

ORDINANCE NO. 2485

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

AN ORDINANCE REPEALING AND REPLACING CHAPTER 5, ARTICLE IV, DIVISION 7 OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH DETAILS THE ADOPTION OF THE 2021 INTERNATIONAL MECHANICAL CODE (IMC) 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; and

WHEREAS, the 2021 IMC is retitled the City of Commerce City Mechanical Code and establishes minimum standards for the mechanical systems of commercial buildings. The most significant technical change over the 2018 IMC is the prohibition of ventless alcohol-burning fireplaces and appliances.

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 Chapter 5, Article IV, Division 7 of the Commerce City Revised Municipal Code is hereby repealed and replaced as set forth in Exhibit A.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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.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**

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DIVISION 7. – INTERNATIONAL MECHANICAL CODE

Sec. 5-4700. – Adoption.

The City of Commerce City adopts the 2021 edition of the International Mechanical Code (IMC) to be known as the City of Commerce City Mechanical Code, including Appendix Chapter A and the standards referenced in such code and appendix, save and except such amendments as set forth in this article. The IMC is available to view for free on the International Code Council’s website.

Sec. 5-4701. – Amendments.

The 2021 edition of the IMC 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 Mechanical Code, hereinafter referred to as “this code.”

(b) *Section 102.10, 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.

(c) *Section 102.12, entitled “Exceptions,” is added to read as follows:*

102.12 Exemptions. The work listed in Section 5-5 of the Commerce City Revised Municipal Code shall be exempt from this code.

(d) *Section 103, entitled “CODE COMPLIANCE AGENCY,” is deleted in its entirety.*

(e) *Section 104.4, entitled “Right of entry,” is deleted in its entirety and the following is added in lieu thereof:*

104.4 Right of entry. The code official’s right to enter and inspect property shall be exercised in accordance with Section 1-3001 of the Commerce City Revised Municipal Code.

(f) *Section 105.1, entitled “Modifications,” is amended to read as follows:*

105.1 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner’s authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and does not lessen health, life and fire safety requirements. The code 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 code official may also consider nationally recognized guidelines in deciding whether to approve a modification. The details of action granting modifications shall be recorded and entered in the files of the Community Development Department.

- (g) *Section 106.2, entitled “Permits not required,” is deleted in its entirety and the following is added in lieu thereof:*

106.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the work listed in Section 5-8 of the Commerce City Revised Municipal Code.

- (h) *Section 106.2.1, entitled “Emergency repairs,” is added to read as follows:*

106.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the code official.

- (i) *Section 106.4.1, entitled “Approved construction documents,” is amended to read as follows:*

106.4.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be approved by stamp as “Reviewed for Code Compliance” or an equivalent endorsement. Such approved construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the approved construction documents. A copy of the construction documents so reviewed shall be retained by the code official. A copy shall be returned to the applicant, printed by the applicant in full scale, kept at the site of work and open to inspection by the code official or a duly authorized representative.

The code official shall have the authority to issue a permit for the construction of part of a mechanical system before the construction documents for the entire system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire mechanical system will be granted.

- (j) *Section 106.4.5, entitled “Suspension or revocation of permit,” is amended to read as follows:*

106.4.5 Suspension or revocation of permit. The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any city, state or federal law, ordinance or regulation or any of the provisions of this code.

(k) *Section 108.1.1, entitled “Equipment required,” is added to read as follows:*

108.1.1 Equipment required. Any ladder, scaffolding or test equipment necessary to conduct or witness a requested inspection shall be provided by the permit holder.

(l) *Section 108.2.3, entitled “Approval required,” is amended to read as follows:*

108.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or the permit holder’s agent the reasons and corresponding code sections of this code that serve as the basis for non-compliance. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

(m) *Section 109, entitled “FEES,” is deleted in its entirety and the following is added in lieu thereof:*

Section 109 - Fees

109.1 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.

(n) *Section 110, entitled “CONSTRUCTION DOCUMENTS,” is deleted in its entirety and the following is added in lieu thereof:*

SECTION 110 – CONSTRUCTION DOCUMENTS

110.1 Construction documents. Construction documents, engineering calculations, diagrams and other data shall be submitted in digital format with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

110.2 Engineering details. When determined necessary by the code official,

construction documents shall include adequate detail of the mechanical components. Adequate detail may include computations or other essential technical data. All engineered documents, including relevant computations, shall be sealed by the registered design professional responsible for the design.

110.3 Examination of documents. The code official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. If such documents or plans do not comply with the provisions of this code, the permit applicant shall be notified in writing of the reasons and corresponding sections of this code that serve as the basis for non-compliance.

110.4 Retention of construction documents. A copy of the approved construction documents shall be retained by the code official as required by state or local laws. A copy of the approved construction documents shall be returned to the applicant, printed by the applicant in full scale and kept on the site of work and open to inspection by the code official or a duly authorized representative.

- (o) *Section 113, entitled "STOP WORK ORDER," is deleted in its entirety and the following is added in lieu thereof:*

Section 113 - Stop Work Order

113.1 General. Where the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order in accordance with the provisions of Section 5-5007 of the Commerce City Revised Municipal Code.

- (p) *Section 114, entitled "MEANS OF APPEALS," is deleted in its entirety and the following is added in lieu thereof:*

Section 114 - Appeals

114.1 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.

- (q) *Section 115, entitled "VIOLATIONS," is deleted in its entirety and the following is added in lieu thereof:*

Section 115 - Violations

115.1 Unlawful acts. No person or entity shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof. No person or entity shall fail to comply with any order issued by the code official under this code. No person or entity shall erect, construct, alter, repair, remove, demolish or utilize a mechanical system, or cause same to be done, except in conformity with all of the provisions of this code and in conformity with the terms and conditions of any

permit, certificate or other approval issued under this code, or of any directive of the code official.

115.2 Penalties and enforcement. Violations of this code are subject to enforcement through the penalties, procedures and remedies specified in Article V, Chapter 5 and other applicable provisions of the Commerce City Revised Municipal Code, at the discretion of the city.

115.3 Unsafe mechanical systems. A mechanical system that is unsafe, constitutes a fire or health hazard or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe mechanical system. Use of a mechanical system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

115.3.1 Authority to condemn mechanical systems. Where the code official determines that any mechanical system, or portion thereof, regulated by this code has become hazardous to life, health, property or has become insanitary, the code official shall order in writing that such system either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective mechanical system after receiving such notice.

Where such mechanical system is to be disconnected, written notice as prescribed in Section 115.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

115.3.2 Authority to order disconnection of energy sources. The code official shall have the authority to order disconnection of energy sources supplied to a building, structure or mechanical system regulated by this code, where it is determined that the mechanical system or any portion thereof has become hazardous or unsafe. Written notice of such order to disconnect service and the causes therefor shall be given within 24 hours to the owner, the owner's authorized agent and occupant of such building, structure or premises, provided, however, that in cases of immediate danger to life or property, such disconnection shall be made immediately without such notice. Where energy sources are provided by a public utility, the code official shall immediately notify the serving utility in writing of the issuance of such order to disconnect.

115.3.3 Connection after order to disconnect. A person shall not make energy source connections to mechanical systems regulated by this code that have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such mechanical systems.

Where a mechanical system is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code

official shall institute appropriate action to prevent, restrain, correct or abate the violation.

- (r) *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.

- (s) *Section 505.3, entitled "Exhaust ducts," is amended to read as follows:*

505.3 Exhaust ducts. Domestic cooking exhaust equipment shall discharge to the outdoors through sheet metal ducts constructed of galvanized steel, stainless steel, aluminum or copper. Such ducts shall have smooth inner walls, shall be airtight, shall be installed with a positive slope towards the appliance connection or in a manner preventing accumulation of grease and shall be equipped with a backdraft damper. Installations in Group I-1 and I-2 occupancies shall be in accordance with the International Building Code and Section 904.13 of the International Fire Code.

Exceptions:

1. In other than Groups I-1 and I-2, where installed in accordance with the manufacturer's instructions and where mechanical or natural ventilation is otherwise provided in accordance with Chapter 4, listed and labeled ductless range hoods shall not be required to discharge to the outdoors.
2. Ducts for domestic kitchen cooking appliances equipped with downdraft exhaust systems shall be permitted to be constructed of Schedule 40 PVC pipe and fittings provided that the installation complies with all of the following:
 - 2.1. The duct shall be installed under a concrete slab poured on grade.
 - 2.2. The underfloor trench in which the duct is installed shall be completely backfilled with sand or gravel.
 - 2.3. The PVC duct shall extend not more than 1 inch (25 mm) above the indoor concrete floor surface.
 - 2.4. The PVC duct shall extend not more than 1 inch (25 mm) above grade outside of the building.
 - 2.5. The PVC ducts shall be solvent cemented.

- (t) *Section 903.1, entitled "General," is amended to read as follows:*

903.1 General. Factory-built fireplaces shall be listed and labeled and shall be installed in accordance with the conditions of the listing. Factory-built fireplaces shall be tested in accordance with UL 127. Every new or altered solid fuel burning factory-built fireplace shall have permanently installed either:

1. Approved gas logs.

2. Other approved gas or alcohol specific appliances.
3. A Phase III certified device as defined in the Colorado Department of Public Health and Environment, Air Quality Control Commission, Regulation Number 4 “Sale and Installation of Wood-Burning Appliances and the Use of Certain Wood-Burning Appliances during High Pollution Days”, or other solid fuel burning device meeting the most stringent emission standards for wood stoves established under state statute and/or regulations promulgated by the Colorado Air Quality Control Commission existing at the time of installation of the factory-built fireplace, as demonstrated by a test by an Environmental Protection Agency accredited laboratory, and which is safety tested to Underwriter's Laboratory standards.

(u) *Section 903.3, entitled “Unvented gas log heaters,” is amended to read as follows:*

903.3 Unvented gas log heaters. An unvented gas log heater shall not be installed in a factory-built fireplace located in an interior occupied space.

(v) *Section 929.1, entitled “General,” is amended to read as follows:*

929.1 General. The installation of unvented alcohol fuel-burning decorative appliances shall be prohibited in interior occupied areas. The installation of unvented alcohol fuel-burning decorative appliances in exterior locations shall be listed and labeled in accordance with UL 1370 for exterior locations and shall be installed in accordance with the conditions of the listing, manufacturer’s installation instructions and Chapter 3.

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