



Commerce City Amendments

to the

2018 International Swimming Pool and Spa Code

The city of Commerce City adopts the 2018 edition of the International Swimming Pool and Spa Code, including the standards referenced in such code (the "ISPSC"), save and except such amendments as set forth in this article.

The 2018 edition of the International Swimming Pool and Spa Code is amended in the following respects and adopted herein as amended (effective date December 4, 2019).

(a) Section C101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the city of Commerce City, hereinafter referred to as "this code."

(b) Section 102.9, 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 Building Safety," 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.

(d) Section 104.6, entitled "Right of entry," is deleted in its entirety and the following is added in lieu thereof:

104.6 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 105.6, entitled “Fees,” is deleted in its entirety and the following is added in lieu thereof:**

105.6 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.

(f) **Sections 105.6.1, 105.6.2, and 105.6.3 are deleted.**

(g) **Section 107, entitled “Violations, is deleted in its entirety and the following is added in lieu thereof:**

SECTION 107 - VIOLATIONS

107.1 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 shall erect, construct, alter, repair, remove, demolish or utilize any 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.

107.2 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.

107.3 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.

107.4 Unsafe Systems. Any system regulated by this code that is unsafe or that constitutes a fire or health hazard, unsanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of a system regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe system is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

107.4.1 Authority to condemn a system. Where the code official determines that any system, or portion thereof, regulated by this code has become hazardous to life, health or property or has become unsanitary, the code official shall order in writing that such system either be removed or restored to a safe and sanitary 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 system after receiving such notice. Where such a system 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.

107.4.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the pool or spa regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or the owner’s authorized agent and occupant of the building where the pool or spa is located shall be notified of the decision to disconnect utility service prior to taking action. If not notified prior to disconnecting, the owner, the owner’s authorized agent or the occupant of the building shall be notified in writing as soon as practical thereafter.

107.4.3 Connection after order to disconnect. A person shall not make connections from any energy, fuel, power supply or water distribution system, or supply energy, fuel or water to any equipment regulated by this code that has 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 equipment. When any system is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

(h) Section 108, entitled "Means of Appeal," is deleted in its entirety and the following is added in lieu thereof:

SECTION 108 – APPEALS

108.1 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.