

ORDINANCE NO. 2220

INTRODUCED BY: DAVIS, DOUGLAS, FORD, FRANK, GUARDIOLA, HURST,
HUSEMAN, MADERA, TETER

AN ORDINANCE REPEALING AND REENACTING DIVISION 9 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 *INTERNATIONAL ENERGY CONSERVATION CODE*, 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; 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 *2012 International Energy Conservation Code*, previously adopted and amended by the City pursuant to Ordinance No. 2095, be repealed and that in its place, the *2018 International Energy Conservation Code* be adopted, with local amendments as set forth in this Ordinance;

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

SECTION 1. Division 9 of article IV of chapter 5 of the Commerce City Revised Municipal Code, entitled “International Energy Conservation Code,”—including sections 5-4902 and 5-4903 of the Commerce City Revised Municipal Code, entitled “Permit fees” and “Appeals,” respectively—is hereby repealed in its entirety.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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this Ordinance taking effect. Division 9 of article IV of chapter 5 of the Commerce City Revised Municipal Code is hereby enacted to provide for the adoption of the 2018 International Energy Conservation Code, and all standards contained in such code, as amended herein, and shall read as follows:

ARTICLE IV. INTERNATIONAL CODES

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Division 9. International Energy Conservation Code

Sec. 5-4900. Adoption.

The City of Commerce City adopts the 2018 edition of the International Energy Conservation Code, and the standards referenced in such code (the “IECC”), save and except such amendments as set forth in this article. Copies of the IECC are on file in the city clerk’s office and may be inspected during regular business hours.

Sec. 5-4901. Amendments.

The 2018 edition of the International Energy Conservation Code is amended in the following respects and adopted herein as amended:

(a) Section C101.1 is amended to read as follows:

C101.1 Title. These regulations shall be known as the Energy Conservation Code of the City of Commerce City, hereinafter referred to as “this code.”

(b) New Section C101.1.1, entitled “Building official,” is added to read as follows:

C101.1.1 Building official. The Community Development Department, as established by the Commerce City Revised Municipal Code, is hereby charged with the administration and enforcement of this code. 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.”

(c) Section C104, entitled “Fees,” is hereby deleted in its entirety and the following is added in lieu thereof:

SECTION C104 - FEES

C104.1 Payment of fees. 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.

(d) Section C107.3, 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.

(e) Section C108, entitled “Stop Work Order,” is deleted in its entirety and the following is added in lieu thereof:

SECTION C108 - STOP WORK ORDER

C108.1 General provisions. 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.

- (f) Section C109, entitled “Board of Appeals,” is deleted in its entirety and the following is added in lieu thereof:

SECTION C109 – APPEALS

C109.1 Board of appeals. 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.

- (g) A new Section C110, entitled “Violations,” is added to read as follows:

C110 – VIOLATIONS

C110.1 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, or repair a building, structure, installation, or system, or cause 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.

113.2 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.

- (h) Section R401.3, entitled “Certificate (Mandatory),” is amended to read as follows:

SECTION R401 - GENERAL

R401.3 Certificate (Mandatory). A permanent certificate shall be completed by the builder or other approved party and posted on a wall in the space where

the furnace is located, a utility room or an approved location inside the building. Where located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certificate shall indicate the predominant R-values of insulation installed in or on ceilings, roofs, walls, foundation components such as slabs, basement walls, crawl space walls and floors, and ducts outside conditioned spaces; U-factors of fenestration and the solar heat gain coefficient (SHGC) of fenestration, and the results from any required duct system and building envelope air leakage testing performed on the building. Where there is more than one value for each component, the certificate shall indicate the value covering the largest area. The certificate shall indicate the types and efficiencies of heating, cooling and service water heating equipment. Where electric furnace, or baseboard electric heater is installed in the residence, the certificate shall indicate “electric furnace” or “baseboard electric heater,” as appropriate. An efficiency shall not be indicated for room heaters, electric furnaces and electric baseboard heaters.

- (i) Section R403.3.3, entitled “Duct testing (Mandatory),” is amended to read as follows:

SECTION R403 - SYSTEMS

Section R403.3.3 Duct testing (Mandatory). Ducts shall be pressure tested to determine air leakage by a rough-in test. The total leakage shall be measured with a pressure differential of 0.1 inch w.g.(25 Pa) across the system, including the manufacturer's air handler enclosure if installed at the time of the test. All registers shall be taped or otherwise sealed during the test. The total leakage shall be less than or equal to 4 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 3 cubic feet per minute (85 L/min) per 100 square feet (9.29 m²) of conditioned floor area.

Exception:

A duct air-leakage test shall not be required for ducts serving heat or energy recovery ventilators that are not integrated with ducts serving heating or cooling systems.

- (j) Section R403.3.4, entitled “Duct leakage (Prescriptive),” is deleted in its entirety.

SECTION 2. The recitals to this Ordinance are incorporated as findings of the City Council.

SECTION 3. Any person or entity who violates, disobeys, omits, neglects, refuses, or fails to comply with or resists the enforcement of the IECC, as amended by this Ordinance, shall be subject to the applicable enforcement and remedy provisions contained in the IECC 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 4. This Ordinance shall take effect on December 4, 2019.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 7TH DAY OF OCTOBER 2019.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 4TH DAY OF NOVEMBER 2019.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST

Laura J. Bauer, MMC, City Clerk