.
3. An approved fireplace insert meeting the most stringent emission standards for wood stoves established under State statute and/or regulations promulgated by the State Air Quality Control

Commission (AQCC) as of the time of installation of the fireplace; or

4. A solid fuel burning device which is exempt from and not eligible for certification under U.S. Environmental Agency (U.S. EPA) regulations for wood stoves but which has been tested to demonstrate its emission performance is in accordance with criteria and procedures not less stringent than those required by the U.S. EPA and/or AQCC for wood stoves manufactured after July 1, 1990.

INTERNATIONAL RESIDENTIAL CODE:

TABLE R301.2(1) IS AMENDED TO READ:

GROUND SNOW LOAD ^a	WIND SPEED (mph) ^a	SEISMIC DESIGN CATEGORY	Subject to Damage From
WEATHERING	FROST LINE DEPTH ^d	TERMITE	DECAY
MIN. 30	PER LOCAL	B	SEVERE

^aThe loads and depths to be used in the building design shall be in accordance with a pamphlet entitled, 1989 Survey of Colorado Building Department, dated May 1990 prepared by the Structural Engineer Association of Colorado (SEAC). With a minimum snow load of 30 psf, all design loads and frost depth must be verified by local jurisdiction.

^bIn accordance with Sections R905.2.7.1, R905.4.3, R905.5.3, R905.6.3, R905.7.3 and R905.8.3, for areas where the average daily temperature in January is 25°F (-4°C) or less, where snow load exceeds 65 psf, or where there has been a history of local damage from the effects of ice damming.

^cThe outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2- percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the local building official.

^dThe mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

Section **R301.5- Live Loads**

...is amended by deleting exterior balconies, decks and fire escapes from the table and by adding footnote (g) to read as follows:

- (g) When the snow load is above 65 psf, the minimum uniformly distributed live loads for exterior balconies, decks and fire escapes shall be as required for roof snow loads.

Section **R602.3- Design and Construction**

...is amended to read:

R602.3 Design and construction. Exterior walls of wood-frame construction shall be designed and constructed in accordance with the provisions of this chapter and Figures R602.3(1) and R602.3(2) or in accordance with AF&PA's NDS. The use of load duration factors for snow load shall be prohibited, for snow loads over 65 psf. Components of exterior walls shall be fastened in accordance with Sections R602.3(1) through R602.3(4).

Section **R802.2- Design and Construction**

...is amended to read as follows:

R802.2 Design and construction. Roof-ceiling shall be designed and constructed in accordance with the provisions of this chapter and Figures R606.10(1), R606.10(2) and R606.10(3) or in

accordance with AFPA/NDS. The use of load duration factors for snow load or slope of roof shall be prohibited for snow loads over 65 psf. Components of roof- ceilings shall be fastened in accordance with R602.3(1).

R802.10.2 Design. Wood trusses shall be designed in accordance with accepted engineering practice. The design and manufacture of metal plate connected wood trusses shall comply with ANSI/TPI1. The truss design drawings shall be prepared by a registered professional where required by the statutes of the jurisdiction in which the project is to be constructed in accordance with R106.1. The use of load duration factors for snow load, is prohibited for snow loads over 65psf.

Section R905.1- Roof Covering Application

... is amended to read as follows:

R905.1.1 Ice dam protection. An ice dam protection underlayment that consists of at least two layers of underlayment cemented together or of a self-adhering polymer-modified bitumen sheet shall extend from the eave's edge to a point at least 24 inches inside the exterior wall line of the building. For snow loads above 65 psf, the ice dam membrane shall be extended from the eave to a point 8 feet 6 inches inside the exterior wall line, and shall extend continuously to a point 4 feet from any valley, cricket or similar construction junction with roofs.

Section R1004.4- Unvented Gas Log Heaters

... is amended to read as follows:

R1004.4 Unvented gas log heaters. Installation of unvented gas log heaters is prohibited.

Section R1004.5- Fireplaces

...add:

Every new fireplace shall have permanently installed one of the following:

1. Approved gas logs;
2. Other approved gas or alcohol specific appliances;
3. An approved fireplace insert meeting the most stringent emission standards for wood stoves established under State statute and/or regulations promulgated by the State Air Quality Control Commission (AQCC) at the time of installation of the fireplace; or
4. A solid fuel burning device which is exempt from and not eligible for certification under U.S. Environmental Agency (U.S. EPA) regulations for wood stoves but which has been tested to demonstrate its emission performance is in accordance with criteria and procedures not less stringent than those required by the U.S. EPA and/or AQCC for wood stoves manufactured after July 1, 1990.

Section M2001.1- Installation

...is amended to add the following sentence:

All boiler rooms are to be provided with a floor drain.

Section G2406.2- Prohibited Locations

...is amended to read as follows:

G2406.2 Prohibited locations. Fuel-fired appliances shall not be located in, or obtain combustion air from any of the following rooms or spaces:

1. Sleeping rooms
2. Bathrooms
3. Toilet rooms
4. Storage closets

Exceptions:

1. Direct vent appliances that obtain all combustion air directly from the outdoors.
2. Appliances and decorative appliances for installation in vented solid fuel burning fireplaces, provided that the room is not a confined space and the building is not of unusually tight construction.
3. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoors, in accordance with Section G2407.11. Access to such an enclosure shall be through a weather-stripped solid door equipped with an approval self-closing device.

Section G2417.4 Inspection, Testing, and Purging

...is amended as follows:

G2417.4.1 Test pressure.

The test pressure to be used shall be not less than one and one half times the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

G2424.8 Equipment not required to be vented is amended to eliminate-

Item #7: Room heaters listed for unvented use.

G2445.1 Prohibited installation.

Installation of unvented room heaters shall be prohibited.

Section P3103 Vent Terminals

P3103.2 Frost Closure.

Where the 97.5-percent value for outside design temperature is 0°F (-18°C) or less, every vent extension through a roof or wall shall be a minimum of 2 inches (76mm) in diameter. Any increase in the size of the vent shall be made inside the structure a minimum of 1 foot (305 mm) below the roof or inside the wall.

Electrical Sections

Delete Chapters 33 through 42.

INTERNATIONAL FUEL GAS CODE:

Section 303.3 Appliance location.Add Item:

Number 6. LPG appliances. LPG appliances shall not be installed in a pit, basement or crawl space where unburned fuel may accumulate unless an approved sensing device is installed. Delete Exception Numbers 3 and 4.

406.4.1 Test pressure.

The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (20 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. Welded gas and medium pressure piping (14 inch water column or greater) shall be tested at a minimum of 60 psi.

601.1. Scope. Add the following sentence:

Approved gas logs shall be installed in new solid fuel burning fireplaces when required by Sections 2111.1.1 of the International Building Code amended effective January 1, 2004.

Delete Section 621 Unvented room heaters, in its entirety.

INTERNATIONAL PLUMBING CODE:

The following Appendix Chapters to the International Plumbing Code, 2003 Edition, are hereby adopted. No other appendix chapters are adopted.

Appendix Chapter D- Degree Day and Design Temperatures for Cities in the United States.

Appendix Chapter E- Sizing of water piping systems.

604.5 Minimum sizes of fixture water supply pipes.

Add note:

Minimum of 1/2 inch water supply to all fixtures (3/8 riser pipe is acceptable).

605.4 Water distribution pipe.

Add note:

Plastic insert fittings are prohibited.

INTERNATIONAL MECHANICAL CODE:

Add the following Sections -

303.3.1 LPG appliance.

LPG appliances shall not be installed in a pit, basement or crawl space where unburned fuel may accumulate unless an approved sensing device is installed.

903.1 General. Add sentence:

Every new installation of a solid fuel-burning, vented decorative appliance or room heater shall meet the most stringent emission standards for woodstoves established under State statute and/or regulations promulgated by the State Air Quality Control Commission as of the time of installation of the appliance for room heater. (Effective January 1, 1991 - CC90-617.)

903.3...is amended to read as follows:

Unvented gas log heaters. Unvented gas log heaters are prohibited.

NATIONAL ELECTRIC CODE:

The following amendments by addition, deletion, revision and exceptions are made to the **National Electrical Code, 2002 Edition**, for use with all Factory Built units:

1. Article 406.8(c), (1) Shower or Bathroom space. Receptacle outlet shall not be installed in or within 30 inch (762 mm) of a shower or bathtub base.
2. Article 545, Manufactured Buildings, is amended to include: 545.14. Testing.
 - (A) Dielectric Strength Test. The wiring of each factory built unit shall be subjected to a 1-minute, 900-volt, dielectric strength test (with all switches closed) between live parts (including neutral) and the ground. Alternatively, the test shall be permitted to be performed at 1,080 volts for 1 second. This test shall be performed after branch circuits are complete and after fixtures or appliances are installed.

Exception 1: Listed fixtures or appliances shall not be required to withstand the dielectric strength test.

Exception 2: Units wired in Electrical Metallic Tubing or Ridged Metallic Conduit.
 - (B) Continuity and Operational Tests and Polarity Checks. Each manufactured building shall be subjected to:
 - (1) An electrical continuity test to ensure that all exposed electrically conductive parts are properly bonded;
 - (2) An electrical operational test to demonstrate that all equipment, except water heaters and electric furnaces, is connected and in working order; and
 - (3) Electrical polarity checks of permanently wired equipment and receptacle outlets to determine that connections have been properly made.
3. Article 210.12 Arc-Fault Circuit-Interrupter Protection.
 - (A) Dwelling Unit Bedrooms. All branch circuits that supply 125-volt, single-phase, 15- and 20-ampere outlets installed in dwelling unit bedrooms shall be protected by an arc-fault circuit interrupter listed to provide protection of the entire branch circuit.

Exception: Smoke detector is not required to be on arc fault circuit.

ATTACHMENT "A"

ELEVATION, LATITUDE AND DEGREE DAYS FOR COLORADO CITIES AND TOWNS

	Location	Elevation	North Latitude Degree
1	Alamosa Airport	7546	37°
2	Aspen	7928	39
3	Boulder	5385	40
4	Buena Vista	7954	38
5	Burlington	4165	39
6	Canon City	5343	38
7	Cheyenne Wells	4250	38
8	Colorado Springs Airport	6173	38
9	Cortez	6177	37
10	Craig	6280	40
11	Creede	8842	37
12	Del Norte	7884	37
13	Delta	4961	38
14	Denver Airport	5283	39
15	Denver City (Roof Exposure)	5320	39
16	Dillon	9065	39
17	Dove Creek	6843	37
18	Durango	6550	37
19	Eagle	6497	39
20	Estes Park	7525	40
21	Ft. Collins	5001	40
22	Ft. Morgan	4321	40
23	Fraser	8560	39
24	Glenwood Springs 5823	39	34
25	Granby	7935	40
26	Grand Junction Airport	4849	39
27	Greeley	4648	40
28	Gunnison	7664	38
29	Holyoke	3746	40
30	Idaho Springs	7555	39
31	Julesburg	3469	41°
32	Kit Carson	4284	38
33	Kremmling	7359	40
34	La Junta Airport 4188	38	03
35	Lamar	3635	38
36	Last Chance	4790	39
38	Limon	5557	39
39	Longmont	4950	40
40	Meeker	6347	40
41	Montrose	5830	38
42	Ouray	7740	38

43	Pagosa Springs	7238	37
44	Pueblo Airport	4639	38
45	Rangely	5250	40
46	Rifle	5345	39
47	Saguache	7697	38
48	Salida	7050	38
49	San Luis	7990	37
50	Silverton	9322	37
51	Springfield	4410	37
52	Steamboat Springs	6770	40
53	Sterling	3939	40
54	Trinidad Airport 5746	17	15
55	Uravan	5010	38
56	Vail	8150	39
57	Walden	8099	40
58	Walsenburg	6220	37
59	Wray	3560	40
60	Yuma	4125	40

*Data supplied by Colorado Division of Highways

Elevations and Degree Day taken from Climate Data for Air Conditioning Design, 1976, Rocky Chapter, American Society of Heating, Refrigerating & Air Conditioning Engineers (ASHRAE).

With certain exceptions indicated by *, Latitudes taken from U.S. Dept. of Commerce, National Oceanic & Atmospheric Administration Records, Asheville 7- 73-1150.

ATTACHMENT B

SUPPLEMENT TO CLIMATE DATA FOR AIR CONDITIONING DESIGN ROCKY MOUNTAIN CHAPTER REGION COLORADO, WYOMING, MONTANA & ENVIRONS - 4/20/78 Published by Rocky Mountain Chapter ASHRAE First Edition - Centennial 1976

DESIGN TEMPERATURES FOR COLORADO CITIES AND TOWNS

	Location	Summer ² 2 1/2% Dry Bulb	Winter ² 97 1/2% We Bulb
1	Alamosa	82°F	61°F
2	Aspen	81	59
3	Boulder	90	63
4	Buena Vista	83	58
5	Burlington	95	70
6	Canon City	90	64
7	Cheyenne Wells	97	70
8	Colorado Springs Airport	88	62
9	Cortez	88	63
10	Craig	86	61
11	Creede	80	58
12	Del Norte	81	60

13	Delta	95	62
14	Denver Airport	90	64
15	Denver City (Roof exposure)	90	64
16	Dillon	77	58
17	Dove Creek	86	63
18	Durango	86	63
19	Eagle	87	62
20	Estes Park	79°F	58°F
21	Fort Collins	89	62
22	Fort Morgan	92	65
23	Fraser	76	58
24	Glenwood Springs	91	63
25	Granby	32	58
26	Grand Junction Airport	94	63
27	Greeley	92	64
28	Gunnison	83	59
29	Holyoke	97	69
30	Idaho Springs	81	59
31	Julesburg	98	69
32	Kit Carson	98	68
33	Kremmling	85	59
34	La Junta Airport	97	71
35	Lamar	98	71
36	Last Chance	92	65
37	Leadville	74	55
38	Limon	91	65
39	Longmont	91	64
40	Meeker	87	61
41	Montrose	91	61
42	Ouray	83	59
43	Pagosa Springs	85°F	61°F
44	Pueblo Airport	94	67
45	Rangely	93	62
46	Rifle	92	63
47	Saguache	82	61
48	Salida	84	59
49	San Luis	84	60
50	Silverton	77	56
51	Springfield	95	71
52	Steamboat Springs	84	61
53	Sterling	93	68
54	Trinidad Airport	91	65
55	Uravan	97	63
56	Vail	78	59
57	Walden	79	58

58	Walsenburg	90	63
59	Wray	95	69
60	Yuma	95	69

²Column % as described by footnotes "a" in 1972 ASHRAE BOOK OF FUNDAMENTALS.