

ORDINANCE NO. 2218

INTRODUCED BY: _____

AN ORDINANCE REPEALING AND REENACTING DIVISION 3 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 *INTERNATIONAL EXISTING BUILDING CODE*, INCLUDING APPENDIX CHAPTER B, 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*International Existing Building Code*, previously adopted and amended by the City pursuant to Ordinance No. 2089, be repealed and that in its place, the 2018 *International Existing Building Code* be adopted, with local amendments as set forth in this Ordinance;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 3 of article IV of chapter 5 of the Commerce City Revised Municipal Code, entitled “International Existing Building Code”—including sections 5-4302 and 5-4303 of the Commerce City Revised Municipal Code, entitled “Permit fees” and “Appeals,” respectively—is hereby repealed in its entirety.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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this Ordinance taking effect.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 3 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 Existing Building Code, including Appendix Chapter B and all standards contained in such code and appendix chapter, as amended herein, and shall read as follows:

ARTICLE IV. INTERNATIONAL CODES

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Division 3. International Existing Building Code

Sec. 5-4300. Adoption.

The City of Commerce City adopts the 2018 edition of the International Existing

Building Code, including Appendix Chapter B, and the standards referenced in such code and appendix chapters (the “IEBC”), save and except such amendments as set forth in this article. Copies of the IEBC are on file in the city clerk’s office and may be inspected during regular business hours.

Sec. 5-4301. Amendments.

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

(a) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of the City of Commerce City, hereinafter referred to as “this code.”

(b) Section 102.2, 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.

(c) Section 103, entitled “Department of Building Safety,” is deleted in its entirety and the following is added in lieu thereof:

SECTION 103 - CODE ADMINISTRATION

103.1 Entity charged with code administration. The Community Development Department, as established by the Commerce City Revised Municipal Code, is charged with the administration and enforcement of this code.

103.2 Building official. 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.”

(d) Section 104.6, entitled “Right of entry,” is deleted in its entirety and the following is added in lieu thereof:

104.6 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, as that section currently exists and as it may be

amended from time to time.

- (e) Section 105.2, entitled “Work exempt from permit,” is amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²). For the purpose of this Section, accessory structures shall include by way of illustration but not by limitation; site-constructed and pre-manufactured tree-houses, playhouses, greenhouse and nursery type structures; pergolas, gazebos and similar shade structures with wood, composite, fabric, plastic or metal roof coverings including structures intended for day and / or seasonal use; tool, garden and storage sheds; hobby, shop, craft and similar recreational use buildings and structures
2. Fences not over 42 (1066.8 mm) inches high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks, driveways and similar “flat work” when located entirely upon private property and whether constructed of concrete, asphalt, bricks, paving stones and similar materials including surfacing materials permitted by the Commerce City Land Development Code and/or Commerce City Engineering and Construction Specifications and Public Works Department. This does not include driveway aprons, driveway approaches, curb and gutter, curb-cuts, sidewalks and/or any other work located within the public right-of-way.
7. Painting, papering, tiling, carpeting, cabinets, millwork, trim, casing, countertops and similar finish work.
8. Prefabricated swimming pools that are less than 24 inches (610 mm)

deep.

9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment.
11. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
12. Decks not exceeding 200 square feet (18.58 m²) in area that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
13. Minor repair work to interior drywall and other interior finishes provided the repairs do not exceed 100 square feet of total aggregate area and are performed only to non-fire-resistive rated construction.
14. Minor, cosmetic repairs to existing dwellings not involving structural members, load bearing walls, fire resistive rated construction, electrical, plumbing, mechanical systems, fire protection systems or elevator or escalator systems and equipment and not exceeding \$1,000 in valuation.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. 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.
3. Repair or replacement of stationary electric utilization equipment of the same type and rating in the same location.
4. Reinstallation of attachment plug receptacles, but not the outlets therefore.
5. Repair or replacement of branch circuit overcurrent devices of the correct voltage, interrupting rating and ampere rating in the same location.
6. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

7. 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.
8. Removal of electrical wiring or equipment.
9. Temporary wiring for experimental purposes in suitable experimental laboratories.
10. 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.
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. Electrical work exempted by CRS Title 12, Article 23, Section 111 as may be amended by the State of Colorado.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel-cell appliances and equipment not connected to a fixed piping system and not connected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.

4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel-cell appliances and equipment not connected to a fixed piping system and not connected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe: provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work, and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures and the removal and reinstallation of water closets, tubs, tub-shower combinations, showers, sinks, lavatories and similar plumbing fixtures, provided such repairs, removals or replacements do not involve or require the replacement or rearrangement of valves, pipes or fixtures or the removal or replacement of building finishes or alter any accessibility requirements.

(f) Section 105.2.3, entitled “Public service agencies,” is amended to read as follows:

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right or by public service agencies or utilities regulated by the State of Colorado Public Utilities Commission.

(g) Section 105.6, entitled “Suspension or revocation,” is amended to read as follows:

105.6 Suspension or revocation. The code official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit

is issued in error, or on the basis or incorrect, inaccurate or incomplete information, or is obtained by fraudulent means, or is in violation of any ordinance or regulation of any of the provisions of this code, other ordinances or laws of the City, state or federal government.

- (h) Section 108, entitled “Fees” is deleted in its entirety and the following is added in lieu thereof:

SECTION 108 - FEES

108.1 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 building 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, except emergency permits issued pursuant to Section 105.2.1.

108.2 Building permit valuations. The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of all work including materials and equipment (whether new or existing, donated or salvaged) and labor, for which the permit is being issued, such as electrical, fuel gas, mechanical, plumbing, roofing, elevators, fire extinguishing and alarm systems, building finishes and other permanent systems and equipment. If, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the code official.

The final determination of value or valuation under any of the provisions of this code shall be made by the code official. The value to be used in computing the building permit and building plan review fees shall be the total value of all work as described above. When the permit applicant’s stated valuation is incomplete or under reported, the code official shall use the most recent Building Valuation Data published by the International Code Council to determine appropriate valuation.

After the completion of a project, an audit may be requested by the permit applicant or the City to establish the actual permit valuation. If the permit applicant requests an audit, he or she must do so within 60 days after the date the project is completed. Where actual valuation differs from the stated valuation, the required fees shall be reconciled, where indicated, excess fees collected shall be refunded or additional required fees shall be assessed.

- (i) Section 112, entitled “Board of Appeals,” is deleted in its entirety and the following is added in lieu thereof:

SECTION 112 – APPEALS

112.1 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.

- (j) Section 113, entitled “Violations,” is deleted in its entirety and the following is added in lieu thereof:

SECTION 113 – VIOLATIONS

113.1 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 repair, alter, extend, add, move, remove, demolish, or change the occupancy of any building or equipment regulated by this code in the City or cause or permit the 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.

- (k) Section 114, entitled “Stop Work Order,” is deleted in its entirety and the following is added in lieu thereof:

SECTION 114 – STOP WORK ORDER

114.1 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.

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 IEBC, as amended by this Ordinance, shall be subject to the applicable enforcement and remedy provisions contained in the IEBC 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 ____ DAY OF _____ 2019.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS ____ DAY OF _____ 2019.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST

Laura J. Bauer, MMC, City Clerk