

June 2021

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### Recommended Citation

Patricia H. Maloy, Denver Building Code Revision, 27 Dicta 339 (1950).

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## DENVER BUILDING CODE REVISION

PATRICIA H. MALOY

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With the nation's eye focused on the housing shortage, the bibles of the construction industry have been receiving unprecedented attention. Municipalities throughout the county have undertaken the task of reviewing and revising their structural and mechanical codes in answer to the charge that restrictive and out-moded laws contributed heavily to industry's and government's initial inability to meet the demand for living quarters.

Denver's ordinances were among those challenged early. Along with local expression of dissatisfaction, writers for popular magazines cited the Mile High city as a bad example and Mayor Newton promised that if he were elected, one of the first problems to be tackled would be modernization of the Building Code. The promise was kept. Preliminary work was begun late in 1947, and during March of 1948, a Building Code Revision committee was formed and assigned the task of making proposals for change to Council.

As a necessary prelude, a survey of applicable ordinances was the first step taken. Simple though that appeared in prospect, much time was consumed as the compiled ordinances of 1947 did not include amendments to the various codes concerned with construction. Thus, it was necessary to compile as well as analyze.

The review made it immediately apparent that the so-called mechanical portions were, in the main, technically too antiquated and legally too defective to be remodelled. Also, the structural section, although of more recent origin, had not kept pace with engineering practice. The administrative provisions, having grown like Topsy, were inadequate in some areas and conflicting in others. For example, the "Electrical Code", vintage of 1903, carried the following complete delegation of legislative power:

The City Electrician shall be deemed the sole judge of what constitutes the proper installation and safe insulation of electric conductors and appliances within buildings, and is hereby authorized to make such rules and regulations of a technical nature as may be deemed necessary to make such conductors and appliances as safe as possible.<sup>1</sup>

Further, the same section provided:

The City Electrician shall decide all questions not provided for in this ordinance pertaining to the installation of electric wires and apparatus.

But, in the next paragraph appeared the provision:

The National Code of Underwriters rules, their additions and supplements shall be included in this section of this ordinance. Said rules shall always govern the installation of electrical wires and apparatus within the City and County of Denver.

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<sup>1</sup> §§ 670-73, 1927 Denver Municipal Code.

A compromise between the two ultimate authorities had been effectuated through the medium of issuing rules and regulations in "deviation" from the national code.

The "Plumbing Code", published in pamphlet form, consisted of a group of assorted ordinances, a surprising number of which had survived more than fifty years without revision and the bulk of which had been enacted in 1914. The pamphlet bore the title:

### PLUMBERS AND PLUMBING ORDINANCES AND REGULATIONS

Also Rules for Installation of Gas Piping and Appliances

Actually, the title was deceptive as six pages of restrictions and definitions had been included without benefit of Council, and no power had been granted the department to rule and regulate. Then, too, highly hazardous fields were found to be without effective control. There was no gas fitting code, and the heating and ventilating regulations, incorporated by reference in 1935, gave no recognition to newer and widely used systems.

#### DRAFTING THE "REVISION"

Under such circumstances, a procedure aimed at revision would not suffice. Drafting was the problem, and it was decided to organize advisory groups so that work on more than one section at a time could progress. The structural portion was undertaken by the main committee, and three sub-committees began work on the electrical, plumbing, and gas fitting sections. By August of 1949, the structural section was effective. Three months later, the new electrical code passed Council, and the plumbing section was enacted in August of this year. The heating and ventilating and the gas fitting provisions are ready for committee review, and an over-all administrative code is in rough draft. It is hoped that January of 1951 will see completion of the entire project.

As planned, the new Building Code will be published in loose leaf form with all restrictions, technical and administrative, under one cover. The various sections will be available separately, of course, for those whose interests are concentrated. In addition, there will be a dwelling code in which will be contained the regulations applicable to one- and two-family dwellings only. Demand for such a publication is widespread among home builders and owners who find the general section too cumbersome for their specific needs.

It is difficult to cover, within the confines of an article of this type, all of the problems inherent in drafting a comprehensive Building Code. In fact, to the uninitiate, it would appear that the larger task has already been accomplished by technical and research organizations dedicated to proposing ideal building laws, and that selection only remains at the local level. Without min-

imizing the assistance offered in technical areas, blanket adoption of independently drafted codes does not of necessity result in adequate regulation.

In the first place, there are almost as many "uniform", "basic", and "model" codes extant as there are groups related to the construction industry. Obviously, not all are drafted objectively. In order, therefore, for a municipality to safeguard against prejudice, useless, and unenforceable enactments, close scrutiny is essential.

In the second place, not all phases of building laws can be drafted so as to be technically or legally universal. Limitations based upon earthquake experience in Los Angeles would not be tenable in Denver, nor would excavation depths required here be supportable in California. Many times, too, the character and size of a city is important. Effective fire zoning depends upon the relative position and construction type of existing buildings as well as the amount of territory to be encompassed.

Un-uniform legal limitations are likewise ever-present. To cite a few, state control of plumbing may preclude or limit municipal control, charters and constitutions affect administrative setups, and district zoning and planning ordinances must be considered to avoid conflict. Judicial interpretation of police power must also be coped with jurisdiction by jurisdiction. The degree of elasticity varies. The installation of one fixture may be deemed hazardous in one state and dismissed in another as bearing no relationship to public health and safety.

In conclusion, there is no easy way to revitalize following a long period of neglect. The process must be painstaking. An inevitable lag between advancement in law and invention must at all times be tolerated. However, it must be recognized that true obsolescence of regulation is unnecessary and costly to all. It is sincerely hoped that Denver's experience will not be repeated.

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## THE TRAFFIC CODE OF THE CITY AND COUNTY OF DENVER

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Within a short time after assuming office, Mayor Quigg Newton appointed a committee which became known as the Board of Traffic Safety for the City and County of Denver. The board consisted of the Manager of Safety and Excise, the commander of the Traffic Division of the Police Department, Municipal Judge Hubert D. Henry (who at that time was judge of the traffic court), the Chief of Police, Traffic Engineer Henry Barnes, representatives of the parochial and public schools of Denver, a representative of mass transportation, representatives of the automobile clubs of