

ORDINANCE NO. 2491

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST, HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE TO CREATE CHAPTER 5, ARTICLE IV, DIVISION 13 OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH DETAILS THE ADOPTION OF THE 2021 INTERNATIONAL GREEN CONSTRUCTION CODE (IGCC) WITH CITY-CENTRIC AMENDMENTS

WHEREAS, the purpose of this and related ordinances is to update the city's building code, adopt changes made in the various 2021 editions of the International Codes, apply city-specific revisions to the adopted codes, and to simplify, consolidate, and clarify the city's building code support functions such as appeals, violations, contractor licenses, fees and third-party services;

WHEREAS, the 2021 IgCC is retitled the City of Commerce City Green Construction Code and establishes standards for architects and engineers to incorporate green construction methods into their designs;

WHEREAS, the provisions of the IgCC as adopted by the City, are optional unless specifically required by resolution of City Council; and

WHEREAS, the IgCC serves as a city-adopted standard for building owners and their designers to take advantage of nationally recognized best practices for green construction that align with the International Codes.

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

**SECTION 1. Findings.** The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

**SECTION 2. Amendments.** Chapter 5, Article IV, Division 13 of the Commerce City Revised Municipal Code is created as set forth in Exhibit A

**SECTION 3. Repealer.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

**SECTION 4. Effective Date.** This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 17TH DAY OF APRIL, 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 15TH DAY OF MAY, 2023.

CITY OF COMMERCE CITY, COLORADO

---

Benjamin A. Huseman, Mayor

ATTEST

---

Dylan A. Gibson, City Clerk

**CHAPTER 5 – BUILDINGS AND BUILDING REGULATIONS  
ARTICLE IV. INTERNATIONAL CODES**

...

**DIVISION 13. – INTERNATIONAL GREEN CONSTRUCTION CODE**

**Sec. 5-41300. – Adoption.**

The City of Commerce City adopts the 2021 edition of the International Green Construction Code (IgCC) to be known as the City of Commerce City Green Construction Code, including the standards referenced in such code, save and except such amendments as set forth in this article. The 2021 IgCC is available to view for free on the International Code Council's website.

**Sec. 5-41301. – Amendments.**

The 2021 edition of the IgCC is amended in the following respects and adopted herein as amended:

- (a) Section 101.1, entitled "Title," is amended to read as follows:

**101.1 Title.** These regulations, as part of the City of Commerce City Building Code, shall be known as the City of Commerce City Green Construction Code, hereinafter referred to as "this code."

- (b) Section 101.3, entitled "Scope," is amended to read as follows:

**101.3 Scope.** The provisions of this code are optional unless specifically required by resolution of the city council. When used, this code shall apply to the design, construction, addition, alteration, equipment, change of occupancy, relocation, replacement, demolition and removal of every building or structure or any appurtenances connected or attached to such buildings or structures and to the building site on which the building is located. Occupancy classifications shall be determined in accordance with the International Building Code.

- (c) Section 101.5 (4.1 & 4.2), entitled "Compliance," is amended to read as follows:

**101.5 (4.1 & 4.2) Compliance.** When this code is chosen for use, building projects shall comply with the provisions herein. Within each of Chapters 5 through 9, building projects shall comply with all mandatory provisions (x.3) and, where offered, either the:

1. Prescriptive Option (x.4) or
2. Performance Option (x.5).

Building projects shall also comply with all provisions of Chapter 10.

**Exceptions:**

1. Compliance shall not be required with sections that are listed in Table 101.5.1 where the jurisdiction has opted out by checking “No” in the corresponding cell in the jurisdictional requirement column.
  2. Where the jurisdiction has indicated a diversion percentage for Section 501.3.8.1 in Table 101.5.1, that percentage shall replace the diversion percentage indicated in Section 501.3.8.1.
- (d) Table 101.5.1, entitled “REQUIREMENTS DETERMINED BY THE JURISDICTION,” is amended to read as follows:

**TABLE 101.5.1  
REQUIREMENTS DETERMINED BY THE JURISDICTION**

SECTION	SECTION TITLE	JURISDICTIONAL REQUIREMENT
<b>Chapter 5—Site Sustainability</b>		
501.3.5.2 (5.3.5.2)	Mitigation of Heat Island Effect—Walls	<u>x</u> No
501.3.6 (5.3.6)	Reduction of Light Pollution	__ No
501.3.7.2.2 (5.3.7.2.2)	Bicycle Parking Locations	__ No
501.3.7.2.3 (5.3.7.2.3)	Bicycle Parking, Horizontal Parking Racks	__ No
501.3.7.2.5 (5.3.7.2.5)	Bicycle Parking, Security and Visibility	<u>x</u> No
501.3.8.1 (5.3.8.1)	Building Site Waste Management	__ 75%
	Diversion Percentage	__ 50%
<b>Chapter 6—Water Use Efficiency</b>		
601.3.1.2.1(a,3) [6.3.1.2.1(a,3)]	Irrigation System Design, Master Valve	<u>x</u> No
601.3.1.2.1(a,4) [6.3.1.2.1(a,3)]	Irrigation System Design, Flow Sensors	<u>x</u> No
601.3.4 (6.3.4)	Special Water Features	__ No
601.3.5.2 (6.3.5.2)	Consumption Data Collection	<u>x</u> No
601.3.5.3 (6.3.5.3)	Data Storage and Retrieval	<u>x</u> No
601.3.9 (6.3.9)	Dual Water Supply Plumbing	<u>x</u> No
<b>Chapter 7—Energy Efficiency</b>		
701.4.2.1 (6.4.2.1)	Building Envelope Requirements	__ No
701.4.2.3 (7.4.2.3)	Single Rafter Roof Insulation	__ No
701.4.2.4 (7.4.2.4)	High-speed Doors	__ No
701.4.2.7 (7.4.2.7)	Permanent Projections	<u>x</u> No
701.4.2.10 (7.4.2.10)	Orientation	__ No
701.4.3.2 (7.4.3.32)	Ventilation Controls for Densely	__ No

	Occupied Spaces	
701.4.3.4 (7.4.3.4)	Economizers	<u>  </u> No
701.4.3.5 (7.4.3.5)	Zone Controls	<u>  </u> No
701.4.3.7 (7.4.3.7)	Exhaust Air Energy Recovery	<u>  </u> No
701.4.3.8 (7.4.3.8)	Kitchen Exhaust Systems	<u>  </u> No
701.4.4.3 (7.4.4.3)	Insulation for Spa Pools	<u>  </u> No
701.4.6.3.1 (7.4.6.3.1)	Occupancy Sensor Controls in Commercial and Industrial Storage Stacks	<u>  </u> No
701.4.6.3.2 (7.4.6.3.2)	Automatic Controls for Egress and Security Lighting	<u>  </u> No
701.4.7.2 (7.4.7.2)	Supermarket Heat Recovery	<u>  </u> No
701.4.7.4 (7.4.7.4)	Programmable Thermostats	<u>  </u> No
701.4.7.5 (7.4.7.5)	Refrigerated Display Cases	<u>  </u> No
701.5.4 (7.5.4)	Energy Simulation Aided Design	<u>  </u> No
<b>Chapter 8—Indoor Environmental quality</b>		
801.3.1.3(b) [8.3.1.3(b)]	Outdoor Air Ozone Removal	<u>  </u> No
801.3.1.4.2 (8.3.1.4.2)	Exfiltration	<u>  </u> No
801.3.3.4 (8.3.3.4)	Interior Sound Reverberation	<u>  </u> No
801.3.9 [8.3.9]	Exterior Views	<u>  </u> <b>x</b> No
801.4.1.3 (8.4.1.3)	Shading for Offices	<u>  </u> <b>x</b> No
<b>Chapter 9—Materials and Resources</b>		
901.3.1.2 (9.3.1.2)	Total Waste	<u>  </u> <b>x</b> No
<b>Chapter 10—Construction and Plans for Operation</b>		
1001.4.4 (10.4.4)	Construction Activity Pollution Prevention: Protection of Occupied Areas	<u>  </u> No
1001.7 (10.7)	Postconstruction Building Flush-out and Air Monitoring	<u>  </u> No
1001.10 (10.10)	Service Life Plan	<u>  </u> <b>x</b> No
1001.11.2	Transportation Management Plan, Owner-occupied Building Projects or Portions of building Projects	<u>  </u> <b>x</b> No
1001.11.3 (10.11.3)	Transportation Management Plan, Building Tenant	<u>  </u> <b>x</b> No

- (e) Section 102.2, entitled “Other laws,” is amended by the addition of the following:  
In the event of a conflict between the provisions of this code and any county health department, state or federal law, rule or regulation the more restrictive provision shall control.
- (f) Section 103, entitled “CODE COMPLIANCE AGENCY,” is deleted in its entirety.
- (g) Section 104, entitled “DUTIES AND POWERS OF THE AUTHORITY HAVING JURISDICTION,” is deleted in its entirety and the following is added in lieu thereof:

#### **SECTION 104 - DUTIES AND POWERS OF THE AUTHORITY HAVING JURISDICTION**

**104.1 General.** When this code is chosen for use, the authority having jurisdiction is hereby authorized and directed to enforce the provisions herein. The authority having jurisdiction shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions and how this code relates to other applicable codes and ordinances. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and other applicable codes and ordinances. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

- (h) Section 105.3, entitled “Modifications,” is amended to read as follows:  
**105.3 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the authority having jurisdiction shall have the authority to grant modifications for individual cases, upon application of the owner or owner’s authorized agent, provided the authority having jurisdiction shall first find that special individual reason makes the strict letter of this code impractical and that the modification is in compliance with the intent and purpose of this code and that such modification does not lessen the minimum requirements of this code. The building official may require or may consider a statement from a registered design professional or subject matter expert as to the equivalency of the proposed modification. The building official may also consider nationally recognized guidelines in deciding whether to approve a modification. The details of granting modifications shall be recorded and entered in the files of the Community Development Department.
- (i) Section 106.2, entitled “Notification,” is added to read as follows:  
**106.2 Notification.** Upon application for permit, the permit applicant must indicate this code or an equivalent standard was used in the design of the proposed construction. When indicated, the building official shall have the authority to expedite permit processing and the building/life-safety review.

- (j) Section 108, entitled “FEES,” is deleted in its entirety and the following is added in lieu thereof:

**SECTION 108 - FEES**

**108.1 Payment of fees.** At the discretion of the city, a permit shall not be valid until the fees prescribed by Article VI, Chapter 5 and other applicable provisions of the Commerce City Revised Municipal Code have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

- (k) Section 111, entitled “MEANS OF APPEALS,” is deleted in its entirety and the following is added in lieu thereof:

**SECTION 111 - APPEALS**

**111.1 Board of appeals.** Appeals of the decisions of the building official relating to the application and interpretation of this code shall be to the board of appeals and governed by Section 5-21 of the Commerce City Revised Municipal Code.

- (l) The definition for “ACCEPTED ENGINEERING PRACTICE” is added to Section 202 to read as follows:

**ACCEPTED ENGINEERING PRACTICE.** An engineered design or analysis performed by a registered design professional that conforms to nationally recognized principles, testing or standards; meets the functional intent of this code; and is approved by the building official.

**\*\*END OF EXHIBIT A\*\***