

ORDINANCE NO. 2479

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

AN ORDINANCE REPEALING AND REPLACING CHAPTER 5, ARTICLE IV, DIVISION 1 OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH DETAILS THE ADOPTION OF THE 2021 INTERNATIONAL BUILDING CODE (IBC) 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 IBC, as amended by the city, is retitled the City of Commerce City Construction Code and establishes minimum standards for the construction of commercial buildings and structures, multi-family buildings and single family dwellings over three stories. The most significant technical changes over the 2018 IBC are the inclusion of mass timber construction and egress improvements for recreational escape rooms and occupied roofs.

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 Chapter 5, Article IV, Division 1 of the Commerce City Revised Municipal Code is hereby repealed and replaced as set forth in Exhibit A.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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.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

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

CHAPTER 5 – BUILDINGS AND BUILDING REGULATIONS
ARTICLE IV. INTERNATIONAL CODES

...
DIVISION 1. – INTERNATIONAL BUILDING CODE

Sec. 5-4100. – Adoption.

The City of Commerce City adopts the 2021 edition of the International Building Code (IBC) to be known as the City of Commerce City Construction Code, including Appendix Chapters C, E, F, G, H, I, J, K and N and the standards referenced in such code and appendix chapters, save and except such amendments as set forth in this article. The IBC is available to view for free on the International Code Council’s website.

Sec. 5-4101. – Amendments.

The 2021 edition of the IBC 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 Construction Code, hereinafter referred to as “this code.”

(b) *Section 101.4, entitled “Referenced codes,” is amended to read as follows:*

101.4 Referenced codes. The other codes currently in effect as enacted as part of the City of Commerce City Building Code and specified in Sections 101.4.1 through 101.4.10 and referenced elsewhere in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference.

(c) *Section 101.4.1, entitled “Gas,” is amended to read as follows:*

101.4.1 Gas. The provisions of the International Fuel Gas Code, as amended by the city and known as the City of Commerce City Fuel Gas Code, shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of gas appliances and related accessories.

(d) *Section 101.4.2, entitled “Mechanical,” is amended to read as follows:*

101.4.2 Mechanical. The provisions of the International Mechanical Code, as amended by the city and known as the City of Commerce City Mechanical Code, shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems,

incinerators and other energy-related systems.

(e) *Section 101.4.3, entitled “Plumbing,” is amended to read as follows:*

101.4.3 Plumbing. The provisions of the International Plumbing Code, as amended by the city and known as the City of Commerce City Plumbing Code, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code, as amended by the city and known as the City of Commerce City Private Sewage Disposal Code, shall apply to private sewage disposal systems.

(f) *Section 101.4.4, entitled “Property Maintenance,” is amended to read as follows:*

101.4.4 Property maintenance. The provisions of the International Property Maintenance Code, as amended by the city and known as the City of Commerce City Property Maintenance Code, shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

(g) *Section 101.4.5, entitled “Fire prevention,” is amended to read as follows:*

101.4.5 Fire prevention. The provisions of the International Fire Code, as amended by the city and known as the City of Commerce City Fire Code, shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(h) *Section 101.4.6, entitled “Energy,” is amended to read as follows:*

101.4.6 Energy conservation and green construction. The provisions of the International Energy Conservation Code, as amended by the city and known as the City of Commerce City Energy Conservation Code, shall apply to all matters governing the design and construction of buildings for energy efficiency. The provisions of the International Green Construction Code, as amended by the city and known as the City of Commerce City Green Construction Code, are optional and when used shall apply to the work referenced in Section 101.3 of the International Green Construction Code and to the site on which the building is located.

(i) *Section 101.4.7, entitled “Existing buildings,” is amended to read as follows:*

101.4.7 Existing buildings. The provisions of the International Existing Building Code as amended by the city and known as the City of Commerce City Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

(j) *Section 101.4.8, entitled “Electrical,” is added to read as follows:*

101.4.8 Electrical. The administrative provisions of Appendix K of this code, as amended by the city, and the technical provisions of NFPA 70, as amended by the city, shall be known as the City of Commerce City Electrical Code and shall apply to the design, construction, installation, alteration, repairs, relocation, replacement, addition to use or maintenance of electrical systems and equipment.

(k) *Section 101.4.9, entitled “Residential,” is added to read as follows:*

101.4.9 Residential. The provisions of the International Residential Code, as amended by the city and known as the City of Commerce City Residential Code, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of Group R-5 occupancies as defined in Section 310.6.

(l) *Section 101.4.10, entitled “Swimming pools and spas,” is added to read as follows:*

101.4.10 Swimming pools and spas. The provisions of the International Swimming Pool and Spa Code, as amended by the city and known as the City of Commerce City Swimming Pool and Spa Code, shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of permanent or temporary aquatic recreation facilities, pools and spas connected to a circulation system intended for swimming, bathing or wading.

(m) *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.

(n) *Section 102.8, entitled “Exemptions,” is added to read as follows:*

102.8 Exemptions. The work listed in Section 5-5 of the Commerce City Revised Municipal Code shall be exempt from this code.

(o) *Section 103, entitled “CODE COMPLIANCE AGENCY,” is deleted in its entirety.*

(p) *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.

(q) *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.

(r) *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.

(s) *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.

(t) *Section 105.2.2, entitled "Public service agencies," is amended to read as follows:*

105.2.2 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.

(u) *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, regulation or any of the provisions of this code.

(v) *Section 106, entitled "FLOOR AND ROOF DESIGN LOADS," is deleted in its*

entirety.

(w) *Section 107.1, entitled “General,” is amended to read as follows:*

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in digital format with each permit application. 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 building official is authorized to require additional construction documents to be prepared by a registered design professional.

(x) *Section 107.2.1, entitled “Information on construction documents,” is amended to read as follows:*

107.2.1 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 detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

(y) *Section 107.2.9, entitled “Engineering details,” is added to read as follows:*

107.2.9 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.

(z) *Section 107.3, 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.

(aa) *Section 107.3.1, entitled “Approval of construction documents,” is amended to read as follows:*

107.3.1 Approval of construction documents. When the building 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 building official. A copy 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 building official or a duly authorized representative.

(bb) *Section 107.5, entitled “Retention of construction documents,” is amended to read as follows:*

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

- (cc) *Section 109, entitled “FEES” is deleted in its entirety and the following is added in lieu thereof:*

Section 109 - Fees

109.1 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.

- (dd) *Section 110.1.1, entitled “Equipment required,” is added to read as follows:*

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

- (ee) *Section 110.6, entitled “Approval required,” is amended to read as follows:*

110.6 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 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 building official.

- (ff) *Section 113, entitled “MEANS OF APPEALS,” is deleted in its entirety and the following is added in lieu thereof:*

SECTION 113 – APPEALS

113.1 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.

- (gg) *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 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.

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 Revised Municipal Code, at the discretion of the city.

(hh) *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 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.

(ii) *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.

(jj) *The definition for “FIRE SEPARATION DISTANCE” is amended in Section 202 to read as follows:*

FIRE SEPARATION DISTANCE. The distance measured from the finished surface of the building face to one of the following:

1. To the closest interior lot line.
2. To the centerline of a street, alley or public way.
3. To an imaginary line between two buildings on the lot.

The distance shall be measured at a right angle from the face of the wall.

(kk) *The definition for “PRIVATE GARAGE” is amended in Section 202 to read as follows:*

PRIVATE GARAGE. A building or portion of a residential building in which only personal motor vehicles used by the owner or tenants of the building or buildings on the premises are stored or kept without provisions for repairing or servicing such vehicles for profit.

(ll) *The definition for “TOWNHOUSE” is amended in Section 202 to read as follows:*

TOWNHOUSE. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

Fire walls and fire barriers having a required fire-resistance rating greater than 1 hour	4	3	See Note a	D-H-W-240	Not Permitted	4	Not Permitted	W-240
	3	3 ^d	See Note a	D-H-W-180	Not Permitted	3	Not Permitted	W-180
	2	1½	100 sq. in.	≤100 sq. in. = D-H-90 >100 sq. in.=D-H-W-90	Not Permitted	2	Not Permitted	W-120
	1½	1½	100 sq. in.	≤100 sq. in. = D-H-90 >100 sq. in.= D-H-W-90	Not Permitted	1½	Not Permitted	W-90
Enclosures for shafts, interior exit stairways and interior exit ramps.	2	1½	100 sq. in. ^b	≤100 sq. in. = D-H-90 > 100 sq. in.= D-H-T-W-90	Not Permitted	2	Not Permitted	W-120
Horizontal exits in fire walls ^g	4	3	100 sq. in.	≤100 sq. in. = D-H-180 > 100 sq. in.= D-H-W-240	Not Permitted	4	Not Permitted	W-240
	3	3 ^d	100 sq. in.	≤100 sq. in. = D-H-180 > 100 sq. in.= D-H-W-180	Not Permitted	3	Not Permitted	W-180
Fire barriers having a required fire-resistance rating of 1 hour: Enclosures for shafts, exit access stairways, exit access ramps, interior exit	1	1	100 sq. in.	≤100 sq. in. = D-H-60 >100 sq. in.= D-H-T-W-60	Not Permitted	1	Not Permitted	W-60

stairways and interior exit ramps; and exit passageway walls									
					Fire protection				
Other fire barriers	1	$\frac{3}{4}$	Maximum size tested	D-H	$\frac{3}{4}^h$	D-H ^h			
Fire partitions: Corridor walls	1	$\frac{1}{3}^a$	Maximum size tested	D-20	$\frac{3}{4}^a$	D-H-OH-45			
	0.5	$\frac{3}{4}^a$	Maximum size tested	D-20	$\frac{1}{3}$	D-H-OH-20			
Other fire partitions	1	$\frac{3}{4}^i$	Maximum size tested	D-H-45	$\frac{3}{4}$	D-H-45			
	0.5	$\frac{1}{3}$	Maximum size tested	D-H-20	$\frac{1}{3}$	D-H-20			
Exterior walls	3	$1\frac{1}{2}$	100 sq. in. ^a	≤ 100 sq. in. = D-H-90 > 100 sq. in. = D-H-W-90	Not Permitted	3	Not Permitted	W-180	
	2	$1\frac{1}{2}$	Maximum size tested	D-H 90 or D-H-W-90	$1\frac{1}{2}^h$	2	D-H-OH-90 ^h	W-120	
						Fire protection			
	1	$\frac{3}{4}$	Maximum size tested	D-H-45	$\frac{3}{4}^h$	D-H-45 ^h			
Smoke barriers						Fire protection			
	1	$\frac{1}{3}$	Maximum size tested	D-20	$\frac{3}{4}$	D-H-OH-45			

For SI: 1 square inch = 645.2 mm.

- Fire-resistance-rated glazing tested to ASTM E119 in accordance with Section 716.1.2.3 shall be permitted, in the maximum size tested.
- Under the column heading "Fire-rated glazing marking door vision panel," W refers to the fire-resistance rating of the glazing, not the frame.
- See Section 716.1.2.2.1 and Table 716.1(1) for additional permitted markings.
- Two doors, each with a fire protection rating of $1\frac{1}{2}$ hours, installed on opposite sides of the same opening in a fire wall, shall be deemed equivalent in fire protection rating to one 3-hour fire door.

- e. As required in Section 706.4.
- f. As allowed in Section 4.6 of NFPA 221.
- g. See Section 716.2.5.1.2.
- h. Fire-protection-rated glazing is not permitted for fire barriers required by Section 1207 of the International Fire Code to enclose energy storage systems. Fire-resistance-rated glazing assemblies tested to ASTM E119 or UL 263, as specified in Section 716.1.2.3, shall be permitted.
- i. Two doors, each with a fire rating of 20 minutes, installed on opposite sides of the same opening in a fire partition, shall be deemed equivalent in fire protection rating to one 45-minute fire door.

(qq) *Section 903.2.10, entitled “Group S-2 parking garages,” is amended to read as follows:*

903.2.10 Group S-2 parking garages. An automatic sprinkler system shall be provided throughout buildings classified as parking garages.

(rr) *Section 903.3.1.3, entitled “NFPA 13D sprinkler systems,” is amended to read as follows:*

903.3.1.3 Residential sprinkler systems. Automatic sprinkler systems installed in Group R-3; Group R-4, Condition 1; and Group R-5 shall be permitted to be installed throughout in accordance with Section P2904 of the International Residential Code, as amended by the city.

(ss) *Section 907.1.3, entitled “Equipment,” is amended to read as follows:*

907.1.3 Equipment. Systems shall provide both audible and visual notification unless more restrictive requirements are indicated herein. Systems and components shall be listed and approved for the purpose for which they are installed.

(tt) *Section 1612.3, entitled “Establishment of flood hazard areas,” is amended to read as follows:*

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for the City of Commerce City,” dated March 5, 2007, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM), Flood Boundary and Floodway Map (FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(uu) *Section G101.5, entitled “Designation of floodplain administrator,” is amended to read as follows:*

G101.5 Designation of floodplain administrator. The city engineer in the Public Works Department is designated as the floodplain administrator and is authorized and directed to enforce the provisions of this appendix. The floodplain administrator is authorized to delegate performance of certain duties to other

employees of the jurisdiction. Such designation shall not alter any duties and powers of the building official.

(vv) *Section G103.2, entitled "Establishment of flood hazard areas," is amended to read as follows:*

G103.2 Establishment of flood hazard areas. Flood hazard areas are established in Section 1612.3 of this code.

(ww) *Amendments to Appendix K, entitled "Administrative Provisions," can be found in Sec. 5-4502.*

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