

ORDINANCE NO. 2224

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

AN ORDINANCE REPEALING AND REENACTING DIVISION 4 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 *INTERNATIONAL PROPERTY MAINTENANCE CODE*, INCLUDING APPENDIX CHAPTER A, 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International Property Maintenance Code*, previously adopted and amended by the City pursuant to Ordinance No. 2097, be repealed and that in its place, the *2018 International Property Maintenance Code* be adopted, with local amendments as set forth in this Ordinance;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 4 of article IV of chapter 5 of the Commerce City Revised Municipal Code, entitled “International Property Maintenance Code”—including sections 5-4402 and 5-4403 of the Commerce City Revised Municipal Code, entitled “Permit fees” and “Appeals,” respectively— is hereby repealed in its entirety.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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this Ordinance taking effect.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 4 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 Property Maintenance Code, including Appendix Chapter A and all standards contained in such code and appendix, as amended herein, and shall read as follows:

ARTICLE IV. INTERNATIONAL CODES

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Division 4. International Property Maintenance Code

Sec. 5-4400. Adoption.

The City of Commerce City adopts the 2018 edition of the International Property Maintenance Code, including Appendix Chapter A, and the standards referenced in such code and appendix (the “IPMC”), save and except such amendments as set

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

Sec. 5-4401. Amendments.

The 2018 edition of the International Property Maintenance 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 Property Maintenance 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 Property Maintenance 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 Commerce City 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.

103.4 Fees. The fees for activities and services performed by the code official in carrying out his or her responsibilities 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 be set by resolution of the city council. The city council is also authorized to establish a refund policy.

- (d) Section 104.3, entitled "Right of entry," is deleted in its entirety and the following is added in lieu thereof:

104.3 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, as that section currently exists and as it may be amended from time to time.

- (e) Section 106, entitled "Violations," is deleted in its entirety and the following is added in lieu thereof

SECTION 106 – VIOLATIONS

106.1 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.

106.2 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.

- (f) Section 107, entitled "Notices and Orders," is deleted in its entirety and the following is added in lieu thereof:

SECTION 107 – NOTICE

107.1 Notice to responsible party. 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 in the manner specified in section 5-5003 of the Commerce City Revised Municipal Code and other

applicable law.

- (g) Section 111, entitled “Means of Appeal,” is deleted in its entirety and the following is added in lieu thereof:

SECTION 111 – APPEALS

111.1 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.

- (h) Section 112, entitled “Stop Work Order,” is deleted in its entirety and the following is added in lieu thereof:

SECTION 112 – STOP WORK ORDER

112.1 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.

- (i) Section 202, entitled “General Definitions,” is amended by the addition of the following definition:

COOKING APPLIANCE. A permanent stove, oven, range, cook top range, combination stove/range or microwave, or similar appliance intended for heating and cooking foods. Portable countertop appliances, equipment or devices such as countertop microwaves, toaster ovens, hot plates, coffee makers and similar shall not constitute cooking appliances.

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

304.14 Insect Screens. During the entire year, 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 not less than 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.

- (k) Section 403.3, entitled “Cooking facilities,” is amended to read as follows:

403.3 Cooking appliances. Dwellings, dwelling units and housekeeping units as defined in this code and the International Residential Code and efficiency

dwelling units as defined in Section 404.6 of this code shall be provided with a cooking appliance as defined in Section 202. Cooking appliances shall be provided with not less than 30 inches (762 mm) of clear working space in front of the cooking appliance. Unless permitted by the code official, cooking shall not be permitted in any rooming unit or dormitory unit and a cooking appliance, countertop microwave, toaster oven, or hot plate shall not be present in the rooming unit or dormitory unit.

- (l) 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 entire year to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

- (m) 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 entire year to maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied.

- (n) Section 705.1, entitled “General,” is amended to read as follows:

705.1 General. Carbon monoxide alarms shall be installed as required by and in compliance with C.R.S. § 38-45-101, et seq., as amended.

- (o) Section A101.1 of Appendix A, entitled “General,” is amended to read as follows:

A101.1 General. All buildings and structures vacated or abandoned for a period of forty-five (45) days or more in all zoned districts in the City shall be secured and the owner or lessee thereof shall comply with the requirements of this section. Provided, however, residential buildings are excepted from the provisions thereof so long as the owner is actively engaged in public efforts to sell or rent such premises.

- (p) Section A102.1 of Appendix A, entitled “Boarding sheet material,” is amended to read as follows:

A102.1 Boarding sheet material. Boarding sheet material shall be minimum 1/2-inch (12.7 mm) thick exterior grade wood structural panels complying with the International Building Code. Boarding sheet material shall be of a color which is the same or similar as that of the vacated building or structure. Boarding sheet materials may be painted to meet this requirement.

- (q) New Section A102.1.1 of Appendix A, entitled “Boarding sheet material free from advertisement,” is added to read:

102.1.1 Boarding sheet material free from advertisement. The exterior surfaces of the materials used shall not contain any advertisement, announcement, direction or communication.

- (r) Section A104 of Appendix A, entitled “Referenced Standard,” is deleted in its entirety and the following is added in lieu thereof:

SECTION 104 – MAINTENANCE

A104.1 Maintenance of boarding sheet material. The owner or lessee of a vacated building, structure or property shall securely fasten and maintain all securing materials in good condition, and shall make any repairs necessary to correct damaged, destroyed, deteriorating or otherwise unserviceable board sheet materials.

- (s) New Section A105 of Appendix A, entitled “Remedies,” is added to read:

SECTION A105 – REMEDIES

A105.1 General. In any case of failure to comply with the requirements of this Appendix Chapter A, the City, may, in addition to other remedies provided for herein or in the Commerce City Revised Municipal Code, proceed to perform the work required in order to bring the subject property into compliance with the provisions of this Chapter. Provided, however, that notice of the intended corrective action shall be given by the City to the property owner or lessee by certified mail, return receipt requested to the last known address of such property owner or lessee, at least seven (7) days in advance of the work to be done hereunder, or by personal delivery of such notice to the owner or lessee at least seven (7) days in advance of the work to be done hereunder, and by posting a notice at least twelve (12) inches by fourteen (14) inches in size on the subject property at a place clearly visible from the nearest public right-of-way at least seven (7) consecutive days prior to the work to be done hereunder. If the owner or lessee fails to comply with the provisions hereof after such notification, the City may proceed to bring the subject property into compliance with the provisions hereof and charge the cost plus interest of one (1) percent per month to the property owner or lessee to be collected in the same manner as are general property taxes.

- (t) New Section A106 of Appendix A, entitled “Referenced Standard,” is added to read as follows:

A106 – REFERENCED STANDARD

IBC – 18 International Building Code

A102.1, A102.2, A102.3

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 IPMC, as amended by this Ordinance, shall be subject to the applicable enforcement and remedy provisions contained in the IPMC 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