

ORDINANCE NO. 2150

INTRODUCED BY:

AN ORDINANCE AMENDING SECTION 5-4500 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2017 NATIONAL ELECTRICAL CODE AND REPEALING AND REENACTING SECTIONS OF THE 2006 INTERNATIONAL CODE COUNCIL ELECTRICAL ADMINISTRATIVE PROVISIONS.

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

**SECTION 1.** Section 5-4500 shall be amended to read as follows:

**Sec. 5-4500. Adoption of the National Electric Code.**

The City of Commerce City adopts the 2017 National Electric Code (N.F.P.A. 70), including all standards contained therein ("NEC"). Copies of such code are on file in the city clerk's office and may be inspected during regular business hours.

**SECTION 2.** Section 5-4502 on the Commerce City Revised Municipal Code, enacted through Ordinance 1902, which adopted the 2006 Edition of the International Code Council Electrical Administrative Provisions ("EAP"), is hereby repealed in its entirety, reenacted with amendment in the following respects, and adopted herein as amended:

**Sec. 5-4502. Amendments to the Electrical Administrative Provisions.**

The 2006 Edition of the EAP 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 Electrical Administrative Provisions of the City of Commerce City, hereinafter referred to as "this code."

(b) Section 301.1 is amended to read as follows:

The Building Official is hereby authorized to administer and enforce this code.

(c) Section 301.1.1, entitled "Building Official," is added to read as follows:

Whenever this code uses the term "Building Official" or "code official" it shall mean the "Codes & Inspections Manager of the City of Commerce City."

(d) Section 302.7 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.

(e) Section 401.3 is amended to read as follows:

The following work shall be exempt from the requirement for a permit:

1. Electrical utilization equipment energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the National Electric Code.

2. Repair or replacement of stationary electric utilization equipment of the same type and rating in the same location.
3. Reinstallation of attachment plug receptacles, but not the outlets therefore.
4. Repair or replacement of any over current device of the correct voltage, interrupting rating and ampere rating in the same location.
5. Repair or replacement of ballasts, transformers, or electronic power supplies of the same size and rating for signs, outline lighting systems, or field installed skeleton tubing.
6. Removal of electrical wiring or equipment.
7. Temporary wiring for experimental purposes in suitable experimental laboratories.
8. The installation, alteration, or repair of electrical wiring or equipment for the generation, transmission, distribution, or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
9. Listed cord-and-plug connected temporary decorative lighting.
10. Electrical wiring, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
11. Minor repair work including the replacement of lamps or the connection of approved, portable electrical equipment to approved permanently installed receptacles."
12. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of towers and antennas.
13. The provisions of this code shall not apply to the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
14. Portable generators not exceeding 10kW.
15. Electrical work exempted by CRS Title 12, Article 23, Section 111 as may be amended by the State of Colorado.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction or laws of the State of Colorado.

- (f) Section 404 is deleted in its entirety.
- (g) Section 1001 is amended to read as follows:

Section 1001.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

- (h) Section 1001.2 is added to read as follows:

Section 1001.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

- (i) Section 1001.3 is added to read as follows:

Section 1001.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

- (j) Section 1001.4 is added to read as follows:

Section 1001.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

- (k) Section 1004.1 is amended to read as follows:

1004.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or is dangerous or unsafe, the building official is authorized to issue a stop work order.

- (l) Section 1004.2 is amended to read as follows:

1004.2 Emergencies. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

- (m) Section 1004.3 is amended to read as follows:

1004.3 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

- (n) Section 1004.4 is added to read as follows:

Section 1004.4 Unlawful continuance. 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 unsafe condition, shall be subject to penalties as prescribed by law.

- (o) Chapter 11 is deleted in its entirety.

- (p) To the extent any provision of the 2006 edition of the EAP adopted by Ordinance 1902 created any department, the provision creating the department is repealed, any department created thereby is abolished, and any reference in the remainder of the code to a department hereby abolished shall now be substituted with the Division of Building Safety.

**SECTION 3.** These amendments shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby amended prior to this ordinance taking effect.

**SECTION 4.** Any person who violates, disobeys, omits, neglects, refuses or fails to comply with or resists the enforcement of the NEC or the EAP, as amended herein, shall be subject to the enforcement and remedy provisions contained in the NEC or EAP, as applicable, and the enforcement, remedy, and penalty provisions of the City's municipal code, including the Land Development Code, as may be amended from time to time.

**SECTION 5.** Ordinances 1902 and 2906 are not affected or repealed except to the extent of any inconsistency with this ordinance.

**SECTION 6.** If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect, impair, or invalidate the remaining portions of this ordinance.

**SECTION 7.** This Ordinance shall take effect on March 1, 2018.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CITY OF COMMERCE CITY, COLORADO

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, MMC, City Clerk