

ORDINANCE NO. 2052

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT, FORD, MCELDFOWNEY

AN ORDINANCE AMENDING SECTION 5-4101 OF THE COMMERCE CITY REVISED MUNICIPAL CODE ADOPTING AMENDMENTS TO THE 2009 INTERNATIONAL BUILDING CODE

WHEREAS, the City of Commerce City adopted the 2009 International Building Code subject to the amendments delineated in section 5-4101 of the Commerce City Revised Municipal Code; and

WHEREAS, the City of Commerce City has determined that additional amendments are necessary to protect the health, safety, and welfare of the public in conjunction with the licensing of marijuana businesses within the City.

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

SECTION 1. That section 5-4101 is hereby amended by the insertion of the following amendments to the 2009 International Building Code:

Section 414.1 is amended to read as follows:

414.1 General. The provisions of Section 414.1 through 414.7 shall apply to buildings and structures occupied for the manufacturing, processing, dispensing, use or storage of hazardous materials, including all marijuana and hemp establishments. Retail marijuana facilities, marijuana and hemp cultivation facilities, marijuana and hemp product manufacturing facilities, and marijuana and hemp testing facilities shall submit to the City:

- A plan that specifies all means to be used for extracting, heating, washing, otherwise changing the form of the marijuana plant or for testing any marijuana or marijuana product, including verification that such plan is in compliance with all applicable federal, state, and local laws and regulations governing ventilation and safety measures for each process.
- A report from an independent (not an employee) third party industrial hygienist verifying the plan submitted pursuant to subsection (1) above, and the improvements to be constructed adequately protects the facility and adjacent properties and persons, and complies with all applicable federal, state and local laws and regulations.
- A description of all toxic, flammable, combustible, or other materials that constitute either a physical hazard and/or health hazard and regulated by a federal, state or local government that will be used, kept or created and the

facility, the quantities, and location of such materials, and the manner in which such materials shall be stored and/or used.

- A description of the processes used to extract or distill marijuana derivatives from their source and the processes used to incorporate marijuana derivatives into all retail marijuana products produced, including a verification that such processes are in compliance with all federal, state, or local laws or regulations.

Section 508.4.4 shall be amended to read as follows:

508.4.4 Separation. Individual occupancies shall be separated from adjacent occupancies in accordance with Table 508.4. Unless a higher performance standard is required by applicable law, there must be a minimum of a one-hour fire-resistive separation in accordance with Section 707 between a marijuana establishment and any adjacent occupancy regardless of occupancy classification.

Table 508.4 shall be amended to show a required one-hour fire-resistive separation between B, F-1, M, S-1 and B, F-1, M, S-1.

SECTION 2. Except as specifically provided herein, the 2009 International Building Code as adopted by the City of Commerce City shall remain unchanged and in full force and effect.

SECTION 3. This ordinance shall take effect June 1, 2015.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 4TH DAY OF MAY, 2015.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 1ST DAY OF JUNE, 2015.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk