

ORDINANCE NO. 2489

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

AN ORDINANCE REPEALING AND REPLACING CHAPTER 5, ARTICLE IV, DIVISION 11 OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH DETAILS THE ADOPTION OF THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC) 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 ISPSC is retitled the City of Commerce City Swimming Pool and Spa Code and establishes minimum standards for the construction of new swimming pools, spas and other recreational aquatic devices. There are no significant technical change over the 2018 ISPSC.

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 Amendments.** Chapter 5, Article IV, Division 11 of the Commerce City Revised Municipal Code is hereby repealed and replaced as set forth in Exhibit A.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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.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

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

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

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**DIVISION 11. – INTERNATIONAL SWIMMING POOL AND SPA CODE**

**Sec. 5-41100. – Adoption.**

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

**Sec. 5-41101. – Amendments.**

The 2021 edition of the ISPSC 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 Swimming Pool and Spa Code, hereinafter referred to as “this code.”

(b) *Section 102.7.1, entitled “Application of the International Codes,” is amended to read as follows:*

**102.7.1 Application of the International Codes.** Where the International Residential Code is referenced in this code, the provisions of the International Residential Code shall apply to Group R-5 occupancies. Other related systems shall comply with the applicable International Code or referenced standard.

(c) *Section 102.9, 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.

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

(e) *Section 104.6, entitled “Right of entry,” is deleted in its entirety and the following is added in lieu thereof:*

**104.6 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 104.9, entitled “Modifications,” is amended to read as follows:*

**104.9 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 that such modification does not lessen sustainability, health, accessibility, life safety and structural requirements. 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 action granting modifications shall be recorded and entered in the files of the Community Development Department.

(g) *Section 104.12.4, entitled "Construction documents," is amended to read as follows:*

**104.12.4 Construction documents.** The registered design professional shall submit to the code official a set of signed and sealed construction documents for the alternative engineered design.

(h) *Section 105.1, entitled "When required," is amended to read as follows:*

**105.1 When required.** Any owner, or owner's authorized agent who desires to construct, enlarge, alter, repair, move, or demolish a pool or spa or to erect, install, enlarge, alter, repair, remove, convert or replace any system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit for the work. A permit shall not be required for the work listed in Section 5-8 of the Commerce City Revised Municipal Code.

(i) *Section 105.4.1, entitled "Approved construction documents," is amended to read as follows:*

**105.4.1 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 similar 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.

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

- (j) *Section 105.4.5, entitled “Suspension or revocation of permit,” is amended to read as follows:*

**105.4.5 Suspension or revocation of permit.** The code official is authorized 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 ordinance or regulation or any of the provisions of this code, other ordinances or laws of the city, state or federal government.

- (k) *Section 106, entitled “CONSTRUCTION DOCUMENTS,” is deleted in its entirety and the following is added in lieu thereof:*

## **SECTION 106 - CONSTRUCTION DOCUMENTS**

**106.1 Construction documents.** Construction documents, engineering calculations, diagrams and other such data shall be submitted 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. 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.

**106.2 Engineering details.** When determined necessary by the building official, construction documents shall include adequate detail of the swimming pool or spa 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.

**106.3 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 building official or a duly authorized representative.

- (l) *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.

- (m) *Section 110.1.1, entitled “Equipment required,” is added to read as follows:*

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

- (n) *Section 110.6, entitled “Approval required,” is amended to read as follows:*

**110.6 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 inspection 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 codes 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.

- (o) *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.

- (p) *Section 112, entitled "BOARD OF APPEALS," is deleted in its entirety.*

- (q) *Section 113, entitled "VIOLATIONS," is deleted in its entirety and the following is added in lieu thereof:*

### **SECTION 113 - VIOLATIONS**

**113.1 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.

**113.2 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.

**113.3 Unsafe systems.** Any system regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition or is otherwise dangerous to human life is hereby declared unsafe. Any use of a system regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe system is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

**113.3.1 Authority to condemn a system.** Where the code official determines that any system, or portion thereof, regulated by this code has become hazardous to life, health or property or has become insanitary, the code official shall order in writing that such system either be removed or restored to a safe or sanitary 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 system after receiving such notice.

Where such a system is to be disconnected, written notice as prescribed in Section 113.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

**113.3.2 Authority to disconnect service utilities.** The code official shall have the authority to authorize disconnection of utility service to the pool or spa regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or the owner's authorized agent and occupant of the building where the pool or spa is located shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or the occupant of the building shall be notified in writing, as soon as practical thereafter.

**113.3.3 Connection after order to disconnect.** A person shall not make connections from any energy, fuel, power supply or water distribution system, or supply energy, fuel or water to any equipment regulated by this code that has 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 equipment.

When any system is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

- (r) *Section 114, entitled "STOP WORK ORDER," is deleted in its entirety and the following is added in lieu thereof:*

#### **SECTION 114 - STOP WORK ORDER**

**114.1 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.

- (s) *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\*\***