

ORDINANCE NO. 2482

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

AN ORDINANCE REPEALING AND REPLACING CHAPTER 5, ARTICLE IV, DIVISION 4 OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH DETAILS THE ADOPTION OF THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) 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 IPMC, as amended by the city, is retitled the City of Commerce City Existing Building Code and establishes minimum standards for the maintenance of existing buildings. There are no significant technical changes over the 2018 IPMC.

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 Amendments.** Chapter 5, Article IV, Division 4 of the Commerce City Revised Municipal Code is hereby repealed and replaced as set forth in Exhibit A.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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.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

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

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

**DIVISION 4. – INTERNATIONAL PROPERTY MAINTENANCE CODE**

**Sec. 5-4400. – Adoption.**

The City of Commerce City adopts the 2021 edition of the International Property Maintenance Code (IPMC) to be known as the City of Commerce City Property Maintenance Code, including Appendix Chapter A and the standards referenced in such code and appendix, save and except such amendments as set forth in this article. The IPMC is available to view for free on the International Code Council’s website.

**Sec. 5-4401. – Amendments.**

The 2021 edition of the IPMC 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 Property Maintenance Code, hereinafter referred to as “this code.”

(b) *Section 101.2, entitled “Scope,” is amended by addition of the following exception:*

**Exception:** This code shall not regulate those buildings and structures specifically exempt from the City of Commerce City Building Code as listed in Section 5-5 of the Commerce City Revised Municipal Code shall be exempt from this code.

(c) *Section 102.3, entitled “Application of other codes,” is deleted in its entirety and the following is added in lieu thereof:*

**102.3 Application of other codes.** Repairs, additions or alterations to a structure or changes of occupancy, shall be done in accordance with the procedures and provisions of the City of Commerce City Construction Code, Residential Code, Existing Building Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Energy Conservation Code, Electrical Code, Swimming Pool and Spa Code and Private Sewage Disposal Code.

(d) *Section 102.11, 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.

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

(f) *Section 104, entitled “FEES” is deleted in its entirety and the following is added in lieu thereof:*

**SECTION 104 - FEES**

**104.1 Fees.** The fees for activities and services performed by the code official in carrying out their responsibility under this code as well as related fees for work done in connection to or concurrently with the code official's activities and services, shall beset by resolution of the city council. The city council is also authorized to establish a refund policy.

- (g) *Section 105.3, entitled "Right of entry," is deleted in its entirety and the following is added in lieu thereof:*

**105.3 Right of entry.** The code official's right to enter and inspect property shall be exercised in accordance with Section 1-3001 of the Commerce City Revised Municipal Code.

- (h) *Section 106.1, entitled "Modifications," is amended to read as follows:*

**106.1 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the code 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 code official shall first find that special individual reasons make 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 code 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 code 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.

- (i) *Section 107, entitled "MEANS OF APPEALS," is deleted in its entirety and the following is added in lieu thereof:*

#### **SECTION 107 – APPEALS**

**107.1 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.

- (j) *Section 108, entitled "BOARD OF APPEALS," is deleted in its entirety.*

- (k) *Section 109, entitled "VIOLATIONS," is deleted in its entirety and the following is added in lieu thereof:*

#### **SECTION 109 - VIOLATIONS**

**109.1 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.

**109.2 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.

- (l) *Section 110, entitled “STOP WORK ORDER,” is deleted in its entirety and the following is added in lieu thereof:*

### **SECTION 110 – STOP WORK ORDER**

**110.1 General.** 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 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.

- (m) *Section 111.4, entitled “Notice,” is amended to read as follows:*

**111.4 Notice.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given for the violation as specified in the manner specified in Section 5-5003 of the Commerce City Revised Municipal Code and other applicable law.

- (n) *Section 111.4.1, entitled “Form,” is deleted in its entirety.*

- (o) *Sections 111.5 and 111.6 are deleted in their entirety.*

- (p) *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.

- (q) *The definition for “COOKING APPLIANCE,” is added to Section 202 to read as follows:*

**COOKING APPLIANCE.** A permanent stove, oven, range or similar appliance intended for heating and cooking food. A microwave oven or portable countertop appliance such as a toaster oven, hot plate, coffee maker or similar shall not constitute a cooking appliance.

- (r) *The definition for “EXISTING BUILDING” is added to Section 202 to read as follows:*

**EXISTING BUILDING.** A building erected prior to the date of adoption to the adoption of the appropriate code, or one for which a legal building permit has been issued.

- (s) *The definition for “EXISTING STRUCTURE” is added to Section 202 to read as follows:*

**EXISTING STRUCTURE.** A structure erected prior to the date of adoption to the adoption of the appropriate code, or one for which a legal building permit has been issued.

(t) *Section 304.14, entitled “Insect screens,” is amended to read as follows:*

**304.14 Insect screens.** During the period from April 1 to November 1, 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 minimum 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.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(u) *Section 403.3, entitled “Cooking facilities,” is deleted in its entirety and the following is added in lieu thereof:*

**403.3 Cooking facilities.** Dwelling units, housekeeping units and efficiency units, as defined in Section 404.6, shall be provided with a cooking appliance with not less than 30 inches (762 mm) of clear working space in the front of the appliance.

(v) *Section 403.3.1, entitled “Cooking facilities in room or dormitory units,” is added to read as follows:*

**403.3.1 Cooking facilities in rooming or dormitory units.** Unless permitted by the code official, cooking, including the use of a hot plate, toaster oven or similar, shall not be permitted in any rooming unit or dormitory unit and cooking appliances shall not be permitted to be present in any rooming unit or dormitory unit.

(w) *Section 602.3, entitled “Heat supply,” is amended to read as follows:*

**602.3 Heat supply.** 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 period from September 15 to May 15 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Portable space heaters shall not be permitted to contribute to the minimum temperature.

**Exception:** When the outdoor temperature is below 1°F (-17°C), maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

(x) *Section 602.4, entitled “Occupiable work spaces,” is amended to read as follows:*

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to May 15 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

(y) *Section 705.1, entitled "General," is amended to read as follows:*

**705.1 General.** Carbon monoxide alarms shall be installed and maintained as required by and in compliance with Article 45 of Title 38 of the Colorado Revised Statutes.

(z) *Section A101.1, entitled "General," is amended to read as follows:*

**A101.1 General.** Windows and doors of structures that pose a public nuisance in accordance with the provisions of Section 6-2010 of the Commerce City Revised Municipal Code shall be boarded in an approved manner to prevent entry to unauthorized persons and shall be painted to correspond to the color of the existing building.

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