

ORDINANCE NO. 2490

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

AN ORDINANCE TO CREATE CHAPTER 5, ARTICLE IV, DIVISION 12 OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH DETAILS THE ADOPTION OF THE 2021 INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE (IPSDC) 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 IPSDC is retitled the City of Commerce City Swimming Private Sewage Disposal Code and establishes minimum standards for private septic systems. There are no significant technical change over the previously adopted edition of the IPSDC. This code has been separated from Division 6 and moved to its own division as a housekeeping measure.

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 12 of the Commerce City Revised Municipal Code is created 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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.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 12. – INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE

Sec. 5-41200. – Adoption.

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

Sec. 5-41201. – Amendments.

The 2021 edition of the IPSDC 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 Private Sewage Disposal Code, hereinafter referred to as "this code."
- (b) Section 102.2, 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 103, entitled "CODE COMPLIANCE AGENCY," is deleted in its entirety.
- (d) 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.
- (e) 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, the modification is in conformity with the intent and purpose of this code and such modification does

not lessen health and fire- and life-safety 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.

- (f) Section 106.3.1, entitled “Approved construction documents,” is amended to read as follows:

106.3.1 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 private sewage disposal system before the construction documents for the whole system have been submitted or approved, provided 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 system will be granted.

- (g) Section 106.4, entitled “Fees,” and its subsections are deleted in their entirety and the following is added in lieu thereof:

106.4 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 107, entitled “CONSTRUCTION DOCUMENTS,” is deleted in its entirety and the following is added in lieu thereof:

SECTION 107 - CONSTRUCTION DOCUMENTS

107.1 Construction documents. An application for a permit shall be accompanied by construction documents in digital format, drawn to scale, with sufficient clarity and detail dimensions showing the nature and character of the work to be performed. Specifications shall include pumps and controls, dose volume, elevation differences (vertical lift), pipe friction loss, pump performance curve, pump model and pump manufacturer. The code official is permitted to waive the requirements for filing construction documents where the work involved is of a minor nature. Where the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term “legal” or its equivalent used as a substitute for specific information.

107.2 Engineering details. When determined necessary by the building official, construction documents shall include adequate detail of the private sewage disposal system 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.

107.3 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, kept on the site of work and open to inspection the by building official or a duly authorized representative.

- (i) Section 111.1.4, entitled “Equipment required,” is added to read as follows:

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

- (j) Section 111.4, entitled “Approval required,” is amended to read as follows:

111.4 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 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.

- (k) 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.

- (l) Section 113, entitled “BOARD OF APPEALS,” is deleted in its entirety.

- (m) Section 114, entitled “VIOLATIONS,” is deleted in its entirety and the following is added in lieu thereof:

SECTION 114 - VIOLATIONS

114.1 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.

114.2 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

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

114.3.1 Authority to condemn equipment. Where the code official determines that any private sewage disposal 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 be either 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 defective private sewage disposal system shall not be used or maintained after receiving such notice. Where such system is to be disconnected, written notice as prescribed in Section 114.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

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

- (n) Section 115, entitled "STOP WORK ORDER," is deleted in its entirety and the following is added in lieu thereof:

SECTION 115 - STOP WORK ORDER

115.1 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, as may be amended.

- (o) 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****