

BY AUTHORITY

ORDINANCE NO. 34  
SERIES OF 2017

COUNCIL BILL NO. 34  
INTRODUCED BY COUNCIL  
MEMBER YATES

**AN ORDINANCE CONCERNING THE AMENDMENT OF TITLE 8,  
CHAPTER 2, ARTICLE B, OF THE ENGLEWOOD MUNICIPAL CODE,  
IN CONNECTION WITH ADOPTION OF THE INTERNATIONAL  
MECHANICAL CODE, 2015 EDITION, AND SUCH AMENDMENTS AS  
SET FORTH HEREIN, ALL WITHIN THE CITY OF ENGLEWOOD,  
ARAPAHOE COUNTY, COLORADO.**

WHEREAS, the City of Englewood has adopted Uniform Building Codes, and subsequent updates as promulgated by the publisher, as the model construction codes for the City since 1971;

WHEREAS, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees within one (1) year of the Effective Date of this Agreement to adopt the 2015 International Building and Fires Codes and to adopt any subsequent versions of the building and fire codes within six (6) months of Denver's adoption of said subsequent versions of said codes.";

WHEREAS, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees not to adopt any laws or amendments to said codes that conflict with or are materially inconsistent with the applicable uniform building and fire codes without obtaining the prior, written approval of the Denver Fire Chief (which approval will not be unreasonably withheld);

WHEREAS, the Chief Building Official for the City of Englewood has determined that none of the proposed amendments to the International Mechanical Code, 2015, conflict with or are materially inconsistent with the applicable uniform building and fire codes;

WHEREAS, in the spirit of interlocal cooperation, Englewood's proposed modifications to the Building and associated safety codes have been forwarded to the Denver Fire Chief; and

WHEREAS, the Chief Building Official for the City of Englewood has thoroughly reviewed the International Mechanical Code 2015 and recommends adoption thereof subject to certain exceptions, modifications and amendments as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. Adoption of the International Mechanical Code, 2015 Edition, as the Mechanical Building Code, with certain additions and deletions. There is hereby adopted by reference by the City of Englewood, Colorado, for the purpose of establishing standards for the safety, health, and public welfare, the International Mechanical Code, 2015 Edition, as the Mechanical Building Code, as published by the International Code Council, 4051 Flossmoor Road Country Club Hills, IL 60478, and such amendments and appendices as set forth as set forth

Title 8, Chapter 2, Article B shall be amended as follows:

**8-2B-1: CODE ADOPTED:**

There is hereby adopted, by reference thereto, the International Mechanical Code 2015 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2B-2 of this Article. The City Clerk shall maintain a copy of the Code and errata updates which will be available for inspection during regular business hours.

**8-2B-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:**

The following specific changes, modifications and amendments are hereby made to the provisions of the International Mechanical Code 2015, hereinabove adopted:

**A. CHAPTER 1. ADMINISTRATION.**

- 1. 101.1 Title.** (Insert the following)  
These regulations shall be known as the Mechanical Code of the City of Englewood, hereinafter referred to as "this Code".
- 2. 106.5.2 Permit Fee Schedule.** (Add the following)  
Refer to Section 109.2 of the amended Building Code of the City of Englewood for requirements of this Section.
- 3. 106.5.3 Fee Refunds.** (Delete in its entirety and substitute the following)  
Refer to Section 109.6 of the amended Building Code of the City of Englewood for requirements of this Section.
- 4. 107.3.3 Reinspections.** (Delete in its entirety and substitute the following)  
Refer to Section 110.7 of the amended Building Code of the City of Englewood for requirements of this Section.
- 5. 108.4 Violation Penalties.** (Delete in its entirety and substitute the following)  
Refer to Englewood Municipal Code 8-1-10 for requirements of this Section.

**6. 108.5 Stop Work Orders.** (Amend the last sentence)

Upon notice from the code official that work is being done contrary to the provisions of this Code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 liable for a fine as prescribed in 108.4 as amended.

**7. 109 Means of Appeal.** (Delete in its entirety and substitute the following)

Refer to Section 8-1-7 of the Englewood Municipal Code of the City of Englewood for requirements of this Section.

**B. CHAPTER 3. INSTALLATION**

**1. 304.11 Guards.** (Delete in its entirety and substitute the following)

Guards shall be provided where appliances, equipment, fans or other components that require service and roof hatch openings are located within 10 feet (3048 mm) of a roof edge or open side of a walking surface and such edge or open side is located more than 30 inches (762 mm) above the floor, roof or grade below. The guard shall extend not less than 30 inches (762 mm) beyond each end of such appliances, equipment, fans, components and roof hatch openings and the top of the guard shall be located not less than 42 inches (1067 mm) above the elevated surface adjacent to the guard. The guard shall be constructed so as to prevent the passage of a 21-inch diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the International Building Code.

Section 2. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 3. Inconsistent Ordinances. All other Codes, Ordinances, or portions, thereof inconsistent or conflicting with this Ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

Section 4. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty,

forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Introduced, read in full, and passed on first reading on the 19th day of June, 2017.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 22nd day of June, 2017.

Published as a Bill for an Ordinance on the City's official website beginning on the 21<sup>st</sup> day of June, 2017 for thirty (30) days.


Read by Title and passed on final reading on the 3rd day of July, 2017.

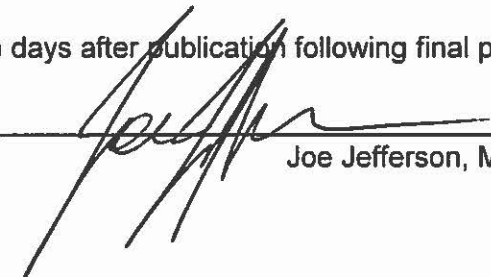
Published by Title in the City's official newspaper as Ordinance No. 34, Series of 2017, on the 6th day of July, 2017.

Published by title on the City's official website beginning on the 5th day of July, 2017 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

ATTEST:

  
Stephanie Carlile, Acting City Clerk

  
Joe Jefferson, Mayor

I, Stephanie Carlile, Acting City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by Title as Ordinance No. 34, Series of 2017.

  
Stephanie Carlile