

ORDINANCE NO. 2487

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

AN ORDINANCE REPEALING AND REPLACING CHAPTER 5, ARTICLE IV, DIVISION 9 OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH DETAILS THE ADOPTION OF THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) 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 IECC is retitled the City of Commerce City Energy Conservation Code and establishes minimum energy conservation standards for residential and commercial buildings; and

WHEREAS, the most significant technical change over the 2018 IECC is the inclusion of a city amendment that allows designers to select the residential energy conservation requirements of the 2018 or 2021 IECC until 2025 at which time the state will mandate all jurisdictions enforce the requirements of the 2021 edition.

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 Amendments.** Chapter 5, Article IV, Division 9 of the Commerce City Revised Municipal Code is hereby repealed and replaced as set forth in Exhibit A.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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.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 9. – INTERNATIONAL ENERGY CONSERVATION CODE**

**Sec. 5-4900. – Adoption.**

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

**Sec. 5-4901. – Amendments.**

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

(a) *Section C101.1, entitled “Title,” is amended to read as follows:*

**C101.1 Title.** These regulations, as part of the City of Commerce City Building Code, shall be known as the City of Commerce City Commercial Energy Conservation Code, hereinafter referred to as “this code.”

(b) *Section C103.1, entitled “General,” is amended to read as follows:*

**C103.1 General.** Construction documents and other supporting data shall be submitted in a digital format with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require necessary construction documents to be prepared by a registered design professional.

**Exception:** The code official is authorized to waive the requirements for construction documents or other supporting data if the code official determines they are not necessary to confirm compliance with this code.

(c) *Section C103.2, entitled “Information on construction documents,” is amended to read as follows:*

**C103.2 Information on construction documents.** Construction documents shall be dimensioned and of sufficient clarity to indicate the location, nature and extent of the work proposed and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include, but are not limited to, the following as applicable:

1. Energy compliance path.
2. Insulation materials and their R-values.
3. Fenestration U-factors and solar heat gain coefficients (SHGCs).

4. Area-weighted U-factor and solar heat gain coefficient (SHGC) calculations.
5. Mechanical system design criteria.
6. Mechanical and service water-heating systems and equipment types, sizes and efficiencies.
7. Economizer description.
8. Equipment and system controls.
9. Fan motor horsepower (hp) and controls.
10. Duct sealing, duct and pipe insulation and location.
11. Lighting fixture schedule with wattage and control narrative.
12. Location of daylight zones on floor plans.
13. Air barrier and air sealing details, including the location of the air barrier.

(d) *Section C103.3, entitled “Examination of documents,” is amended to read as follows:*

**C103.3 Examination of documents.** The code official shall examine or cause to be examined the accompanying construction documents and shall ascertain 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.

(e) *Section C103.3.1, entitled “Approval of construction documents,” is amended to read as follows:*

**C103.3.1 Approval of construction documents.** When the code official issues a 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.

A copy of the approved construction documents shall be retained by the code official. A copy of the approved construction documents 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.

(f) *Section C103.5, entitled “Retention of construction documents,” is amended to read as follows:*

**C103.5 Retention of construction documents.** A copy of approved construction

documents shall be retained by the code official as required by state or local laws.

- (g) *Section C104, entitled “FEES,” is deleted in its entirety and the following is added in lieu thereof:*

#### Section C104 – Fees

**C104.1 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.

- (h) *Section C105.1.1, entitled “Equipment required,” is added to read as follow:*

**C105.1.1 Equipment required.** Any ladder, scaffolding or test equipment necessary to conduct or witness a requested inspection shall be provided by the permit holder.

- (i) *Section C108.3, 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.

- (j) *Section C109, entitled “STOP WORK ORDER,” is deleted in its entirety and the following is added in lieu thereof:*

#### Section C109 – Stop Work Order

**C109.1 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.

- (k) *Section C110, entitled “BOARD OF APPEALS,” is deleted in its entirety and the following is added in lieu thereof:*

#### Section C110 – Appeals

**C110.1 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) *Section C111, entitled “VIOLATIONS,” is added to read as follows:*

#### SECTION C111 – VIOLATIONS

**C111.1 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 or repair a building, structure, installation or 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.

**C111.2 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.

- (m) *The definition for “ACCEPTED ENGINEERING PRACTICE” is added to Section C202 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.

- (n) *Section R101.1, entitled “Title,” is amended to read as follows:*

**R101.1 Title.** This code, as part of the City of Commerce City Building Code, shall be known as the City of Commerce City Residential Energy Conservation Code, hereinafter referred to as “this code.”

- (o) *Section R101.4.2, entitled “When applicable,” is added to read as follows:*

**R101.4.2 When applicable.** Construction for which a permit is submitted to the city on or after the effective date of the 2021 City of Commerce City Building Code shall comply with the residential energy provisions of this code, except for permit applications submitted prior to July 1, 2026. The applicant for a permit prior to July 1, 2026 shall be permitted to choose whether to comply with the residential energy provisions of this code or those of the 2018 edition as amended by the city.

- (p) *Section R103.1, entitled “General,” is amended to read as follows:*

**R103.1 General.** Construction documents, technical reports and other supporting data shall be submitted in a digital format with each application for a permit. The construction documents and technical reports shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require necessary construction documents to be prepared by a registered design professional.

**Exception:** The code official is authorized to waive the requirements for construction documents or other supporting data if the code official determines they are not necessary to confirm compliance with this code.

- (q) *Section R103.2, entitled “Information on construction documents,” is amended to read as follows:*

**R103.2 Information on construction documents.** Construction documents shall be dimensioned and of sufficient clarity to indicate the location, nature and extent of the work proposed and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include the following as applicable:

1. Energy compliance path.
2. Insulation materials and their R-values.
3. Fenestration U-factors and solar heat gain coefficients (SHGC).
4. Area-weighted U-factor and solar heat gain coefficients (SHGC) calculations.
5. Mechanical system design criteria.
6. Mechanical and service water-heating systems and equipment types, sizes and efficiencies.
7. Equipment and system controls.
8. Duct sealing, duct and pipe insulation and location.
9. Air sealing details.

(r) *Section R103.3, entitled “Examination of documents,” is amended to read as follows:*

**R103.3 Examination of documents.** The code official shall examine or cause to be examined the accompanying construction documents and shall ascertain 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.

(s) *Section R103.3.1, entitled “Approval of construction documents,” is amended to read as follows:*

**R103.3.1 Approval of construction documents.** When the code official issues a 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.

A copy of the approved construction documents shall be retained by the code official. A copy of the approved construction documents 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.

- (t) *Section R103.5, entitled “Retention of construction documents,” is amended to read as follows:*

**R103.5 Retention of construction documents.** A copy of approved construction documents shall be retained by the code official as required by state or local laws.

- (u) *Section R104, entitled “FEES,” is deleted in its entirety and the following is added in lieu thereof:*

Section R104 – Fees

**R104.1 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.

- (v) *Section R105.1.1, entitled “Equipment required,” is added to read as follows:*

**R105.1.1 Equipment required.** Any ladder, scaffolding or test equipment necessary to conduct or witness a requested inspection shall be provided by the permit holder.

- (w) *Section R108.3, 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.

- (x) *Section R109, entitled “STOP WORK ORDER,” is deleted in its entirety and the following is added in lieu thereof:*

Section R109 – Stop Work Order

**R109.1 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.

- (y) *Section R110, entitled “MEANS OF APPEALS,” is deleted in its entirety and the following is added in lieu thereof:*

Section R110 – Appeals

**R110.1 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.

- (z) *Section R111, entitled “VIOLATIONS,” is added to read as follows:*



## SECTION R111 – VIOLATIONS

**R111.1 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 or repair a building, structure, installation or 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.

**R111.2 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.

(aa) *The definition for “ACCEPTED ENGINEERING PRACTICE” is added to Section R202 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.

(bb) *Section R401.3, entitled “Certificate,” is amended to read as follows:*

**R401.3 Certificate.** A permanent certificate shall be completed by the builder or other approved party and posted on a wall in the space where the furnace is located, a utility room or an approved location inside the building. Where located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certificate shall indicate the following:

1. The predominant R-values of insulation installed in or on ceilings, roofs, walls, foundation components such as slabs, basement walls, crawl space walls and floors and ducts outside conditioned spaces.
2. U-factors of fenestration and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for any component of the building envelope, the certificate shall indicate both the value covering the largest area and the area weighted average value if available.
3. The results from any required duct system and building envelope air leakage testing performed on the building.
4. The types, sizes and efficiencies of heating, cooling and service water-heating equipment. Where an electric furnace or baseboard electric heater is installed in the residence, the certificate shall indicate “gas-fired unvented room heater,” “electric furnace” or “baseboard electric heater,” as

appropriate. An efficiency is not required to be indicated for electric furnaces and electric baseboard heaters.

5. Where on-site photovoltaic panel systems have been installed, the array capacity, inverter efficiency, panel tilt and orientation shall be noted on the certificate.
6. For buildings where an Energy Rating Index score is determined in accordance with Section R406, the Energy Rating Index score, both with and without any on-site generation, shall be listed on the certificate.
7. The code edition under which the structure was permitted and the compliance path used.

(cc) *Section R403.3.5, entitled "Duct testing," is amended to read as follows:*

**R403.3.5 Duct testing.** Ducts shall be pressure tested in accordance with ANSI/RESNET/ICC 380 or ASTM E1554 to determine air leakage by a rough-in test: total leakage shall be measured with a pressure differential of 0.1-inch w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure if installed at the time of the test. Registers shall be taped or otherwise sealed during the test.

**Exception:** A duct air-leakage test shall not be required for ducts serving heating, cooling or ventilation systems that are not integrated with ducts serving heating or cooling systems.

*Section R403.3.6, entitled "Duct leakage," is deleted in its entirety.*

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