

ORDINANCE NO. 2097

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

AN ORDINANCE REPEALING DIVISION 4 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE; ENACTING DIVISION 4 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 PROPERTY MAINTENANCE 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 THE COLLECTION OF FEES THEREUNDER; AND PROVIDING FOR PENALTIES AND CIVIL REMEDIES FOR VIOLATION OF THE PROVISIONS OF SUCH CODE AND THIS ORDINANCE.

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

SECTION 1. Division 4 of Article IV of Chapter 5 of the Commerce City Revised Municipal Code, entitled "Property Maintenance Code," is hereby repealed.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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this ordinance taking effect.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 4 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 Property Maintenance 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**

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##### **Division 4. Property Maintenance Code**

##### **Sec. 5-4400. Adoption.**

The City of Commerce City adopts the 2012 Edition of the International Property Maintenance Code, including Appendix Chapter A and all standards contained in such code and appendix (collectively referred to herein as the "IPMC"), save and except such amendments as set forth in this article. Copies of the IPMC are on file in the city clerk's office and may be inspected during regular business hours.

##### **Sec. 5-4401. Amendments.**

The 2012 edition of the International Property Maintenance Code and Appendix Chapter A are 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 Property Maintenance Code of the City of Commerce City, hereinafter referred to as “this code.”

- (b) Section 101.5, entitled “Building Official,” is added to read as follows:

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

- (c) Section 103.1 is amended to read as follows:

The code official shall be responsible for interpreting and administering this code. Building Inspectors and Neighborhood Service Inspectors shall have the authority to enforce the provisions of this code.

- (d) Section 103.5 is deleted in its entirety.

- (e) Section 104.3 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.

- (f) Section 107.2 is amended to read as follows:

Content. The notice prescribed in Section 107.1 shall contain the information required by the Colorado Municipal Court Rules, if a summons and complaint is issued, or the information required by section 3-2301 of the city’s municipal code, as that section currently exists and as it may be amended from time to time, if a notice of violation is issued.

- (g) Section 107.3 is amended to read as follows:

Notice shall be served in accordance with the Colorado Municipal Court Rules, if a summons and complaint is issued, or in accordance with section 3-2302 of the city’s municipal code, as that section currently exists and as it may be amended from time to time, if a notice of violation is issued.

- (h) Section 111 is deleted in its entirety.

- (i) Section 112.1 is amended to read as follows:

**General.** 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) Sections 112.2, 112.3 and 112.4 are deleted in their entirety.

(k) Section 202 is amended by the addition of the following definition:

**COOKING APPLIANCE.** A permanent stove, oven, range, cook top range, combination stove/range or microwave, or similar appliance intended for heating and cooking foods; portable countertop devices such as countertop microwaves, toaster ovens, hot plates, coffee makers and similar devices shall not constitute cooking appliances.

(l) Section 304.14 is amended to read as follows:

During the entire year, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

(m) Section 310, entitled "Carbon Monoxide Alarms," is added to read as follows:

Carbon monoxide alarms shall be installed as required by and in compliance with C.R.S. § 38-45-101, *et seq.*, as amended.

(n) Section 403.3 is amended to read as follows:

**Cooking appliances.** Dwellings, dwelling units and housekeeping units as defined in this code and the International Residential Code and efficiency dwelling units as defined in Section 404.6 of this code shall be provided with a cooking appliance. Cooking appliances shall be provided with not less than 30 inches (762 mm) of clear working space in front of the cooking appliance.

(o) Section 403.3.1, entitled "Cooking appliances prohibited," is added to read as follows:

Unless approved through the certificate of occupancy or specifically approved in writing by the code official, cooking appliances shall not be permitted in any rooming unit or dormitory unit.

- (p) Section 602.3 is amended to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the entire year to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

- (q) Section 602.4 is amended to read as follows:

Indoor occupiable work spaces shall be supplied with heat during the entire year to maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied.

- (r) Section A101 is amended to read as follows:

All buildings and structures vacated or abandoned for a period of forty-five (45) days or more in all zoned districts in the City shall be secured and the owner or lessee thereof shall comply with the requirements of this section. Provided, however, residential buildings are excepted from the provisions thereof so long as the owner is actively engaged in public efforts to sell or rent such premises.

- (s) Section A102.1 is amended to read as follows:

Boarding sheet material shall be minimum 1/2-inch (12.7 mm) thick exterior grade wood structural panels complying with the International Building Code. Boarding sheet material shall be of a color which is the same or similar as that of the vacated building or structure. Boarding sheet materials may be painted to meet this requirement.

- (t) Section A102.1.1, entitled “Boarding sheet material free from advertisement,” is added to read as follows:

The exterior surfaces of the materials used shall not contain any advertisement, announcement, direction or communication.

- (u) Section A104, is amended and retitled as a new section entitled “Maintenance”

- (v) Section A104.1, entitled “Maintenance of boarding sheet material,” is added to read as follows:

The owner or lessee of the vacated building, structure and/or property shall maintain all securing materials in good condition and securely fastened and shall make any repairs necessary to correct damaged, destroyed, deteriorating or otherwise unserviceable board sheet materials.

- (w) Section A105, entitled "Civil Remedies," is added.
- (x) Section A105.1, entitled "General," is added to read as follows:

In any case of failure to comply with the requirements of this Appendix Chapter A, the City, may, in addition to other remedies provided for herein or in the Commerce City Revised Municipal Code, proceed to perform the work required in order to bring the subject property into compliance with the provisions of this Chapter. Provided, however, notice of the intended corrective action shall be given by the City to the property owner or lessee by certified mail, return receipt requested to the last known address of such property owner or lessee, at least seven (7) days in advance of the work to be done hereunder, or by personal delivery of such notice to the owner or lessee at least seven (7) days in advance of the work to be done hereunder, and by posting a notice at least twelve (12) inches by fourteen (14) inches in size on the subject property at a place clearly visible from the nearest public right-of-way at least seven (7) consecutive days prior to the work to be done hereunder. If the owner or lessee fails to comply with the provisions hereof after such notification the City may proceed to bring the subject property into compliance with the provisions hereof and charge the cost plus interest of one (1) percent per month to the property owner or lessee to be collected in the same manner as are general property taxes.

- (y) Former Section A104 is renumbered as a new Section A106.

**Sec. 5-4402. Permit Fees.**

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

**Sec. 5-4403. 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 3. Any person who violates, disobeys, omits, neglects, refuses or fails to comply with or resists the enforcement of the IPMC, as amended herein, shall be subject to the enforcement and remedy provisions contained in the IPMC 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) (Paralegic 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 4. This Ordinance shall take effect on July 1, 2016.

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

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

CITY OF COMMERCE CITY, COLORADO

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, MMC, City Clerk