

ORDINANCE NO. 1905

INTRODUCED BY: BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT, FORD,
MCELDFOWNEY, MORENO

AN ORDINANCE REPEALING ARTICLE XI OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE; ENACTING DIVISION 8 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE, ENTITLED "INTERNATIONAL FUEL GAS CODE," TO PROVIDE FOR THE ADOPTION OF THE 2009 EDITION OF THE INTERNATIONAL FUEL GAS CODE AND APPENDIX CHAPTERS A, B, C, AND D, AS AMENDED, GOVERNING FUEL GAS SYSTEMS AND GAS FIRED APPLIANCES; PROVIDING FOR THE ISSUANCE OF, AND COLLECTION OF FEES FOR, PERMITS UNDER THE 2009 INTERNATIONAL FUEL GAS CODE; AND PROVIDING FOR PENALTIES AND CIVIL REMEDIES FOR VIOLATION OF THE PROVISIONS OF SAID CODE, APPENDIX CHAPTERS A, B, C, AND D, AND THIS ORDINANCE.

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

SECTION 1. Article XI of Chapter 5 of the Commerce City Revised Municipal Code is hereby repealed. 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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this ordinance taking effect.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 2009 International Fuel Gas Code and Appendix Chapters A, B, C, and D, as amended, 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 2009 Edition of the International Fuel Gas Code and Appendix Chapters A, B, C, and D (collectively referred to herein as 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 2009 edition of the International Fuel Gas Code and Appendix Chapters A, B, C, and D are amended in the following respects and adopted herein as amended:

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

These regulations shall be known as the International Fuel Gas Code of the City of Commerce City, hereinafter referred to as “this code.”

- (b) Section 101.1.2, entitled “Building Official,” is added to read as follows:

Whenever this code uses the term “code official” it shall mean the “building official.”

- (c) Section 101.2.1, entitled “Interaction with other Standards,” is added to read as follows:

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 requirements of this code shall govern.

- (d) Section 104.3 is amended to read as follows:

The code official’s right to enter and inspect property shall be exercised in accordance with section 1-3001 of the city’s municipal code, as that section currently exists and as it may be amended from time to time.

- (e) Section 106.2 is amended to read as follows:

Exempt work. The following work shall be exempt from the requirement 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 of other laws or ordinances of this jurisdiction.

- (f) Section 106.6 is deleted in its entirety.

- (g) Section 108.4 is deleted in its entirety.

- (h) Section 108.5 is amended to read as follows:

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 notices 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 after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or an unsafe condition, shall be guilty of a violation of this code.

- (i) Section 109 is deleted in its entirety.
- (j) Section 303.3 is amended to read as follows:

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, vented wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fire place 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. All *combustion air* shall be taken directly from the outdoors in accordance with Section 304.6.

- (k) Section 406.4.1 is amended to read as follows:

The test pressure to be used shall be no less than 1½ times the proposed maximum working pressure, but not less than 20 psig (137.9 kPa gauge), 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.

- (l) Section 407.1.1, entitled "Metallic Piping Support, is added to read as follows:

Schedule 40 (or heavier) metallic piping when supported from above shall be in accordance with Table 407.1.1 and shall be spaced in accordance with Table 415.1.

Table 407.1.1
Piping Supports

Piping and Tubing Size (inches)	Rod Size (inches)
1/2 – 4	3/8
5 – 8	1/2
10 -12	5/8

- (m) Section 501.8 is amended by the deletion of numbered paragraphs 5, 8 and 10 and the renumbering of the remaining paragraphs to be consecutive.

- (n) Renumbered paragraph 7 of Section 501.8 is amended to read as follows:

Direct-fired makeup air heaters complying with Sections 611 and 612.

- (o) Numbered paragraph 2 of Section 503.8 is amended to read as follows:

A mechanical draft venting system, excluding direct vent appliances shall terminate at least 4 feet (1219 mm) below, 4 feet (1219 mm) horizontally from, of 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 at least 18 inches (610 mm) above finished ground level or roof line.

- (p) Numbered paragraph 3 of Section 503.8 is amended to read as follows:

The vent terminal of a direct-vent appliance with an input of 10,000 Btu per hour (3 kW) or less shall be located at least 6 inches (152 mm) from any air opening into a building, and such an appliance with an input over 10,000 Btu per hour (3 kW) but not over 50,000 Btu per hour (14.7 kW) shall be installed with a 9-inch (230 mm) vent termination clearance, and an appliance with over 50,000 Btu/h (14.7 kW) shall have at least a 12-inch (305 mm) vent termination clearance. The bottom of the vent terminal and the air intake shall be located at least 18 inches (610 mm) above finished ground level or roof line.

- (q) Section 601.2, entitled "Prohibited Appliances," is added to read as follows:

Unvented room heaters, unvented gas logs, and/or unvented decorative appliances shall not be installed in any occupiable building.

- (r) Section 614.6.7 is amended to read as follows:

Where space for a clothes dryer is provided, an exhaust duct system shall be installed.

- (s) Section 621 is deleted in its entirety.

Sec. 5-4802. Permit Fees.

The fee for any permit issued pursuant to this code shall be set by resolution of the city council.

Sec. 5-4803. Appeals.

Any appeal from a decision of the code official based upon this code shall be made in accordance with, and governed by, article 3 of chapter 21 of the city's municipal code, as that article currently exists and as it may be amended from time to time.

SECTION 2. Any person who violates, disobeys, omits, neglects, refuses or fails to comply with or resists the enforcement of the IFGC, as amended herein, shall be subject to the penalties and remedies contained in the IFGC, as amended herein, or the City's municipal code, as either may be amended from time to time. The general penalties currently set forth in the City's municipal code are as follows:

Sec. 1-3003. Penalties in general.

- (a) *Misdemeanors.* Except as specified below, any person who violates, disobeys, omits, neglects, refuses or fails to comply with or resists the enforcement of any provision of this Code, the charter, or any provision of any code or other regulation adopted by reference shall be guilty of a misdemeanor and, upon conviction, shall be punished by the penalty specifically provided for such violation or, if none, then by a fine not exceeding one thousand dollars (\$1000.00), or imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment, in addition to any costs which may be assessed. Notwithstanding the foregoing, no person under the age of eighteen (18) years as of the date of the offense shall be subject to imprisonment.
- (b) *Traffic infractions.* A violation of any provision of the model traffic code shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under state law is designated as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be deemed to be a traffic infraction. All other violations of the model traffic code shall be considered misdemeanors punishable as described in paragraph (a) of this section. Any person convicted of a traffic infraction shall be subject to the penalty of a fine and any

surcharge, the total of which shall not exceed one thousand dollars (\$1,000.00) but shall not be subject to imprisonment.

- (c) *Civil infractions.* Any person convicted of violating any provision of this Code designated as a civil infraction shall pay a civil penalty for such infraction of not more than one thousand dollars (\$1,000.00) and may be required to pay all costs, direct and indirect, which the city incurred in connection with the civil infraction, including the cost of abating a nuisance, but shall not be subject to imprisonment except as provided in paragraph (d) of this section.
- (d) *Multiple civil infractions.* If a person who is alleged to have committed a violation of any provision of this Code that is classified as a civil infraction has been convicted of two (2) or more such violations within the twelve-month period immediately preceding the new alleged violation, then, whether or not the previous violations were committed at the same premises as the new alleged violation, the new alleged violation may be charged as a misdemeanor criminal offense that is subject to a penalty or imprisonment, costs, fees and any other orders imposed in accordance with this Code.

SECTION 3. This Ordinance shall take effect on June 1, 2012.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 7th DAY OF May, 2012.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 4th DAY OF June, 2012.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

