

ORDINANCE NO. 2089

INTRODUCED BY: AMADOR, BULLOCK, CARSON, DIAZ, DOUGLAS, ELLIOTT, FORD,
TETER

AN ORDINANCE REPEALING DIVISION 3 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE; ENACTING DIVISION 3 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO PROVIDE FOR THE ADOPTION OF THE 2012 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, INCLUDING APPENDIX CHAPTER B AND ALL STANDARDS CONTAINED IN SUCH CODE AND APPENDIX, AS AMENDED HEREIN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREUNDER; AND PROVIDING FOR PENALTIES AND CIVIL REMEDIES FOR VIOLATION OF THE PROVISIONS OF SAID CODE AND THIS ORDINANCE.

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

SECTION 1. Division 3 of Article IV of Chapter 5 of the Commerce City Revised Municipal Code, entitled “International Existing Building Code,” is hereby repealed. 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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this ordinance taking effect. Division 3 of Article IV of Chapter 5 of the Commerce City Revised Municipal Code is hereby enacted to provide for the adoption of the 2012 International Existing Building Code, including Appendix Chapter B and all standards contained in such code and appendix, as amended herein, and shall read as follows:

ARTICLE IV. INTERNATIONAL CODES

...

Division 3. International Existing Building Code

Sec. 5-4300. Adoption.

The City of Commerce City adopts the 2012 Edition of the International Existing Building Code, including Appendix Chapter B and the standards referenced in such code and appendix (the “IEBC”), save and except such amendments as set forth in this article. Copies of the IEBC are on file in the city clerk’s office and may be inspected during regular business hours.

Sec. 5-4301. Amendments.

The 2012 edition of the International Existing Building Code 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 Existing Building Code of the City of Commerce City, hereinafter referred to as “this code.”

- (b) Section 101.1.2, entitled “Building Official,” is added to read as follows:

Whenever this code uses the term “code official” it shall mean the “codes & inspections manager.”

- (c) Section 101.2.1, entitled “Interaction with other Standards,” is added to read as follows:

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 requirements of this code shall govern.

- (d) Section 104.6 is amended to read as follows:

The code official’s right to enter and inspect property shall be exercised in accordance with section 1-3001 of the city’s municipal code, as that section currently exists and as it may be amended from time to time.

- (e) Section 105.2 is amended to read as follows:

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. Permits shall not be required for the following:

Building:

1. Fences not over 42 (1066.8 mm) inches high.
2. Oil derricks.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III A liquids.

4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
5. Painting, papering, tiling, carpeting, cabinets, millwork, trim, casing, countertops and similar finish work. When approved by the building official, minor repair work to interior drywall and other interior finishes provided the repairs do not exceed 100 square feet of total aggregate area and are performed only to non fire-resistive rated construction.
6. Temporary motion picture, television and theater stage sets and scenery.
7. Prefabricated swimming pools, spas and hot-tubs, accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment.
10. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of Groups R-3 and U occupancies.
11. When approved by the building official, minor, cosmetic repairs to existing buildings not involving structural members, load bearing walls, fire resistive rated construction, electrical, plumbing, mechanical systems, fire protection systems or elevator or escalator systems and equipment and not exceeding \$1,000 in valuation."

Electrical:

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 fixed motors, transformers, or fixed approved appliances of the same type and rating in the same location.
3. Reinstallation of attachment plug receptacles, but not the outlets therefore.

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. Portable generators not exceeding 5kW.
15. Electrical work exempted by CRS Title 12, Article 23, Section 111 as may be amended by the State of Colorado.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.

4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel-cell appliances and equipment not connected to a fixed piping system and not connected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe: provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work, and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures and the removal and reinstallation of water closets, tubs, tub-shower combinations, showers, sinks, lavatories and similar plumbing fixtures, provided such repairs, removals or replacements do not involve or require the replacement or rearrangement of valves, pipes or fixtures or the removal or replacement of building finishes or alter any accessibility requirements.

- (f) Section 105.2.3 is amended to read as follows:

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 and/or utilities regulated by the State of Colorado Public Utilities Commission.

- (g) Section 105.6 is amended to read as follows:

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 is obtained by fraudulent means, or is in violation of any ordinance or

regulation of any of the provisions of this code, other ordinances or laws of the city, state or federal government.

- (h) Section 106.2.6, entitled Code Analysis Required, is added and shall read as follows:

The design professional shall include a code analysis on a form provided by the building official, except when waived in writing by the building official..

- (i) Section 108.3 is amended to read as follows:

The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of all work including materials and equipment (whether new or existing, donated or salvaged) and labor, for which the permit is being issued, such as electrical, fuel gas, mechanical, plumbing, roofing, elevators, fire extinguishing and alarm systems, building finishes and other permanent systems and equipment. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official.

The final determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all work as described above. Where the permit applicants stated valuation is incomplete and/or under reported, the building official shall use the most recent Building Valuation Data published by the International Code Council to determine appropriate valuation.

At the completion of a project, an audit may be requested by the permit applicant or the city to establish the actual permit valuation. Where actual valuation differs from the stated valuation, the required fees shall be reconciled, where indicated, excess fees collected shall be refunded or additional required fees shall be assessed.

- (j) Section 112 is deleted in its entirety.
- (k) Section 113 is deleted in its entirety.
- (l) Section 114 is deleted in its entirety.
- (m) Section 1401.2 is amended to read as follows:

Structures existing prior to September 8, 1954, in which there is work involving additions, alterations or change of occupancy shall be made to

conform with to requirements of this chapter or the provisions of Chapters 5 through 13. The provisions in Sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

Sec. 5-4302. Permit Fees.

The fee for any permit issued pursuant to this code shall be set by resolution of the city council.

Sec. 5-4303. Appeals.

Any appeal from a decision of the code official based upon this code shall be made in accordance with, and governed by, article 3 of chapter 21 of the city's municipal code, as that article currently exists and as it may be amended from time to time.

SECTION 2. Any person who violates, disobeys, omits, neglects, refuses or fails to comply with or resists the enforcement of the IEBC, as amended herein, shall be subject to the enforcement and remedy provisions contained in the IEBC and the enforcement, remedy, and penalty provisions of the City's municipal code, as such may be amended from time to time. The general penalties currently set forth in the City's municipal code are as follows:

Sec. 1-3003. Penalties in general.

- (a) *Misdemeanors.* Except as specified below, any person who violates, disobeys, omits, neglects, refuses or fails to comply with or resists the enforcement of any provision of this Code, the charter, or any provision of any code or other regulation adopted by reference shall be guilty of a misdemeanor and, upon conviction, shall be punished by the penalty specifically provided for such violation or, if none, then by a fine not to exceed the maximum fine permitted pursuant to C.R.S. § 13-10-113, as may be amended from time to time, or imprisonment for a term not to exceed one (1) year, or by both such fine and imprisonment, in addition to any costs which may be assessed. Notwithstanding the foregoing, no person under the age of eighteen (18) years as of the date of the offense shall be subject to imprisonment.
- (b) *Traffic infractions.* The violation of any of the following sections of the Commerce City Traffic Code shall constitute a misdemeanor and shall be punishable in accordance with paragraph (a) of this section: 238 (Blue and red lights - illegal use or possession); 606 (Display of unauthorized signs or devices); 607(2)(a) (Interference with official devices), but only if the use proximately causes bodily injury to another person; 611(2) (Paraplegic persons or persons with disabilities - distress flag); 705(2), (2.5), and (2.6) (Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle); 1008.5 (Crowding or threatening bicyclist); 1105(1), (2), (3), and (8) (offenses related to speed contests and exhibitions), 1208(11) (fraudulently obtaining, using or making disability

placards); 1401 (Reckless driving); 1402 (Careless driving), but only if the violation proximately causes the death or bodily injury to another person); 1409 (Compulsory Insurance); 1413 (Eluding or attempting to elude a police officer); and 1415 (Radar jamming devices prohibited). The violation of any other provision of the Commerce City Traffic Code shall constitute a traffic infraction. Any person convicted of a traffic infraction shall be subject to the penalty of a fine and any surcharge, the total of which shall not exceed the maximum fine permitted pursuant to C.R.S. § 13-10-113, as may be amended from time to time, but shall not be subject to imprisonment.

- (c) *Civil infractions.* Any person convicted of violating any provision of this Code designated as a civil infraction shall pay a civil penalty for such infraction of not more than the maximum fine permitted pursuant to C.R.S. § 13-10-113, as may be amended from time to time, and may be required to pay all costs, direct and indirect, which the city incurred in connection with the civil infraction, including the cost of abating a nuisance, but shall not be subject to imprisonment except as provided in paragraph (d) of this section.
- (d) *Multiple civil infractions.* If a person who is alleged to have committed a violation of any provision of this Code that is classified as a civil infraction has been convicted of two (2) or more such violations within the twelve-month period immediately preceding the new alleged violation, then, whether or not the previous violations were committed at the same premises as the new alleged violation, the new alleged violation may be charged as a misdemeanor criminal offense that is subject to a penalty or imprisonment, costs, fees and any other orders imposed in accordance with this Code.

SECTION 3. This Ordinance shall take effect on July 1, 2016.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 2ND DAY OF MAY, 2016.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF JUNE, 2016.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk