

ORDINANCE NO. 2093

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

AN ORDINANCE REPEALING DIVISION 7 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE; ENACTING DIVISION 7 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 MECHANICAL CODE, INCLUDING APPENDIX CHAPTER A AND ALL STANDARDS CONTAINED IN SUCH CODE AND APPENDIX, AS SUCH CODE AND APPENDIX ARE 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 7 of Article IV of Chapter 5 of the Commerce City Revised Municipal Code, entitled “International Mechanical Code,” is hereby repealed.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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this ordinance taking effect.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 7 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 Mechanical Code, including Appendix Chapter A and all standards contained in such code and appendix, as amended, and shall read as follows:

ARTICLE IV. INTERNATIONAL CODES

...

Division 7. Mechanical Code

Sec. 5-4700. Adoption.

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

Sec. 5-4701. Amendments.

The 2012 edition of the International Mechanical 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 Mechanical 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 101.2.2, 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 104.4 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 106.2 is amended to read as follows:

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

1. Portable heating appliances;
2. Portable ventilation appliances and *equipment*;
3. Portable cooling units;
4. Steam, hot water or chilled water piping within any heating or cooling *equipment* or appliances regulated by this code;
5. The replacement of any minor part that does not alter the approval of *equipment* or an *appliance* or make such *equipment* or *appliance* unsafe;
6. Portable evaporative coolers;
7. Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less; and

8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

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.

- (f) Section 106.5 is deleted in its entirety.
- (g) Section 106.5.2 is deleted in its entirety.
- (h) Section 108.4 is deleted in its entirety.
- (i) Section 108.5 is amended to read as follows:

Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notices shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or an unsafe condition, shall be guilty of a violation of this code.

- (j) Section 109 is deleted in its entirety.
- (k) Section 305.3.1, entitled Piping and Tubing Support, is added to read as follows:

Piping and tubing when supported from above shall be supported with minimum rod sizing in accordance with Table 305.3.1" and spaced in accordance with Section 305.4

**Table 305.3.1
Piping and Tubing Supports**

Piping and Tubing Size (inches)	Rod Size (inches)
1/2 – 4	3/8
5 – 8	1/2
10 -12	5/8

- (l) Numbered paragraph 3 of Section 403.2.1 is amended to read as follows:

Where mechanical exhaust is required by Note b in Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3. Air from beauty salons and nail salons may be re-circulated in the beauty salon and nail salon tenant space only. Air from such spaces shall not be re-circulated to other tenant spaces or building areas.

- (m) Section 504.6.6 is amended to read as follows:

Where space for a clothes dryer is provided, an exhaust duct system shall be installed.

- (n) Section 507.9 is amended to read as follows:

A Type I hood shall be installed with a *clearance* to combustibles of not less than 18 inches (457 mm).

Exceptions:

1. Clearance shall not be required from gypsum wallboard or 1/2-inch (12.7 mm) or thicker cementitious wallboard attached to noncombustible structures provided that a smooth, cleanable, nonabsorbent and noncombustible material is installed between the hood and the gypsum or cementitious wallboard over an area extending not less than 18 inches (457.2 mm) in all directions from the hood. Gypsum wallboard fasteners shall be 1-inch (25.4 mm) Type-S drywall screws 8-inch (203.2 mm) on center with joints taped and fastener heads treated. Installation of cementitious wallboard including fasteners, joint and fastener head treatment shall be in accordance with the manufacturers installation instructions.
2. In combustible structures, clearance shall not be required from 5/8-inch (15.875 mm) Type X gypsum wallboard attached to noncombustible framing members as prescribed in item 2.1 below provided that a smooth, cleanable, nonabsorbent and noncombustible material is installed between the hood and the second layer of 5/8-inch (15.875 mm) Type X gypsum wallboard over an area extending not less than 18 inches (457 mm) in all directions from the hood. Gypsum wallboard fasteners shall be 1-inch (25.4 mm) Type-S drywall screws 8-inch (203.2 mm) on center with joints taped and fastener heads treated.
 - 2.1. Install a first layer of 5/8-inch (15.875 mm) Type X gypsum wallboard to the combustible framing behind, beside, and above the hood extending out for a distance of not less than 18-inches

(457.2 mm) in all directions from the hood. Noncombustible framing members shall be either metal studs having a minimum thickness of 0.0296 inch (0.752 mm) (20 gage) and not less than 1 5/8-inches (41.275 mm) in depth on 16-inch (406.4 mm) centers; or, metal furring channels having a minimum thickness of 0.0179 inch (0.455 mm) (25 gage) and not less than 1 1/2-inches (38.1 mm) in depth on 16-inch (406.4 mm) centers. Install the second layer of 5/8-inch (15.875 mm) Type X gypsum wallboard to the noncombustible framing members."

(o) Section 903.3 is amended to read as follows:

An unvented (vent less) gas log heater shall not be installed in a factory-built-fireplace.

(p) Section 922.1.1, entitled Venting Required, is added to read as follows:

Kerosene and oil-fired stoves shall be vented to the exterior in accordance with manufactures installation instructions. Unvented (vent less) kerosene and oil-fired stoves shall be prohibited.

Sec. 5-4702. Permit Fees.

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

Sec. 5-4703. 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 IMC, as amended herein, shall be subject to the enforcement and remedy provisions contained in the IMC 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