

ORDINANCE NO. 2095

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

AN ORDINANCE REPEALING DIVISION 9 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE; ENACTING DIVISION 9 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE, ENTITLED "INTERNATIONAL ENERGY CONSERVATION CODE," TO PROVIDE FOR THE ADOPTION OF THE 2012 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, AS AMENDED; PROVIDING FOR THE ISSUANCE OF, AND COLLECTION OF FEES FOR, PERMITS UNDER THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE; 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 Division 9 of Article IV of Chapter 5 of the Commerce City Revised Municipal Code is hereby repealed.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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this ordinance taking effect.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 9 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 Energy Conservation Code, as amended, and shall read as follows:

ARTICLE IV. INTERNATIONAL CODES

...

Division 9. International Energy Conservation Code

Sec. 5-4900. Adoption.

The City of Commerce City adopts the 2012 Edition of the International Energy Conservation 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 2012 edition of the International Energy Conservation 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 International Energy Conservation 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 108.1 is deleted in its entirety.

- (e) Section 109 is deleted in its entirety.

Sec. 5-4902. Permit Fees.

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

Sec. 5-4903. 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 IECC, as amended herein, shall be subject to the penalties and remedies contained in the IECC, as amended herein, or the City’s municipal code, as either 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