

ORDINANCE NO. 4.94.4, Series of 2018

**TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.06.020, 11.06.050, 11.06.060 AND 11.06.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER MECHANICAL CODE**

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

**Section 1.** Section 11.06.020 of the Parker Municipal Code is amended to read as follows:

**11.06.020 International Mechanical Code adopted.**

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the International Mechanical Code, 2018 Edition, as published by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6<sup>th</sup> Floor, Washington, DC 20001, is hereby adopted by reference and incorporated into this Chapter as though fully set forth herein. Except as otherwise provided hereafter, such code is adopted in full, including the outline of contents, index and appendices contained therein.

**Section 2.** Section 11.06.050 of the Parker Municipal Code is repealed in its entirety and readopted to read as follows:

**11.06.050 Amendments.**

The International Mechanical Code, as adopted by this Chapter, is hereby amended as follows (section numbers correspond with those in the International Mechanical Code):

- (1) Delete Appendix Chapters A and B.
- (2) Amend Section 101.1, Title, to read:  

"**101.1 Title.** These regulations shall be known as the Parker Mechanical Code, hereinafter referred to as the 'code.'"
- (3) Sections 101.2, 101.2.1 and 101.3 remain unchanged.
- (4) The remainder of Chapter 1 of the code, entitled "Administration," is deleted in its entirety (*see* Parker Administrative Code contained in Chapter 11.01 of the Parker Municipal Code).
- (5) Amend Section 202, General definitions, to add new definitions to read:  

"*Certified Solid Fuel Burning Device* shall mean a solid fuel burning device which is certified by the Air Pollution Control Division of the Colorado Department of Public Health and Environment to meet the Emissions Standards

set forth in Section IV of Regulation No. 4 of Volume I of the Colorado Air Quality Control Commission, hereinafter referred to as 'State Regulations.'

"*Solid Fuel Burning Device* shall mean any fireplace, stove, firebox or device intended and/or used for the purpose of burning wood, coal, pulp, paper or other nonliquid or nongaseous fuel.

"*Wood Burning Fireplace* shall mean an open hearth or fire chamber or similar prepared place in which a fire may be made and which is built in conjunction with a chimney."

(6) Amend Section 505.2, Makeup air required, to read:

"**505.4 Makeup air required.** Exhaust hood systems capable of exhausting in excess of 600 cfm (0.19 m<sup>3</sup>/s) shall be provided with makeup air at a rate approximately equal to the exhaust air rate. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

"Makeup air systems shall be capable of maintaining a minimum makeup air temperature of 50° F (10° C) during the heating season."

(7) Delete Section 602.3, Stud cavity and joist space plenums, and replace with:

"**602.3 Stud cavity and joist space plenums.** Stud wall cavities and the spaces between floor joists shall not be utilized as air plenums."

(8) Amend Section 905.1, General, to add a new second paragraph to read:

"Installation of a certified solid fuel burning device will be permitted within the Town of Parker when such device meets the EPA Phase II or Colorado Phase III emissions testing as defined in the State Regulations."

**Section 3.** Section 11.06.060 of the Parker Municipal Code is amended to read as follows:

**11.06.060 Violation; penalty.**

In addition to the penalty provisions contained in the Parker Mechanical Code, any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not more than four hundred ninety-nine dollars (\$499.00) for each such violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 4.** Section 11.06.080 of the Parker Municipal Code is amended to read as follows:

**11.06.080 Effective date.**


The ordinance codified in this Chapter shall take effect on January 1, 2019.

**Section 5. Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, 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 Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

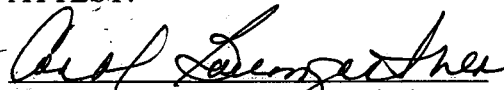
**Section 6. Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

**Section 7.** This Ordinance shall become effective ten (10) days after final publication.

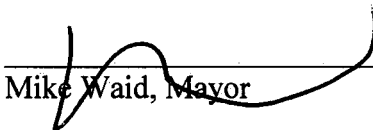
INTRODUCED AND PASSED ON FIRST READING this 15<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
Mike Waid, Mayor


ATTEST:

  
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Carol Baumgartner, Town Clerk

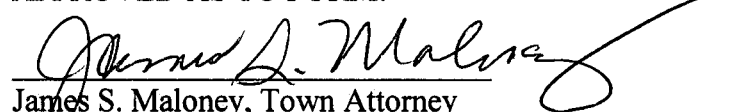
ADOPTED ON SECOND AND FINAL READING this 5<sup>th</sup> day of November, 2018.

  
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Mike Waid, Mayor

ATTEST:

  
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Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

  
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James S. Maloney, Town Attorney