

ORDINANCE NO. 2221

INTRODUCED BY: DAVIS, DOUGLAS, FORD, FRANK, GUARDIOLA, HURST,
HUSEMAN, MADERA, TETER

AN ORDINANCE REPEALING AND REENACTING DIVISION 8 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE *2018 INTERNATIONAL FUEL GAS CODE*, INCLUDING APPENDIX CHAPTERS A, B, AND C, 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the *2012 International Fuel Gas Code*, previously adopted and amended by the City pursuant to Ordinance No. 2092, be repealed and that in its place, the *2018 International Fuel Gas Code* be adopted, with local amendments as set forth in this Ordinance;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 8 of article IV of chapter 5 of the Commerce City Revised Municipal Code, entitled “International Fuel Gas Code”—including sections 5-4802 and 5-4803 of the Commerce City Revised Municipal Code, entitled “Permit fees” and “Appeals,” respectively—is hereby repealed in its entirety.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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this Ordinance taking effect.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 8 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 Fuel Gas Code, including Appendix Chapters A, B, and C and all standards contained in such code and appendix chapters, as amended herein, and shall read as follows:

ARTICLE IV. INTERNATIONAL CODES

...

Division 8. International Fuel Gas Code

Sec. 5-4800. Adoption.

The City of Commerce City adopts the 2018 edition of the International Fuel Gas Code, including Appendix Chapters A, B, and C and the standards referenced in such code and appendix chapters (the “IFGC”), save and except such amendments

as set forth in this article. Copies of the IFGC are on file in the city clerk's office and may be inspected during regular business hours.

Sec. 5-4801. Amendments.

The 2018 edition of the International Fuel Gas 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 Fuel Gas Code of the City of Commerce City, hereinafter referred to as "this code."

(b) Section 102.10, 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 Inspection," 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 City's Revised Municipal Code, is hereby 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."

103.3 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.3.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of this code.

- (d) Section 104.4, entitled “Right of entry,” is deleted in its entirety and the following is added in lieu thereof:

104.4 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 amended from time to time.

- (e) Section 106.2, entitled “Permits not required,” is amended to read as follows:

106.2 Permits not required. The following work shall be exempt from the requirements for a permit:

1. Any portable heating appliance.
2. Replacement of any minor component of an appliance or equipment that does not alter approval of such appliance or equipment or make such appliance or equipment unsafe.

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.

- (f) Section 106.5.5, entitled “Suspension or revocation of permit,” is amended to read as follows:

106.5.5 Suspension or revocation of permit. 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 of 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.

- (g) Section 106.6, entitled “Fees,” is deleted in its entirety and the following is added in lieu thereof:

106.6 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 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.

(h) Sections 106.6.1, 106.6.2, and 106.6.3 are deleted.

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

SECTION 108 – VIOLATIONS; STOP WORK; UNSAFE INSTALLATIONS

108.1 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 erect, construct, alter, repair, remove, demolish or utilize any installation, or cause 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.

108.2 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.

108.3 Stop work orders. 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.

108.4 Unsafe installations. An installation that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared an unsafe installation. Use of an installation regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe installations are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

108.4.1 Authority to condemn installations. Whenever the code official determines that any installation, or portion thereof, regulated by this code has become hazardous to life, health or property, he or she shall order in writing that such installations either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in

the written notice. A person shall not use or maintain a defective installation after receiving such notice.

Where such installation is to be disconnected, written notice shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

108.4.2 Authority to disconnect service utilities. The code official shall have the authority to require disconnection of utility service to the building, structure or system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and, where possible, the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.

108.4.3 Connection after order to disconnect. A person shall not make energy source connections to installations regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such installations.

Where an installation is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

- (j) Section 109, entitled "Means of Appeal," is deleted in its entirety and the following is added in lieu thereof:

SECTION 109 – APPEALS

109.1 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.

- (k) Section 303.3, entitled "Prohibited locations," is amended to read as follows:

SECTION 303 – APPLIANCE LOCATION

303.3 Prohibited locations. Appliances shall not be located in sleeping rooms, bathroom, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.
 2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section 304.5.
 3. The appliance is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an approved self-closing device. Combustion air shall be taken directly from the outdoors in accordance with Section 304.6.
 4. A clothes dryer is installed in a residential bathroom or toilet room having a permanent opening with an area of not less than 100 square inches (0.06 m²) that communicates with a space outside of a sleeping room, bathroom, toilet room or storage closet.
- (m) Section 404.12, entitled "Minimum burial depth," is amended to read as follows:

SECTION 404 – PIPING SYSTEM INSTALLATION

404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches (457 mm) below grade.

- (n) Section 404.12.1, entitled "Individual outdoor appliances," is deleted in its entirety.
- (o) Section 406.4.1, entitled "Test pressure," is amended to read as follows:

SECTION 406 – INSPECTION, TESTING AND PURGING

406.4.1 Test pressure. The test pressure to be used shall be not less than 1 - 1/2 times the proposed maximum working pressure, but not less than 20 psig (138 kPa gauge) for 15 minutes irrespective of design pressure. Low pressure gas shall be defined as 14 inches of water column or less. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall be noted on the construction documents and shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. The minimum test pressure for any other gas system shall be 60 pounds per square inch (413.7 kPa) for 30 minutes.

(p) Section 406.4.2, entitled “Test duration,” is deleted in its entirety.

(q) Section 501.8, entitled “Appliances not required to be vented,” is amended to read as follows:

SECTION 501 – GENERAL

501.8 Appliances not required to be vented. The following appliances shall not be required to be vented:

1. Ranges.
2. Built-in domestic cooking units listed and marked for optional venting.
3. Hot plates and laundry stoves.
4. Type 1 clothes dryers (Type 1 clothes dryers shall be exhausted in accordance with the requirements of Section 614).
5. A single booster-type automatic instantaneous water heater, where designed and used solely for the sanitizing rinse requirements of a dishwashing machine, provided that the heater is installed in a commercial kitchen having a mechanical exhaust system. Where installed in this manner, the draft hood, if required, shall be in place and unaltered and the draft hood outlet shall be not less than 36 inches (914 mm) vertically and 6 inches (152 mm) horizontally from any surface other than the heater.
6. Refrigerators.
7. Counter appliances.
8. Direct-fired makeup air heaters.
9. Specialized appliances of limited input such as laboratory burners and gas lights.

Where the appliances listed in Items 5 through 6 are installed so that the aggregate input rating exceeds 20 Btu per hour per cubic foot (207 W/m³) of volume of the room or space in which such appliances are installed, one or more shall be provided with venting systems or other approved means for conveying the vent gases to the outdoor atmosphere. Where the room or space in which the appliance is installed is directly connected to another room or space by a doorway, archway or other opening of comparable size that cannot be closed, the volume of such adjacent room or space shall be permitted to be included in the calculations.

- (r) Section 503.8, entitled “Venting system termination location,” is amended to read as follows:

SECTION 503 – VENTING OF APPLIANCES

503.8 Venting system termination location. The location of venting system terminations shall comply with the following (see Appendix C): A mechanical draft venting system shall terminate not less than 3 feet (914 mm) above any forced-air inlet located within 10 feet (3048 mm).

Exceptions:

1. This provision shall not apply to the combustion air intake of a direct-vent appliance.
2. This provision shall not apply to the separation of the integral outdoor air inlet and flue gas discharge of listed outdoor appliances.
2. A mechanical draft venting system, excluding direct vent appliances, shall terminate not less than 4 feet (1219 mm) below, 4 feet (1219 mm) horizontally from, or 1 foot (305 mm) above any door, operable window or gravity air inlet into any building. The bottom of the vent terminal shall be located not less than 18 inches (305 mm) above finished ground level.
3. The clearances for through-the-wall, direct-vent terminals shall be in accordance with Table 503.8. The bottom of the vent terminal and the air intake shall be located not less than 18 inches (305 mm) above finished ground level.
4. Through-the-wall vents for Category II and IV appliances and noncategorized condensing appliances shall not terminate over public walkways or over an area where condensate or vapor could create a nuisance or hazard or could be detrimental to the operation of regulators, relief valves or other equipment. Where local experience indicates that condensate is a problem with Category I and III appliances, this provision shall also apply. Drains for condensate shall be installed in accordance with the appliance and vent manufacturers’ instructions.
5. Vent systems for Category IV appliances that terminate through an outside wall of a building and discharge flue gases perpendicular to the adjacent wall shall be located not less than 10 feet (3048 mm) horizontally from an operable opening in an adjacent building. This requirement shall not apply to vent terminals that are 2 feet (607 mm) or more above or 25 feet (7620 mm) or more below operable openings.

(s) Section 601.2, entitled “Prohibited appliances,” is added to read as follows:

SECTION 601 – GENERAL

601.2 Prohibited appliances. Unvented room heaters, unvented gas logs, unvented decorative appliances and /or unvented appliances other than those described in Section 501.8 shall not be installed in any occupiable building.

(t) Section 621, entitled “UNVENTED ROOM HEATERS,” is deleted in its entirety.

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 IFGC, as amended by this Ordinance, shall be subject to the applicable enforcement and remedy provisions contained in the IFGC 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 7TH DAY OF OCTOBER 2019.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 4TH DAY OF NOVEMBER 2019.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST

Laura J. Bauer, MMC, City Clerk