

ORDINANCE NO. 2242

INTRODUCED BY: \_\_\_\_\_

AN ORDINANCE REPEALING AND REENACTING SECTION 5-4502 AND REPEALING SECTIONS 5-4503 AND 5-4504 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO RE-ADOPT THE 2006 EDITION OF THE INTERNATIONAL CODE COUNCIL ELECTRICAL ADMINISTRATIVE PROVISIONS, WITH AMENDMENTS

WHEREAS, the City Council has determined that it is in the best interests of the City to adopt the 2018 versions of ten interconnected basic international construction codes: the *International Building Code*, *International Residential Code*, *International Existing Building Code*, *International Property Maintenance Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Energy Conservation Code*, *International Fire Code*, and the *International Swimming Pool and Spa Code*; and to repeal and replace similar codes previously adopted;

WHEREAS, the City Council has previously enacted the 2017 National Electric Code (“NEC”) through Ordinance No. 2150, as well as the 2006 Edition of the International Code Council Electrical Administrative Provisions (“EAP”), through Ordinances No. 1902 and No. 2150; and

WHEREAS, the City Council has specifically determined that it is in the best interest of the health, safety, and welfare of the City and its citizens that the 2006 EAP be repealed and reenacted, with amendments, along with the adoption of the 2018 International Codes to promote uniformity and consistency with respect to the City’s enforcement of all codes and regulations codified in Chapter 5 of the Commerce City Revised Municipal Code (the “International Codes”);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

**SECTION 1.** Section 5-4502 of the Commerce City Revised Municipal Code, entitled “Amendments to the Electrical Administrative Provisions,” is hereby repealed in its entirety.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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this Ordinance taking effect.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 5-4502 is hereby enacted to provide for the adoption of amendments to the 2006 EAP, and shall read as follows:

**ARTICLE IV. INTERNATIONAL CODES**

...

**Division 5. Electric Code**

...

**Sec. 5-4502. Amendments to the Electrical Administrative Provisions.**

The 2006 Edition of the EAP is amended in the following respects and adopted herein as amended:

(a) Section 101.1 is amended to read as follows:

These regulations shall be known as the Electrical Administrative Provisions of the City of Commerce City, hereinafter referred to as "this code."

(b) Section 102.10, entitled "Other Laws," is amended by addition of the following:

Whenever any county health department, state or federal law or regulation imposes a greater or more restrictive requirement than required by this code, the provisions of those laws or regulations shall govern. Whenever the requirements imposed by this code are greater or more restrictive than the requirements imposed by any other law or regulation or resolution of any governmental body, then the requirement of this code shall govern.

(c) Section 301, entitled "Department of Electrical Inspection," is deleted in its entirety and the following is added in lieu thereof:

#### **SECTION 301 - CODE ADMINISTRATION**

**301.1 Entity charged with code administration.** The Community Development Department, as established by the Commerce City Revised Municipal Code, is hereby charged with the administration and enforcement of this code.

**301.2 Building official.** The building official, appointed by the City manager, is charged with the direct overall administration and enforcement of this code; and, in the performance of said duties, may delegate the necessary authority to the appropriate technical, administrative, and compliance staff under the supervision of the building official. Whenever this code uses the term "code official" it shall mean the "building official."

(d) Section 302.7, entitled "Right of entry," is deleted in its entirety and the following is added in lieu thereof:

**302.7 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, as amended from time to time.

(e) Section 401.3 is amended to read as follows:

The following work shall be exempt from the requirement for a permit:

1. Electrical utilization equipment energized by means of a cord or cable

having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the National Electric Code.

2. Repair or replacement of stationary electric utilization equipment of the same type and rating in the same location.
3. Reinstallation of attachment plug receptacles, but not the outlets therefor.
4. Repair or replacement of any over current device of the correct voltage, interrupting rating and ampere rating in the same location.
5. Repair or replacement of ballasts, transformers, or electronic power supplies of the same size and rating for signs, outline lighting systems, or field-installed skeleton tubing.
6. Removal of electrical wiring or equipment.
7. Temporary wiring for experimental purposes in suitable experimental laboratories.
8. The installation, alteration, or repair of electrical wiring or equipment for the generation, transmission, distribution, or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
9. Listed cord-and-plug connected temporary decorative lighting.
10. Electrical wiring, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
11. Minor repair work including the replacement of lamps or the connection of approved, portable electrical equipment to approved permanently installed receptacles.
12. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.
13. The provisions of this code shall not apply to the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
14. Electrical work exempted by C.R.S. 12.23.111 as may be amended by the State of Colorado.

Exemption from the permit requirements of this code shall not be deemed to grant

authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction or laws of the State of Colorado.

- (f) Section 404, entitled “Fees,” is deleted in its entirety and the following is added in lieu thereof:

**SECTION 404 – FEES**

**404.1 Payment of fees; fee schedule.** The fees for any permit issued pursuant to this code, as well as related fees for work done in connection to or concurrently with the work authorized by a permit, shall be set by resolution of the city council. The city council is also authorized to establish a refund policy, and to impose additional fees for any person who commences any work before obtaining the necessary permits. No permit shall be valid until the appropriate fees have been paid.

- (g) Section 1001, entitled “Unlawful Acts, is deleted in its entirety and the following is added in lieu thereof:

**SECTION 1001 – VIOLATIONS; PENALTIES; STOP WORK**

**1001.1 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, extend, repair, move, remove, demolish or occupy any building, structure, system, or equipment regulated by this code, or cause 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 code official.

**1001.2 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.

**1001.3 Stop work orders.** Where the code 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 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 from time to time.

- (h) Sections 1002, 1003, and 1004 are deleted in their entirety.

- (i) Chapter 11, entitled “Means of Appeal,” is deleted in its entirety and the following is added in lieu thereof:

**CHAPTER 11 – APPEALS**

**SECTION 1101 - GENERAL**

**1101.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. For provisions relating to the board of appeals, see section 5-21 of the Commerce City Revised Municipal Code.

**SECTION 2.** Sections 5-4503 and 5-4504 of the Commerce City Revised Municipal Code, entitled “Permit fees” and “Appeals,” respectively, are repealed in their entirety.

**SECTION 3.** The recitals to this Ordinance are incorporated as findings of the City Council.

**SECTION 4.** Any person or entity who violates, disobeys, omits, neglects, refuses, or fails to comply with or resists the enforcement of the NEC and its administrative provisions, as amended by the City, shall be subject to the applicable enforcement and remedy provisions contained in the NEC as amended and the enforcement, remedy, and penalty provisions of the Commerce City Revised Municipal Code, as may be amended from time to time.

**SECTION 5.** This Ordinance shall take effect on December 4, 2019.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED  
THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2019.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2019.

CITY OF COMMERCE CITY, COLORADO

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Sean Ford, Mayor

ATTEST

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Laura J. Bauer, MMC, City Clerk