

ORDINANCE NO. 2486

INTRODUCED BY: - - - - - ALLEN-THOMAS, CHACON, DOUGLAS, FORD,
HURST, HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE REPEALING AND REPLACING CHAPTER 5, ARTICLE IV, DIVISION 8 OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH DETAILS THE ADOPTION OF THE 2021 INTERNATIONAL FUEL GAS CODE (IFGC) WITH CITY-CENTRIC AMENDMENTS

WHEREAS, the purpose of this and related ordinances is to update the city's building code, adopt changes made in the various 2021 editions of the International Codes, apply city-specific revisions to the adopted codes, and to simplify, consolidate, and clarify the city's building code support functions such as appeals, violations, contractor licenses, fees and third-party services; and

WHEREAS, the 2021 IFGC is retitled the City of Commerce City Fuel Gas Code and establishes minimum standards for gas installations in commercial buildings. There are no significant technical changes over the 2018 IFGC.

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

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendments. Chapter 5, Article IV, Division 8 of the Commerce City Revised Municipal Code is hereby repealed and replaced as set forth in Exhibit A.

SECTION 3. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 17TH DAY OF APRIL, 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 15TH DAY OF MAY, 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

CHAPTER 5 – BUILDINGS AND BUILDING REGULATIONS
ARTICLE IV. INTERNATIONAL CODES

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DIVISION 8. – INTERNATIONAL FUEL GAS CODE

Sec. 5-4800. – Adoption.

The City of Commerce City adopts the 2021 edition of the International Fuel Gas Code (IFGC) to be known as the City of Commerce City Fuel Gas Code, including Appendix Chapters A, B and C and the standards referenced in such code and appendix chapters, save and except such amendments as set forth in this article. The IFGC is available to view for free on the International Code Council's website.

Sec. 5-4801. – Amendments.

The 2021 edition of the IFGC is amended in the following respects and adopted herein as amended:

- (a) *Section 101.1, entitled "Title," is amended to read as follows:*

101.1 Title. These regulations, as part of the City of Commerce City Building Code, shall be known as the City of Commerce City Fuel Gas Code, hereinafter referred to as "this code."

- (b) *Section 101.2, entitled "Scope," is amended to read as follows:*

101.2 Scope. This code shall apply to the installation of fuel-gas piping systems, fuel gas appliances, gaseous hydrogen systems and related accessories in accordance with Sections 101.2.1 through 101.2.3.

Exception: Group R-5 occupancies shall comply with this code or the International Residential Code.

- (c) *Section 102.10, entitled "Other laws," is amended by the addition of the following:*

In the event of a conflict between the provisions of this code and any county health department, state or federal law, rule or regulation the more restrictive provision shall control.

- (d) *Section 102.12, entitled "Exemptions," is added to read as follows:*

102.12 Exemptions. The work listed in Section 5-5 of the Commerce City Revised Municipal Code shall be exempt from this code.

- (e) *Section 103, entitled "CODE COMPLIANCE AGENCY," is deleted in its entirety.*

- (f) *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.

- (g) *Section 105.1, entitled "Modifications," is amended to read as follows:*

105.1 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and that such modification is in compliance with the intent and purpose of this code and does not lessen health, life and fire safety requirements. The code official may require or may consider a statement from a registered design professional or subject matter expert as to the equivalency of the proposed modification. The code official may also consider nationally recognized guidelines in deciding whether to approve a modification. The details of action granting modifications shall be recorded and entered in the files of the Community Development Department.

- (h) *Section 106.2, entitled "Permits not required," is deleted in its entirety and the following is added in lieu thereof:*

106.2 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 violation of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the work listed in Section 5-8 of the Commerce City Revised Municipal Code.

- (i) *Section 106.2.1, entitled "Emergency repairs," is added to read as follows:*

106.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the code official.

- (j) *Section 106.5.1, entitled "Approved construction documents," is amended to read as follows:*

106.5.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be approved by stamp as "Reviewed for Code Compliance" or similar endorsement. Such approved construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the approved construction documents. A copy of the construction documents so reviewed shall be retained by the code official. A copy shall be returned to the applicant, printed by the applicant in full scale, kept at the site of work and open to inspection by the code official or a duly authorized representative.

The code official shall have the authority to issue a permit for the construction of part of an installation before the construction documents for the entire installation have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire installation will be granted.

- (k) *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 wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any city, state or federal law, ordinance or regulation or any of the provisions of this code.

- (l) *Section 107, entitled “CONSTRUCTION DOCUMENTS,” is deleted in its entirety and the following is added in lieu thereof:*

SECTION 107 (IFGC) - CONSTRUCTION DOCUMENTS

107.1 Construction documents. Construction documents, engineering calculations, diagrams and other data shall be submitted in digital format with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

107.2 Engineering details. When determined necessary by the code official, construction documents shall include adequate detail of the fuel gas system components. Adequate detail may include computations or other essential technical data. All engineered documents, including relevant computations, shall be sealed by the registered design professional responsible for the design.

107.3 Examination of documents. The code official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance

with the requirements of this code and other pertinent laws or ordinances. If such documents or plans do not comply with the provisions of this code, the permit applicant shall be notified in writing of the reasons and corresponding sections of this code that serve as the basis for non-compliance.

107.4 Retention of construction documents. A copy of the approved construction documents shall be retained by the code official as required by state or local laws. A copy of the approved construction documents shall be returned to the applicant, printed by the applicant in full scale, kept on the site of work and open to inspection by the code official or a duly authorized representative.

- (m) *Section 109, entitled "FEES," is deleted in its entirety and the following is added in lieu thereof:*

SECTION 109 (IFGC) - FEES

109.1 Payment of fees. At the discretion of the city, a permit shall not be valid until the fees prescribed by Article VI, Chapter 5 and other applicable provisions of the Commerce City Revised Municipal Code have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

- (n) *Section 112.1.1, entitled "Equipment required," is added to read as follows:*

112.1.1 Equipment required. Any ladder, scaffolding or test equipment necessary to conduct or witness a requested inspection shall be provided by the permit holder.

- (o) *Section 112.2.3, entitled "Approval required," is amended to read as follows:*

112.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or the permit holder's agent the reasons and corresponding code sections of this code that serve as the basis for non-compliance. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

- (p) *Section 113, entitled "MEANS OF APPEAL," is deleted in its entirety and the following is added in lieu thereof:*

SECTION 113 (IFGC) - APPEALS

113.1 Board of appeals. Appeals of the decisions of the building official relating to the application and interpretation of this code shall be to the board of appeals and governed by Section 5-21 of the Commerce City Revised Municipal Code.

- (q) *Section 114, entitled "BOARD OF APPEALS," is deleted in its entirety.*

- (r) *Section 115, entitled "VIOLATIONS," is deleted in its entirety and the following is added in lieu thereof:*

SECTION 115 (IFGC) - VIOLATIONS

115.1 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 a mechanical system, 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.

115.2 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.

115.3 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.

115.3.1 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 as prescribed in Section 115.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

115.3.2 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.

115.3.3 Connection after order to disconnect. A person shall not make energy

source connections to installations regulated by this code that 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.

- (s) *Section 116, entitled “STOP WORK ORDER,” is deleted in its entirety and the following is added in lieu thereof:*

SECTION 116 (IFGC) - STOP WORK ORDER

116.1 General. Where the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work in accordance with the provisions of Section 5-5007 of the Commerce City Revised Municipal Code.

- (t) *The definition for “ACCEPTED ENGINEERING PRACTICE” is added to Section 202 to read as follows:*

ACCEPTED ENGINEERING PRACTICE. An engineered design or analysis performed by a registered design professional that conforms to nationally recognized principles, testing or standards; meets the functional intent of this code; and is approved by the building official.

- (u) *Section 303.3 is amended to read as follows:*

303.3 Prohibited locations. Appliances shall not be located in sleeping rooms, bathrooms, 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.

(v) *Section 404.12, entitled "Minimum burial depth," is amended to read as follows:*

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

(w) *Section 404.12.1, entitled "Individual outdoor appliance," is deleted in its entirety.*

(x) *Section 406.4, entitled "Test pressure measurement," is amended to read as follows:*

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than 1½ times the test pressure.

(y) *Section 406.4.1, entitled "Test pressure," is amended to read as follows:*

406.4.1 Test pressure and duration. The test pressure to be used shall be not less than 1½ times the proposed maximum working pressure, but not less than 20 psig (138 kPa gauge), for 15 minutes irrespective of design pressure. 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.

(z) *Section 406.4.2, entitled "Test duration," is deleted in its entirety.*

(aa) *Section 501.8, entitled "Appliances not required to be vented is amended to read as follows:*

501.8 Appliances not required to be vented. The following appliances shall not be required to be vented in interior occupied spaces:

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. Counter appliances.
7. Specialized appliances of limited input such as laboratory burners and gas lights.

Where the appliances listed in Items 5 through 7 are installed so that the aggregate input rating exceeds 20 British thermal units (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 so that the aggregate input rating of the remaining unvented appliances does not exceed 20 Btu per hour per cubic foot (207 watts per m³). 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.

(bb) *Section 621.1, entitled "General," is amended to read as follows:*

621.1 General. Unvented room heaters shall be prohibited.

(cc) *Sections 621.2 through 621.7 and 621.7.1 are deleted in their entirety.*

Section 630.3, entitled "Combustion and ventilation air," is deleted in its entirety.

****END OF EXHIBIT A****