

ORDINANCE NO. 2342

INTRODUCED BY: ALLEN-THOMAS, FRANK, GRIMES, GUARDIOLA, HURST,
HUSEMAN, MADERA, NOBLE, SMIT

AN ORDINANCE REPEALING AND REENACTING SECTION 5-4500 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2020 NATIONAL ELECTRICAL CODE, AND AMENDING THE CITY'S PREVIOUSLY ADOPTED RESIDENTIAL CODE TO INCORPORATE APPLICABLE STANDARDS OF THE 2020 NATIONAL ELECTRIC CODE

WHEREAS, pursuant to Ordinance No. 2150, the City Council of the City of Commerce City previously adopted the 2017 National Electrical Code, which took effect March 1, 2018;

WHEREAS, the Colorado Department of Regulatory Agencies ("DORA") adopted the updated National Fire Protection Association ("NFPA") standard number 70, hereinafter known as the National Electrical Code, 2020 Edition (the "2020 NEC"), effective August 1, 2020;

WHEREAS, the 2020 NEC was adopted by DORA as the minimum standards governing the "planning, laying out, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electrical light, heat, and power," for both residential and commercial construction in the State of Colorado, and C.R.S. § 12-115-107 requires municipalities to adopt DORA's minimum electrical standards;

WHEREAS, on August 20, 2019, City Council adopted the 2018 International Residential Code ("IRC") through Ordinance No. 2217, which also included reference to certain electrical standards;

WHEREAS, the electrical standards in the current IRC are the reprinted residential provisions from the 2017 NEC and are not recognized by DORA;

WHEREAS, pursuant to Section 5.11 of the City Charter, the City Council may enact any ordinance which adopts a code by reference in whole or in part, provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing is published in a newspaper of general circulation published in the City, with such publication occurring at least seven (7) days preceding the hearing, which notice has been published as required; and

WHEREAS, the City Council desires to update the Commerce City Revised Municipal Code from the 2017 NEC standards to the updated 2020 NEC standards, and to amend the IRC as adopted to remove its electrical standards and replace them with references to the applicable updated 2020 NEC standards.

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. Amendment to IRC Electrical Standards. Sec. 5-4201(jjjj) of the

Commerce City Revised Municipal Code, amending the 2018 International Residential Code, as adopted by the City, is hereby amended to read as follows:

ARTICLE IV. INTERNATIONAL CODES

...

DIVISION 5. – INTERNATIONAL RESIDENTIAL CODE

Sec. 5-4200. - Adoption.

The City of Commerce City adopts the 2018 edition of the International Residential Code, including Appendix Chapters H, J, K, and M and the standards referenced in such code and appendix chapters (the "IRC"), save and except such amendments as set forth in this article. Copies of the IRC are on file in the city clerk's office and may be inspected during regular business hours.

Sec. 5-4201. - Amendments.

The 2018 edition of the International Residential Code is amended in the following respects and adopted herein as amended:

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(jjjj) Chapters 34 through 43 (Sections E3401 through E4304), are hereby deleted in their entirety and replaced with the following:

(jjjj) Section E3401.1, entitled "Applicability," is amended to read as follows:

~~*E3401.1 Applicability.* The provisions of Chapters 34 through 43 shall establish the general scope of the electrical system and equipment requirements of this code. Chapters 34 through 43 cover those wiring methods and materials most commonly encountered in the construction of one and two family and structures regulated by this code. Other wiring methods, materials and subject matter covered in the NFPA 70 are also allowed by this code. Where situations or conditions are encountered that are regulated by NFPA 70 but are not included in the provisions of Chapters 34 through 43, the requirements of NFPA 70 shall apply.~~

(jjjj) *Electrical standards.* Installations of electrical systems, equipment and components for one- and two-family dwellings shall comply with the 2020 National Electrical Code® (NEC®) (NFPA 70®-2020).

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SECTION 3. Adoption of 2020 National Electrical Code. Section 5-4500 of the Commerce City Revised Municipal Code, entitled "Adoption of National Electric Code" is hereby repealed in its entirety. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this Ordinance taking effect. Section 5-4500 of the Commerce City Revised Municipal Code is hereby reenacted to adopt of the 2020 National Electrical Code and shall read as follows:

ARTICLE IV. INTERNATIONAL CODES

...

DIVISION 5. – ELECTRIC CODE

~~Sec. 5-4500. – Adoption of National Electric Code.~~

~~The City of Commerce City adopts the 2017 National Electric Code (N.F.P.A. 70), including all standards contained therein ("NEC"). Copies of such code are on file in the city clerk's office and may be inspected during regular business hours.~~

Sec. 5-4500. – Adoption of National Electrical Code.

The City of Commerce City adopts the 2020 National Electrical Code (N.F.P.A. 70), including all standards contained therein ("NEC"). Copies of such code are on file in the city clerk's office and may be inspected during regular business hours.

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SECTION 4. Electrical Administrative Provisions Not Affected. Nothing in this ordinance shall be construed to amend or otherwise affect Section 5-4501 and Section 5-4502 of the City’s Revised Municipal Code, concerning the City’s previous adoption of the 2006 Edition of the International Code Council’s Electrical Administrative Provisions, as amended, as previously enacted through the passage of Ordinance No. 2242.

SECTION 5. 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 or conflict.

SECTION 6. Effective Date. This ordinance shall be effective immediately upon passage on second and final reading.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 2ND DAY OF AUGUST 2021.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 16TH DAY OF AUGUST, 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk