

ORDINANCE NO. 2481

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

AN ORDINANCE REPEALING AND REPLACING CHAPTER 5, ARTICLE IV, DIVISION 3 OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH DETAILS THE ADOPTION OF THE 2021 INTERNATIONAL EXISTING BUILDING CODE (IEBC) 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 IEBC, as amended by the city, is retitled the City of Commerce City Existing Building Code and establishes minimum standards for the repair, alteration, change of occupancy, addition to, and relocation of existing buildings. There are no significant technical changes over the 2018 IEBC.

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 Amendments.** Chapter 5, Article IV, Division 3 of the Commerce City Revised Municipal Code is hereby repealed and replaced as set forth in Exhibit A.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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.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**

**DIVISION 3. – INTERNATIONAL EXISTING BUILDING CODE**

**Sec. 5-4300. – Adoption.**

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

**Sec. 5-4301. – Amendments.**

The 2021 edition of the IEBC 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 Existing Building Code, hereinafter referred to as “this code.”

(b) *Section 102.2, entitled “Other laws,” is amended by 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 102.6, entitled “Exemptions,” is added to read as follows:*

**102.6 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 104.6, entitled “Right of entry,” is deleted in its entirety and the following is added in lieu thereof:*

**104.6 Right of entry.** The building 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 104.10, entitled “Modifications,” is amended to read as follows:*

**104.10 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner’s authorized agent, provided that the building official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, energy and resource

conservation or 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 105.1, entitled "Required," is amended to read as follows:*

**105.1 Required.** Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy or move a lot line of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing 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 building official and obtain the required permit.

(h) *Section 105.2, entitled "Work exempt from permit," is deleted in its entirety and the following is added in lieu thereof:*

**105.2 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 any manner in violation of the provisions 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.

(i) *Section 105.2.3, entitled "Public service agencies," is amended to read as follows:*

**105.2.3 Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right or by public service agencies or utilities regulated by the state of Colorado Public Utilities Commission.

(j) *Section 105.6, entitled "Suspension or revocation," is amended to read as follows:*

**105.6 Suspension or revocation.** The building 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 city, state or federal law, ordinance or regulation or any of the provisions of this code.

(k) *Section 106.1, entitled "General," is amended to read as follows:*

**106.1 General.** Submittal documents consisting of construction documents, special inspection and structural observation programs, investigation and evaluation reports and other data shall be submitted in 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 additional construction documents to be prepared by a registered design professional.

(l) *Section 106.2.1, entitled “Construction documents,” is amended to read as follows:*

**106.2.1 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 detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the code official. The work areas shall be shown.

(m) *Section 106.2.7, entitled “Engineering details,” is added to read as follows:*

**106.2.7 Engineering details.** When determined necessary by the building official, construction documents shall include adequate detail of the structural, mechanical, plumbing or electrical components. Adequate detail may include computations, stress diagrams or other essential technical data. All engineered documents, including relevant computations, shall be sealed by the registered design professional responsible for the design.

(n) *Section 106.3, entitled “Examination of documents,” is amended by addition of the following:*

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.

(o) *Section 106.3.1, entitled “Approval of construction documents,” is amended to read as follows:*

**106.3.1 Approval of construction documents.** Where the code official issues a permit, the construction documents shall be approved by stamp as “Reviewed for Code Compliance” or an equivalent endorsement. A copy of the construction documents so reviewed shall be retained by the code official. A copy shall be returned to the applicant, printed in full scale, kept at the site of work and open to inspection by the code official or a duly authorized representative.

(p) *Section 106.5, entitled “Retention of construction documents,” is amended to read as follows:*

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

(q) *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.

(r) *Section 109.1.1, entitled “Equipment required,” is added to read as follows:*

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

(s) *Section 109.6, entitled "Approval required," is amended to read as follows:*

**109.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building 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 building official.

(t) *Section 112, entitled "MEANS OF APPEALS," is deleted in its entirety and the following is added in lieu thereof:*

#### **SECTION 112 – APPEALS**

**112.1 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.

(u) *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 building official under this code. No person or entity shall erect, construct, enlarge, alter, extend, repair, move, remove, improve, convert, demolish, equip, use, occupy or maintain any building or structure in the city or cause or permit the 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 building 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.

(v) *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 building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or in a manner that is dangerous or unsafe, the building 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.

(w) *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\*\***