

## ORDINANCE NO. 4

### Series 2025

October 21, 2025: Introduced as Council Bill 4, Series 2025 by Councilor Susan Maguire, seconded by Councilor Karen Fisher, and considered in full text on first reading. Passed by a vote of 4 yes and 0 no.

December 10, 2025: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE REPEALING AND RE-ENACTING ARTICLES I THROUGH VIII, REPEALING AND REPLACING ARTICLES IX, X, XI, AND XIII, RELOCATING ARTICLE XII WITHIN CHAPTER 18, AND ENACTING A NEW ARTICLE XIV OF CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING BUILDING AND FIRE REGULATIONS; ADOPTING BY REFERENCE, WITH CERTAIN AMENDMENTS, THE 2024 INTERNATIONAL BUILDING CODE, THE 2024 INTERNATIONAL EXISTING BUILDING CODE, THE 2024 INTERNATIONAL RESIDENTIAL CODE, THE 2020 NATIONAL GREEN BUILDING STANDARD, THE 2024 INTERNATIONAL MECHANICAL CODE, THE 2024 INTERNATIONAL PLUMBING CODE, THE 2024 INTERNATIONAL FUEL GAS CODE, THE 2024 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2023 NATIONAL ELECTRICAL CODE, THE 2024 INTERNATIONAL SWIMMING POOL AND SPA CODE, AND THE 2024 INTERNATIONAL FIRE CODE; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; UPDATING CROSS-REFERENCES THEREIN; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH**

**WHEREAS**, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

**WHEREAS**, the City is authorized to adopt and enforce police power regulations in furtherance of the health, safety, and welfare of its citizens; and

**WHEREAS**, periodically it is necessary for the City to update those building and fire codes that are adopted by reference to remain technically current; and

**WHEREAS**, the City Council desires to repeal the existing building and fire codes and adopt the 2024 editions of the International Building, International Existing Building, International Residential, International Mechanical, the International Plumbing, International Fuel Gas, International Energy Conservation, International Swimming Pool and Spa, and Fire Codes, the 2020 edition of the National Green Building Standards, and the 2023 National Electrical Code (the Codes"), and incorporate the Codes into the Cherry Hills Village Municipal Code with the amendments set forth herein; and

**WHEREAS**, the City Council desires to relocate Article XII, Service Expansion Fee, to Article XIII of Chapter 18 with no other changes thereto; and

**WHEREAS**, City Council finds that the adopted International Swimming Pool and Spa Code should be proximally located in the Cherry Hills Village Municipal Code ("Code") to other similar codes, and therefore desires to relocate the text of other articles within Chapter 18 of the Code without making any substantive changes and only updating cross-references therein as necessary.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:**

**Section 1.** Article 1, Chapter 18 of the Cherry Hills Village Municipal Code, entitled "International Building Code", is hereby repealed and re-enacted to read as follows:

#### **ARTICLE I - International Building Code**

##### **Sec. 18-1-10. - Adoption.**

There is hereby adopted by reference the *2024 International Building Code*, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771, except that portion of the *2024 International Building Code* entitled "2024 International Property Maintenance Code" ("IBC"). One (1) copy of such code and other codes adopted by

reference in the *2024 International Building Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and standards regulating the construction, alteration, moving, demolition, occupancy, use, height, area, and maintenance of all buildings or structures within the City for the purpose of protecting the public health, safety, and general welfare.

**Sec.18-1-20. - Amendments.**

Additions, deletions, amendments and changes to the IBC, as adopted by reference pursuant to Section 18-1-10, are hereby adopted as follows:

- (1) Section 101.1 is amended to insert "the City of Cherry Hills Village," so the section reads as follows:

**101.1 Title.** These regulations shall be known as the "Building Code of the City of Cherry Hills Village," hereinafter referred to as "this code."

- (2) Section 101.4.4 is deleted.

- (3) Section 103.1 is hereby amended by inserting "Building Division" so the section will read as follows:

**103.1 Creation of agency.** The Building Division is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

- (4) Section 105.2 is amended to read as follows:

**105.2 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 any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached, prefabricated storage sheds and pergolas with solid roofs that do not exceed 120 square feet that are located within the building envelope as defined by the appropriate setbacks and bulk plane required for the zone district and meeting all other zoning requirements.
2. Fences, walls, and berms three feet or less in height measured from natural grade and meeting all other zoning requirements.
3. Retaining walls that are not over four feet in height, measured from the bottom of the footing to the top of the wall, unless supporting surcharge or impounding Class I, II, or II-A liquids, and meeting all other zoning requirements.
4. Sidewalks and driveways. For the purposes of this code the term "driveways" shall mean an access route, paved or unpaved, for use by vehicles. Permits are required for driveways if they are:
  - a. More than 30 inches above grade,
  - b. Located over any basement or constructed space, or
  - c. Not providing access to a garage used for the storage of automobiles.
5. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
6. Swings and other playground equipment that are accessory to single-family dwellings.
7. Movable cases, counters, and partitions not over six feet in height.

- (5) Section 105.3 item # 6 is hereby amended to read as follows:

6. Be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or

entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract, or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application.

- (6) Section 105.3.2 is hereby amended to read as follows:

**105.3.2 Time limitation of permit application.** An application for a permit for any proposed work shall be deemed to have been abandoned ninety (90) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one extension of time for an additional period not to exceed ninety (90) days. The extension shall be requested in writing and justifiable cause demonstrated.

- (7) Section 105.5 is hereby amended to read as follows:

**105.5 Expiration.** Every permit issued shall become invalid: (1) if the work on the site authorized by such permit is not commenced within ninety (90) days after its issuance; or (2) if the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced.

In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6.

- (8) A new Section 105.5.1 is hereby added and shall read as follows:

**105.5.1 Project completion.** If the construction described in any building permit has not been completed to the point where a certificate of occupancy may be issued - or a final building inspection performed in cases where no certificate of occupancy is required - within eighteen (18) months after the date of issuance thereof, said building permit shall expire and be deemed canceled by the code official. Written notice thereof shall be given to the applicant, together with notice that further construction as described in the canceled permit shall not proceed unless and until a new building permit has been obtained and all fees have been paid.

The code official may authorize up to two four-month extensions of a permit, provided that the applicant pays a fee calculated as follows:

1. 1<sup>st</sup> Extension: A fee equal to 25 percent (25%) of the original permit fee.
2. 2<sup>nd</sup> Extension: A fee equal to 50 percent (50%) of the original permit fee.

Upon expiration of the second four-month extension, the permit is expired. A new permit is required for any remaining work on the project.

- (9) Section 107.2.5 is hereby amended by adding the following to the end of the paragraph:

Construction documents shall be submitted with the application for permit. Such documents shall be accompanied by a site plan, drawn to scale and in accordance with an accurate survey, including the following information:

1. The size and location of new construction and existing structures on the site noting all portions of the structure, including but not limited to eaves, overhangs and cantilevered elements.
2. Setback distances from lot lines appropriate for the parcel's zoning.
3. Existing grade contours in one-foot intervals in North American Vertical Datum of 1988 (NAVD88) datum.
4. The established street grades and the proposed finished grades in NAVD88 datum.
5. Location of designated 100-year floodplain boundary.

6. For all new structures, or proposals to increase the square footage of a structure on a lot by more than 2,500 square feet (inclusive of only structure additions, hardscapes and pavements), the proposed contours and drainage plan required by the Arapahoe County Stormwater Management Manual, as the same may be amended from time to time. A copy of the manual is on file in the Community Development Department.
7. For all new structures and proposals to increase the square footage of a structure by fifty percent (50%) or more, a site plan showing the proposed location of all outdoor light fixtures, a light fixture schedule, and lumen output of each fixture.

In the case of demolition, a site plan shall be submitted with the demolition application, showing:

1. Construction to be demolished (structures and their foundations).
2. The location and size of existing structures and construction that are to remain on the site.
3. Existing contours in one-foot (1') intervals in U.S.G.S. datum.

A site plan is required for projects such as, but not limited to, the addition of new square footage or a change in the use of existing square footage that requires changes to the site. Site plans are not required in most cases for electrical, plumbing, or mechanical work.

The code official may request a copy of the survey from which the site plan is based upon to verify the accuracy of the site plan and may waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

- (10) Section 108.1 is hereby amended to read as follows:

**108.1 General.** The code official is authorized to issue a permit for only such temporary structures and temporary uses that are allowed by the City of Cherry Hills Village Municipal Code. Such permits shall conform to the rules and regulations adopted by the City of Cherry Hills Village regarding temporary structures and uses.

- (11) A new Section 109.2.1 is hereby added and shall read as follows:

**109.2.1 Fee schedules.** Permit fees shall be set by resolution of the City Council.

- (12) Section 109.3 is hereby amended to read as follows:

**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. For the purpose of determining the valuation for new construction, the code official for the City of Cherry Hills Village will use the value provided by the permit applicant or the most current Building Valuation Data table published by the International Code Council as of the application date, whichever is higher. No regional modifier will be used in calculating the valuation of construction.

- (13) Section 109.4 is hereby amended to read as follows:

**109.4 Work commencing before permit issuance.** Any person who commences work before obtaining any necessary permits shall be subject to penalties and enforcement set forth in Chapter 18, Article XI of the Cherry Hills Village Municipal Code.

- (14) Section 109.6 is hereby amended to read as follows:

**109.6 Fee refunds.** The City of Cherry Hills Village authorizes the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder that was erroneously paid or collected.

2. The full amount of any building permit fee paid hereunder, less an administrative fee set by City Council resolution, when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.
4. The full amount of the plan review fee paid hereunder, less an administrative fee set by City Council resolution, for a permit application for which a plan review fee has been paid, but subsequently is withdrawn or canceled before any plan review effort has been expended.

(15) Section 113.3 is hereby amended to read as follows:

**113.3 Qualifications; Rules of Procedure.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

(16) Section 114 is hereby amended to read in its entirety as follows:

**114.1 General.** Violations of this code shall be governed by Chapter 18, Article XI of the Cherry Hills Village Municipal Code.

(17) Section 115 is hereby amended to read in its entirety as follows:

**115.1 General.** The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-11-30, Cherry Hills Village Municipal Code.

(18) Section 116 is hereby amended by the addition of Section 116.1.1 to read as follows:

**116.1 Unsafe conditions.** Unsafe structures shall be taken down and removed or made safe, as the code official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry may be deemed unsafe.

**116.1.1 Unsafe structures.** For the purpose of this code, any building or structure which has any or all of the conditions or defects, as determined by the code official, hereinafter described may be deemed to be an unsafe structure, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1½ times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the International Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the International Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the International Building Code or of any law or ordinance of this jurisdiction relating to the condition, location or structure of buildings unless a permit was previously issued for that specific construction or maintenance.
14. Whenever any building or structure has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or



structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

- (19) Section 1612.3 is hereby amended to read as follows:

**1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the City Council shall adopt a flood hazard map and supporting data pursuant to Article V of Chapter 16 of the Municipal Code. The flood hazard map shall include the areas of special flood hazard as identified in Subsection 16-5-120, Cherry Hills Village Municipal Code. Said areas of special flood hazard are hereby adopted by reference and declared to be part of this section.

- (20) A new Section 3010 is hereby added and shall read as follows:

## **Section 3010**

### **Existing Elevators and Escalators**

**3010.1 Scope.** This section shall apply to existing installations of elevators, dumbwaiters, escalators, and moving walks and provides for the inspection and maintenance of such conveyances.

Exception: Conveyances located within a dwelling unit.

**3010.2 Certificates of inspection required.** It shall be unlawful to operate any elevator, dumbwaiter, escalator, moving walk, Limited Use Limited Access (LULA), stair chair, material lift, or vertical / inclined wheelchair lift (collectively, "lift") without a current certificate of inspection issued by the code official. Such certificate shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspections and tests have been performed in accordance with Part X of the American Society of Mechanical Engineers ("ASME") code. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3015.

**3010.3 Application for certificates of inspection.** The owner of any lift referenced in Section 3010.2 shall make application for an annual certificate of inspection. Permit fees shall be set by resolution of the City Council.

**3010.3.1 Fees.** Permit fees shall be set by resolution of the City Council.

(Each escalator or moving walk unit powered by one motor shall be considered as a separate escalator or moving walk.)

**3010.4 Referenced standards.** Elevators and escalators shall conform to ASME A17.1-2007. Vertical and Inclined platform lifts shall comply with ASME A18.1-2005 published by ASME.

**3010.5 Requirements for operation and maintenance.** The owner shall be responsible for the safe operation and maintenance of each lift referenced in Section 3010.2, and shall cause periodic inspections, tests, and maintenance to be made on such conveyances as required in this section.

**3010.5.1 Periodic inspections and tests.** Routine and periodic inspections and tests (including 5-yr. witnessed tests) shall be made as required by Part X of the ASME A17.1 Elevator and Escalator Safety Code and the State of Colorado Elevator and Escalator Certification Act. The owner shall pay all costs of such inspections and tests. A full and correct report of such inspection shall be filed with the code official after each required inspection.

- (21) Only the following Appendix Chapters are hereby adopted:

Appendix C — Group U - Agricultural Buildings

Appendix I — Patio Covers

**Section 2.** Article II, Chapter 18, of the Cherry Hills Village Municipal code, entitled "International Existing Building Code," is hereby repealed and re-enacted to read as follows:

## **ARTICLE II - International Existing Building Code**

### **Sec. 18-2-10. - Adoption.**

There is hereby adopted by reference the *2024 International Existing Building Code*, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771 ("IEBC"). One copy of such code and other codes adopted by reference in the *2024 International Existing Building Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and standards regulating the repair, alteration, change of occupancy, addition to, and relocation of existing buildings within the City for the purpose of protecting the public health, safety, and general welfare.

### **Sec. 18-2-20. - Amendments.**

Additions, deletions, amendments and changes to the IEBC, as adopted by reference pursuant to Section 18-2-10, are hereby adopted as follows:

- (1) Section 101.1 is hereby amended to insert "the City of Cherry Hills Village," so the section will read as follows:

**101.1 Title.** These regulations shall be known as the "Existing Building Code of the City of Cherry Hills Village," hereinafter referred to as "this code." (2) Section 105.1 is hereby deleted and replaced with the following language.

**105.1. Permits.** Any owner or owner's authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit in accordance with the applicable code for the work. This includes the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, the National Electrical Code, the International Swimming Pool and Spa Code, and the International Fire Code, as adopted and amended by Chapter 18, Cherry Hills Village Municipal Code.

**Section 3.** Article III, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Residential Code and National Green Building Standard", is hereby repealed and re-enacted to read as follows:

## **ARTICLE III - International Residential Code and National Green Building Standard**

### **Sec. 18-3-10. - Adoption of International Residential Code.**

There is hereby adopted by reference the *2024 International Residential Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 ("IRC"). One copy of such code and other codes adopted by reference in the *2024 International Residential Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this code includes the design and construction of one- and two-family dwellings and townhomes in the City for the purpose of protecting the public health, safety, and general welfare.

### **Sec. 18-3-20. - Amendments to International Residential Code.**

Additions, deletions, amendments and changes to the IRC, as adopted by reference pursuant to Section 18-3-10, are hereby adopted as follows:

- (1) Section R101.1 is hereby amended by inserting "City of Cherry Hills Village," to read as follows:



**R101.1 Title.** These regulations shall be known as the "Residential Code for One- and Two-Family Dwellings of the City of Cherry Hills Village," hereinafter referred to as "this code."

- (2) Section R101.2 is hereby amended to read in full as follows:

**R101.2 Scope.** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use, and occupancy, location, removal, and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures.

Exception: The following shall be permitted to be constructed in accordance with this code where provided with an automatic sprinkler system complying with Section P2904:

1. Live/work units located in townhouses and complying with the requirements of Section 508.5 of the International Building Code.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A day care facility for five or fewer persons of any age receiving care within a dwelling unit.

- (3) Section R105.2 is hereby amended to read as follows:

**R105.2 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 any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Other than storm shelters, one-story detached, prefabricated storage sheds and pergolas with solid roofs that do not exceed 120 square feet that are located within the building envelope as defined by the appropriate setbacks and bulk plane required for the zone district and meeting all other zoning requirements.
2. Fences, walls and berms three feet (3') or less in height, measured from natural grade and meeting all other zoning requirements.
3. Retaining walls that are not over four feet (4') in height measured from the bottom of the footing to the top of the wall, unless supporting surcharge or impounding Class I, II or II-A liquids, and meeting all other zoning requirements.
4. Sidewalks and driveways. For purposes of this code, the term "driveways" shall mean an access route, paved or unpaved for use by vehicles. Permits are required for driveways if they are:
  - a. More than thirty inches above grade,
  - b. Located over any basement or constructed space, or
  - c. Not providing access to a garage used for the storage of automobiles.
5. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
6. Swings and other playground equipment that are accessory to single-family dwellings.
7. Movable cases, counters, and partitions not over six feet in height.

- (4) Section R105.3(6) is hereby amended to read as follows:

6. Be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract, or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application.

- (5) Section R105.3.2 is hereby amended to read as follows:

**R105.3.2 Time limitation of permit application.** An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one extension of time for an additional period not to exceed 90 days. The extension shall be requested in writing and justifiable cause demonstrated.

- (6) Section R105.5 is hereby amended to read as follows:

**R105.5 Expiration of permits.** Every permit issued shall become invalid: (1) if the work on the site authorized by such permit is not commenced within 90 days after its issuance; or (2) if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *Building Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

- (7) A new Section R105.5.1 is hereby added and shall read as follows:

**R105.5.1 Project completion.** If the construction described in any building permit has not been completed to the point where a certificate of occupancy may be issued - or a final building inspection performed in cases where no certificate of occupancy is required - within 18 months after the date of issuance thereof, said building permit shall expire and be deemed canceled by the code official. Written notice thereof shall be given to the applicant, together with notice that further construction as described in the canceled permit shall not proceed unless and until a new building permit has been obtained and all fees have been paid.

The code official may authorize up to two four-month extensions of a permit, provided that the applicant pays a fee calculated as follows:

1. 1<sup>st</sup> Extension: A fee equal to 25 percent of the original permit fee.
2. 2<sup>nd</sup> Extension: A fee equal to 50 percent of the original permit fee.

Upon expiration of the second four-month extension, the permit is expired. A new permit is required for any remaining work on the project.

- (8) Section R106.2 is hereby amended by adding the following to the end of the section:

Construction documents shall be submitted with the application for permit. Such documents shall be accompanied by a site plan, drawn to scale and in accordance with an accurate survey including the following information:

1. The size and location of new construction and existing structures on the site noting all portions of the structure, including but not limited to eaves, overhangs, and cantilevered elements.
2. Setback distances from lot lines appropriate for the parcel's zoning.
3. Existing grade contours in one-foot intervals in North American Vertical Datum of 1988 ("NAVD88") datum.

4. The established street grades and the proposed finished grades in NAVD88 datum.
5. Location of designated 100-year floodplain boundary on subject property.
6. For all new residences, or proposals to increase the square footage of a residence on a lot by more than 2,500 square feet (inclusive of only structure additions, hardscapes, and pavements), the proposed contours and drainage plan required by the Arapahoe County Stormwater Management Manual, as the same may be amended from time to time. A copy of the manual is on file in the Community Development Department.
7. For all new residences and proposals to increase the square footage of a residence by 50 percent or more, a site plan showing the proposed location of all outdoor light fixtures, a light fixture schedule, and lumen output of each fixture.

In the case of demolition, a site plan shall be submitted with the demolition application, showing:

1. Construction to be demolished (structures and their foundations).
2. The location and size of existing structures and construction that are to remain on the site.
3. Existing contours in one-foot intervals in U.S.G.S. datum.

A site plan is required for projects such as, but not limited to, the addition of new square footage or a change in the use of existing square footage that requires changes to the site. Site plans are not required in most cases for electrical, plumbing, or mechanical work.

The code official may request a copy of the survey from which the site plan is based upon to verify the accuracy of the site plan and may waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

- (9) A new Section R106.1.6 is hereby added and shall read as follows:

**R106.1.6 Electrical Drawings.** Electrical drawings showing compliance with part VIII of this code and the *Electrical Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code ("NEC"), shall be provided. The documents shall provide the following information.

1. Provide a one-line diagram that includes all of the electrical service equipment, all of the conduit and conductor sizes, all of the feeder panels, the entire grounding electrode system, and the grounding electrode conductor sizes, in order to demonstrate compliance with NEC 310.15(B), NEC 250.66 and NEC 250.122.
2. Provide a floor plan with the location of all of the electrical service equipment, service disconnect(s), and panel(s) in order to demonstrate compliance with NEC 110.26.
3. Provide fault current calculations. Provide the short circuit current rating of all of the service equipment and the feeder panel(s), in order to demonstrate compliance with NEC 110.9.
4. Provide the load calculations for the service, each service disconnect, each feeder panel, and each branch circuit to demonstrate compliance with NEC 220.
5. Provide a complete mechanical schedule.
6. Provide the location of all of the electrical outlets and switching devices.
7. All GFCI protected receptacles and weather-proof receptacles shall be identified on the floor plans to demonstrate compliance with NEC 210.8(A).

8. Identify each branch circuit that is AFCI protected on the panel schedules in order to demonstrate compliance with NEC 210.12(A).
- (10) Section R107.1 is hereby amended to read as follows:
- R107.1 General.** The code official is authorized to issue a permit for only such temporary structures and temporary uses that are allowed by the Cherry Hills Village Municipal Code. Such permits shall conform to the rules and regulations adopted by the City of Cherry Hills Village regarding temporary structures and uses.
- (11) A new Section R108.2.1 is hereby added and shall read as follows:
- R108.2.1 Fee schedule.** Permit fees shall be set by resolution of the City Council.
- (12) Section R108.3 is hereby amended to read as follows:
- R108.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. For the purpose of determining the valuation for new construction, the code official will use the value provided by the permit applicant or the most recent Building Valuation Data table published by the International Code Council as of the application date, whichever is higher. No regional modifier will be used in calculating the valuation of construction.
- (13) Section R108.5 is hereby amended to read as follows:
- R108.5 Fee refunds.** The City of Cherry Hills Village shall authorize the refunding of fees as follows:
1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
  2. The full amount of any building permit fee paid hereunder, less an administrative fee set by City Council resolution, when no work has been done under a permit issued in accordance with this code.
  3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.
  4. The full amount of the plan review fee paid hereunder, less an administrative fee set by City Council resolution, for a permit application for which a plan review fee has been paid, but subsequently is withdrawn or canceled before any plan review effort has been expended.
- (14) Section R112.3 is hereby amended to read as follows:
- R112.3 Qualifications; Rules of Procedure.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.
- (15) Section R113.1 is hereby amended to read in its entirety as follows:
- R113.1 General.** Violations of this code shall be governed by Chapter 18, Article XI, Cherry Hills Village Municipal Code.
- (16) Section R114.1 is hereby amended to read in its entirety as follows:
- R114.1 General.** The issuance of stop work orders and notices for violations of this code shall be governed by Section 18-11-30, Cherry Hills Village Municipal Code.
- (17) A new Section R115 is hereby added and shall read as follows:

## SECTION R115

### UNSAFE STRUCTURES AND EQUIPMENT

**R115.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition.. Unsafe structures shall be taken down and removed or made safe, as the code official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry may be deemed unsafe.

**R115.1.1 Unsafe structures.** For the purpose of this code, any building or structure which has any or all of the conditions or defects, as determined by the code official hereinafter described may be deemed to be an unsafe structure, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1½ times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the International Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the International Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the International Building Code or of any law or ordinance of this jurisdiction relating to the condition, location or structure of buildings unless a permit was previously issued for that specific construction or maintenance.
14. Whenever any building or structure has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**R115.2 Record.** The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**R115.3 Notice.** If an unsafe condition is found, the code official shall serve on the owner of the structure, or the owner's authorized agent, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of the order.

**R115.4 Method of service.** Such notice shall be deemed properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered to the owner personally.
2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.



If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent shall constitute service of notice on the owner.

**R115.5 Restoration or abatement.** Where the structure or equipment determined to be unsafe by the code official is being restored to be restored to a safe condition, the owner, the owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of this code and the International Building Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, the International Energy Conservation Code, the National Electrical Code, the International Swimming Pool and Spa Code, and the International Fire Code.

- (18) The definition of *accessory structure* in Section R202 is hereby amended to read as follows:

**ACCESSORY STRUCTURE.** A structure not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot.

- (19) Section 301.1 is hereby amended to add an exception at the end of the Section as follows:

Exception: Greenhouse structures having a floor area of 200 square feet or less shall not be required to comply with the wind and snow load requirements of this code.

- (20) Table R301.2 (1) is hereby amended to read as follows:

TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Design				Seismic Design Category
	Speed (mph)	Topographic effects	Special wind region	Wind-borne debris zone	
30 psf	115	No	No	No	B

TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA (cont.)

Subject To Damage From			Ice Barrier Underlayment Required	Flood Hazards
Weathering	Frost Line Depth	Termites		
Severe	36 in.	Slight/Moderate	Yes	August 1995

TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA – MANUAL J DESIGN CRITERIA

Elevation	Altitude correction factor	Coincident wet bulb	Indoor winter design relative humidity	Indoor winter design dry-bulb temperature	Outdoor winter design dry-bulb temperature	Heating temperature difference
5283	0.84	59	30%	70	1	69
Latitude	Daily range	Summer design gains	Indoor winter design relative humidity	Indoor winter design dry-bulb temperature	Outdoor winter design dry-bulb temperature	Colling temperature difference
39 North	High	-25 - -60	50%	75	91	16



(21) A new Section R1007 is hereby added and shall read as follows:

**Section R1007**

**Pollution Control**

**R1007.1. Fireplace pollution control.** Any new or remodeled fireplace installed in any dwelling shall be one of the following:

1. A gas appliance;
2. An electric device; or
3. A fireplace or fireplace insert that meets the most stringent emission standards for wood stoves established by the State of Colorado Regional Air Quality Control Commission; or
4. Any other clean-burning device approved by the State of Colorado Regional Air Quality Control Commission.

(22) Chapter 11 is hereby deleted, and the 2024 International Energy Conservation Code shall apply.

(23) A new Section G2426.5.1 is hereby added and shall read as follows:

**G2426.5.1 Plastic Pipe Testing.** Plastic vents for Category IV appliances shall be tested on completion of the installation by air without evidence of leakage. The portion under test shall be maintained at a gauge pressure of 5 pounds per square inch (psi) (34 kPa) or 10 inches of mercury column (34 kPa). This pressure shall be held without introduction of additional air for a period of 15 minutes.

(24) A new Section G2432.3.1 is hereby added and shall read as follows:

**G2432.3.1 Unvented decorative appliances.** Unvented decorative appliances shall not be installed within a dwelling unit.

Exception: Unvented decorative appliances located on the exterior of the building in accordance with the manufacturer's installation instructions.

(25) Section P2603.5.1 is hereby amended by inserting "60," at two locations so the section will read as follows:

Building sewers that connect to private sewage disposal systems shall be not less than 60 inches (1524 mm) below finished grade at the point of septic tank connection. Building sewers shall be not less than 60 inches (1524 mm) below grade.

(26) A new Section P3002.2.2 is hereby added and shall read as follows:

**P3002.2.2 Building Sewer lines** shall be either ductile iron or plastic pipe materials in accordance with Table P3002.2.

(27) A new Section P3005.3.1 is hereby added and shall read as follows:

**P3005.3.1 Building sewers** shall be a minimum of 4-inch installed on a minimum slope of ¼ unit vertical in 12 units horizontal (2-percent slope). All taps to sewer mains shall be located within the street right-of-way or within permanent easements to which the sewer district has free right of access. A tracer wire shall be installed with the building sewer and tap from the structure to the sewer main.

(26) Only the following Appendix Chapters of the International Residential Code are hereby adopted:

- a. Appendix BF — Patio Covers.
- b. Appendix BH — Automatic Vehicular Gates

**Sec. 18-3-30. - Adoption of National Green Building Standard.**

There is hereby adopted by reference the *National Green Building Standard ICC 700-2020*, including Appendix Chapters, as published by the National Association of Home Builders

of the United States, 1201 15<sup>th</sup> Street NW, Washington, DC 20005-2800. One copy of such code and other codes adopted by reference in the *National Green Building Standard ICC 700-2020*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this Standard relates to criteria for rating the environmental impact of design and construction practices to achieve voluntary conformance with specified performance levels for green residential buildings in the City of Cherry Hills Village. The National Green Building Standard shall be referred to herein as the "Standard."

**Sec. 18-3-40. - Amendments to National Green Building Standard.**

Additions, deletions, amendments and changes to the Standard, as adopted by reference pursuant to Section 18-3-30, are hereby adopted as follows:

- (1) Section 103.1 shall be amended by the addition of new sub-sections 103.1.1 and 103.1.2 to read as follows:  
  
**103.1.1** The Bronze level shall be the minimum performance level to ensure compliance with the standard.  
  
**103.1.2** Verification for compliance shall be determined by the adopting entity or an approved third-party agency.
- (2) Section 103.2 shall be added to read as follows:  
  
**103.2** Green plan review fees for all new residences shall be set forth by resolution of the City Council.
- (3) Section 305 shall be deleted in its entirety.
- (4) The first sentence of Section 503.4 shall be amended to read as follows:  
  
**503.4 Stormwater management.** Stormwater management shall be deemed to comply with section 503.4(2) to receive thirteen (13) points when the stormwater requirements of the City of Cherry Hills Village have been achieved. Further points may be obtained in this section by following low-impact development/green infrastructure stormwater management techniques.
- (5) The first sentence of Section 605.2 shall be amended to read as follows:  
  
**605.2 On-site recycling.** On-site recycling measures are mandatory and will receive seven points provided that it is done in compliance with applicable regulations and codes.

**Sec. 18-3-50. - Incentive rebate program.**

- (1) To encourage the construction of Dwelling Units to the Standard, the City authorizes the following rebates for Dwelling Units that achieve specified rating levels defined in Section 303 of the Standard, as evidenced by a "Home Innovation NGBS Green Certified" certificate issued by the National Association of Home Builders Research Center:

<i>Rating Level</i>	<i>Building Permit Fee Rebate (% of Fee Paid Pursuant to City Council resolution)</i>
Bronze	10%
Silver	15%
Gold	20%

<i>Rating Level</i>	<i>Building Permit Fee Rebate (% of Fee Paid Pursuant to City Council resolution)</i>
Emerald	25%

- (2) The rebate shall be paid to the owner of the Dwelling Unit within 90 days after:
1. The code official's receipt of a "Home Innovation NGBS Green Certified" certificate issued by the National Association of Home Builders Research Center specifying the level of certification achieved; and
  2. The City's issuance of a certificate of occupancy for the Dwelling Unit.

**Section 4.** Article IV, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Mechanical Code", is hereby repealed and re-enacted to read as follows:

**ARTICLE IV - International Mechanical Code**

**Sec. 18-4-10. - Adoption.**

There is hereby adopted by reference the *2024 International Mechanical Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 ("IMS"). One copy of such code and other codes adopted by reference in the *2024 International Mechanical Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the regulation and control of the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, comfort cooling and refrigeration systems, incinerators and other miscellaneous heat-producing appliances; construction, enlargement, alteration, repair, removal, demolition, equipment and use of buildings and structures and the standards for design and installation of heating, ventilation and air conditioning units; plumbing systems and fuel gas systems within buildings and structures within the City for the purpose of protecting the public health, safety, and general welfare.

**Sec. 18-4-20. - Amendments.**

Additions, deletions, amendments and changes to the IMS, as adopted by reference pursuant to Section 18-4-10, are hereby adopted as follows:

- (1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

**101.1 Title.** These regulations shall be known as the "*Mechanical Code of the City of Cherry Hills Village*," hereinafter referred to as "this code."

- (2) Section 103.1 is hereby amended by inserting "Building Division," so the section will read as follows:

**103.1 Creation of agency.** The Building Division is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

- (3) Section 105.3 is hereby amended to read as follows:

**105.3 Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake

work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

- (4) Section 105.4.3 is hereby amended to read as follows:

**105.4.3 Expiration.** Every permit issued shall become invalid: (1) if the work on the site authorized by such permit is not commenced within 90 days after its issuance; or (2) if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *Building Code of the City of Cherry Hill Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

- (5) Section 108.2 is hereby amended as follows:

**108.2 Fee schedule.** Permit fees shall be set by resolution of the City Council.

- (6) Section 108.6 is hereby amended to read as follows:

**108.6 Fee refunds.** The City shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
2. The full amount of any building permit fee paid hereunder, less an administrative fee set by City Council resolution, when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.
4. The full amount of the plan review fee paid hereunder, less an administrative fee set by City Council resolution, for a permit application for which a plan review fee has been paid, but subsequently is withdrawn or canceled before any plan review effort has been expended.

- (7) Section 113.1 is hereby amended to read as follows:

**113.1 Membership of Board; Rules of Procedure.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

- (8) Section 114 is hereby amended to read in its entirety as follows:

**114 General.** Violations of this code shall be governed by Chapter 18, Article XI of the Cherry Hills Village Municipal Code.

- (9) Section 1109.2.5 is hereby amended to read in its entirety as follows:

Piping in a direct refrigeration system where the refrigerant quantity does not exceed the limits of Table 1103.1 for the smallest occupied space through which the piping passes.

**Section 5.** Article V, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Plumbing Code", is hereby repealed and re-enacted to read as follows:

## **ARTICLE V - International Plumbing Code**

#### **Sec. 18-5-10. - Adoption.**

There is hereby adopted by reference the *2024 International Plumbing Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 or any other plumbing code revision approved by the State of Colorado (collectively, the "IPC"). One copy of such code and other codes adopted by reference in the *2024 International Plumbing Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this code includes minimum provisions and standards for the installation, alteration, or repair of plumbing and drainage systems and equipment within or on public or private buildings or other structures in the City and provides for the inspection thereof within the City for the purpose of protecting the public health, safety, and general welfare.

#### **Sec. 18-5-20. - Amendments.**

Additions, deletions, amendments and changes to the IPC, as adopted by reference pursuant to Section 18-5-10, are hereby adopted as follows:

- (1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

**101.1 Title.** These regulations shall be known as the "*Plumbing Code of the City of Cherry Hills Village*," hereinafter referred to as "this code."

- (2) Section 103.1 is hereby amended by inserting "Building Division," so the section will read as follows:

**103.1 Creation of agency.** The Building Division is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

- (3) Section 105.3 is hereby amended to read as follows:

**105.3 Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract, or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information required by the code official.

- (4) Section 105.5.3 is hereby amended to read as follows:

**105.5.3 Expiration.** Every permit issued shall become invalid: (1) if the work on the site authorized by such permit is not commenced within 90 days after its issuance; or (2) if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. In no event shall a permit remain active longer than two years. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *Building Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

- (5) Sections 114.2 through 114.6 are hereby deleted.

- (6) Section 108.2 is hereby amended to read as follows:

**108.2 Fee schedule.** Permit fees shall be set by resolution of the City Council.

(7) Section 108.6 is hereby amended to read as follows:

**108.6 Fee refunds.** The code official shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
2. The full amount of any building permit fee paid hereunder, less an administrative fee set by City Council resolution, when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies and building overhead.
4. The full amount of the plan review fee paid hereunder, less an administrative fee set by City Council resolution, for a permit for which a plan review fee has been paid but is withdrawn or canceled before any plan review effort has been expended.

(8) Section 113.1 is hereby amended to read as follows:

**113.1 Membership of Board; Rules of Procedure.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

(9) Section 114.1 is hereby amended to read as follows:

**114.1 General.** Violations of this code shall be governed by Chapter 18, Article XI, Cherry Hills Village Municipal Code.(10) Section 305.4.1 is hereby amended to read as follows:

**305.4.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of 60 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 60 inches below grade.

(11) Section 903.1.1 is hereby amended to read as follows:

**903.1 Roof extension unprotected.** Open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection (e.g., an observation deck), the vent extensions shall be run at least seven feet above the roof.

**Section 6.** Article VI, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Fuel Gas Code", is hereby repealed and re-enacted to read as follows:

## **ARTICLE VI - International Fuel Gas Code**

### **Sec. 18-6-10. - Adoption.**

There is hereby adopted by reference the *2024 International Fuel Gas Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 ("IFGC"). One copy of such code and other codes adopted by reference in the *2024 International Fuel Gas Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this code includes minimum provisions and safety standards for the regulations of fuel gas systems and gas-fired appliances within buildings and structures in the City for the purpose of protecting public health, safety, and general welfare.

### **Sec. 18-6-20. - Amendments.**

Additions, deletions, amendments and changes to the IFGC, as adopted by reference pursuant to Section 18-6-10, are hereby adopted as follows:

- (1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

**101.1 Title.** These regulations shall be known as the "*Fuel Gas Code of the City of Cherry Hills Village*," hereinafter referred to as "this code."

- (2) Section 105.3 is hereby amended to read as follows:

**105.3 Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

- (3) Section 105.5.3 is hereby amended to read as follows:

**105.5.3 Expiration of permits.** Every permit issued shall become invalid: (1) if the work on the site authorized by such permit is not commenced within 90 days after its issuance; or (2) if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. In no event shall a permit remain active longer than two years. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *Building Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

- (4) Sections 113.2 through 113.6 are hereby deleted.

- (5) Section 108.2 is hereby amended to read as follows:

**108.2 Fee schedule.** Permit fees shall be set by resolution of the City Council.

- (6) Section 108.6 is hereby amended to read as follows:

**108.6 Fee refunds.** The code official shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
2. The full amount of any building permit fee paid hereunder, less an administrative fee set by City Council resolution, when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.
4. The full amount of the plan review fee paid hereunder, less an administrative fee set by City Council resolution, for a permit application for which a plan review fee has been paid but subsequently is withdrawn or canceled before any plan review effort has been expended.

- (7) Section 112.3 is hereby amended to read as follows:



**112.3 Membership of Board; Rules of Procedure.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

- (8) Section 113.1 is hereby amended to read as follows:

**113.1 General.** Violations of this code shall be governed by Chapter 18, Article XI, Cherry Hills Village Municipal Code.

- (9) A new Section 602.3.1 is hereby added and shall read as follows:

**602.3.1 Unvented decorative appliances.** Unvented decorative appliances shall not be installed within a building.

Exception: Unvented decorative appliances located on the exterior of the building in accordance with the manufacturer's installation instructions.

- (10) A new Section 502.5.1 is hereby added and shall read as follows:

**502.5.1 Plastic Pipe Testing.** Plastic vents for Category IV appliances shall be tested on completion of the installation by air without evidence of leakage. The portion under test shall be maintained at a gauge pressure of 5 pounds per square inch (psi) (34 kPa) or 10 inches of mercury column (34 kPa). This pressure shall be held without introduction of additional air for a period of 15 minutes.

**Section 7.** Article VII, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Energy Conservation Code", is hereby repealed and re-enacted to read as follows:

#### **ARTICLE VII - International Energy Conservation Code**

##### **Sec. 18-7-10. - Adoption.**

There is hereby adopted by reference the *2024 International Energy Conservation Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 ("IECC"). One copy of such code and other codes adopted by reference in the *2024 International Energy Conservation Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the design of energy-efficient buildings and energy-efficient mechanical, lighting, and power systems within buildings and structures in the City for the purpose of protecting the public health, safety, and general welfare.

##### **Sec. 18-7-20. - Amendment.**

Additions, deletions, amendments and changes to the IECC, as adopted by reference pursuant to Section 18-7-10, are hereby adopted as follows:

- (1) Section C101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

**C101.1 Title.** These regulations shall be known as the "*International Energy Conservation Code of the City of Cherry Hills Village*," hereinafter referred to as "this code."

- (2) Section C103.1 is hereby amended by inserting "Building Division", so the section will read as follows:

The Building Division is hereby created and the official in charge thereof shall be known as the authority having jurisdiction (AHJ). The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

- (3) C105.2 is hereby amended by adding numbers 19 and 20 to the list to read as follows:

19. Additional efficiency requirements.

20. Renewable and load management requirements.

- (4) Section C106.2 is deleted in its entirety and replaced with the following.

**C106.2 Fee schedule.** Permit fees shall be set by resolution of the City Council.

- (5) Section C106.3 is deleted in its entirety and replaced with the following.

**C106.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. For the purpose of determining the valuation for new construction, the AHJ will use the value provided by the permit applicant or the most recent Building Valuation Data table published by the International Code Council as of the application date, whichever is higher. No regional modifier will be used in calculating the valuation of construction.

- (6) Section 106.6 is deleted in its entirety and replaced with the following.

**C106.6 Fee refunds.** The City of Cherry Hills Village shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
2. The full amount of any building permit fee paid hereunder, less an administrative fee set by City Council resolution, when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.
4. The full amount of the plan review fee paid hereunder, less an administrative fee set by City Council resolution, for a permit application for which a plan review fee has been paid but subsequently is withdrawn or canceled before any plan review effort has been expended.

- (7) Section R101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

**R101.1 Title.** These regulations shall be known as the "International Energy Conservation Code of the City of Cherry Hills Village," hereafter referenced to as "this code."

- (8) Section R103.2 is hereby amended by adding number 10 to the list to read as follows:

10. Additional efficiency package requirements.

- (9) Section R106.2 is deleted in its entirety and replaced with the following.

**R106.2 Fee schedule.** Permit fees shall be set by resolution of the City Council.

- (10) Section R106.3 is deleted in its entirety and replaced with the following.

**R106.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include the total value of the work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. For the purpose of determining the valuation for new construction, the AHJ will use the value provided by the permit applicant or the most recent Building Valuation Data table published by the International Code Council as of the application date, whichever is higher. No regional modifier will be used in calculating the valuation of construction.

(11) Section R106.6 is deleted in its entirety and replaced with the following.

**R106.6 Fee refunds.** The City of Cherry Hills Village shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
2. The full amount of any building permit fee paid hereunder, less an administrative fee set by City Council resolution, when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.
4. The full amount of the plan review fee paid hereunder, less an administrative fee set by City Council resolution, for a permit application for which a plan review fee has been paid but subsequently is withdrawn or canceled before any plan review effort has been expended.

(12) R403.4 is amended by adding an exception as follows:

Exception:

Piping for radiant heating or cooling systems located within the floor system and within the building thermal envelope.

(13) R407 is deleted in its entirety.

**Section 8.** Article VIII, Chapter 18, of the Cherry Hills Village Municipal Code, entitled “National Electrical Code”, is hereby repealed and re-enacted to read as follows:

#### **ARTICLE VIII - National Electrical Code**

##### **Sec. 18-8-10. - Adoption.**

There is hereby adopted by reference the *2023 National Electrical Code*, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02269, or any other electrical code revision approved by the State of Colorado (collectively, the “NEC”). One copy of such code and other codes adopted by reference in the *2023 National Electrical Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for the electrical construction, alteration, repair, removal, and demolition of equipment within buildings and structures in the City for the purpose of protecting the public health, safety, and general welfare.

##### **Sec. 18-8-20. - Amendments.**

Additions, deletions, amendments and changes to the NEC, as adopted by reference pursuant to Section 18-8-10, are hereby adopted as follows:

- (1) Annex H of the *2023 National Electric Code* is hereby adopted.
- (2) Annex H, Section 80.13(13), is hereby amended to read as follows:

(13) Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within three days after such notification.

- (3) Annex H, Section 80.15, is hereby amended to read as follows:

Board of Appeals. The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of

Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

- (4) Annex H, Section 80.19(F)(3), is hereby amended to read as follows:

(3) When any portion of the electrical installation within the jurisdiction of the Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the progress of the work.

- (5) Annex H, Section 80.19(H), is hereby amended to read as follows:

1. Applications for permits shall be made to the City on forms provided by the City and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the City, such as plans and specifications, location, and so forth. Permit fees shall be set by resolution of the City Council.
2. An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one extension of time for an additional period not to exceed 90 days. The extension shall be requested in writing and justifiable cause demonstrated.
3. The City shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the City, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the City shall not be issued unless proof of required financial responsibility is furnished.
4. Every permit issued shall become invalid: (1) if the work on the site authorized by such permit is not commenced within 90 days after its issuance; or (2) if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *Building Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

- (6) Annex H, Section 80.23(B), is hereby deleted, and Section 80.23(A) is hereby amended to read as follows:

**80.23(A) Violations.** Violations of this code shall be governed by Chapter 18, Article XI, Cherry Hills Village Municipal Code.(7) Annex H, Section 80.27, is hereby deleted in its entirety.

- (8) Annex H, Section 80.29, is hereby amended to read as follows:

**80.29 Liability for damages.** Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Cherry Hills Village or any of its employees be held as assuming any such liability by reason of the inspection, re-inspection, or other examination authorized.

**Section 9.** Article IX, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "International Fire Code", is hereby repealed and replaced with a new Article IX, entitled "International Swimming Pool and Spa Code", to read as follows:

## **ARTICLE IX – International Swimming Pool and Spa Code**

### **Sec. 18-9-10. – Adoption.**

There is hereby adopted by reference the *2024 International Swimming Pool and Spa Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 ("ISPSC"). One copy of such code and other codes adopted by reference in the *2024 International Swimming Pool and Spa Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this code includes minimum regulations for public and residential pools, spas, and hot tubs using prescriptive and performance-related provisions. The ISPSC integrates seamlessly with the family of I-Codes and contains requirements that meet or exceed the Virginia Graeme Baker Act. The ISPSC also contains a reference that mandates the requirements within PHTA/ICC-7 Standard for Suction Entrapment Avoidance.

### **Sec. 18-9-20. - Amendments.**

Additions, deletions, amendments and changes to the ISPSC, as adopted by reference pursuant to Section 18-9-10, are hereby adopted as follows:

- (1) Section 101.1 is hereby amended by inserting "the City of Cherry Hills Village," so the section will read as follows:

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

- (2) Section 103.1 is hereby amended by inserting "Building Division" so the section will read as follows:

**103.1 Creation of agency.** The Building Division is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

- (2) Section 105.2 is hereby amended to read as follows:

**105.2 Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

- (3) Section 105.4.3 is hereby amended to read as follows:

**105.5.3 Expiration of permits.** Every permit issued shall become invalid: (1) if the work on the site authorized by such permit is not commenced within 90 days after its issuance; or (2) if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. In no event shall a permit remain active longer than two years. In the event a permit expires under either of these conditions, a new permit will be required to complete the work. The new permit fee will be calculated using the City's then-current fee calculation methods. Should the project be abandoned, permit fees may be refunded in accordance with Section 109.6 of the *Building Code of the City of Cherry Hills Village*, as adopted or amended by Chapter 18, Cherry Hills Village Municipal Code.

- (4) Sections 113.2 through 113.6 are hereby deleted.
- (5) Section 109.2 is hereby amended to read as follows:

**109.2 Fee schedule.** Permit fees shall be set by resolution of the City Council.

- (6) Section 109.6 is hereby amended to read as follows:

**109.6 Fee refunds.** The code official shall authorize the refunding of fees as follows:

1. The full amount of any building permit fee paid hereunder which was erroneously paid or collected.
2. The full amount of any building permit fee paid hereunder, less an administrative fee set by City Council resolution, when no work has been done under a permit issued in accordance with this code.
3. For permits where work has occurred, the refund will be calculated by City staff. Staff will consider all cost factors involved in administration of the permit, including but not limited to inspection and reinspection fees, mileage, staff time, supplies, and building overhead.
4. The full amount of the plan review fee paid hereunder, less an administrative fee set by City Council resolution, for a permit application for which a plan review fee has been paid but subsequently is withdrawn or canceled before any plan review effort has been expended.

- (7) Section 112.3 is hereby amended to read as follows:

**112.3 Membership of Board; Rules of Procedure.** The Board of Appeals shall consist of the same members as the Board of Adjustment and Appeals outlined in Section 8.2 of the Charter for the City of Cherry Hills Village. The rules of procedure set forth in Section 16-7-30, Cherry Hills Village Municipal Code shall apply to all appeals brought under this code.

- (8) Section 113.1 is hereby amended to read as follows:

**113.4 General.** Violations of this code shall be governed by Chapter 18, Article XI, Cherry Hills Village Municipal Code.

**Section 10.** Article X, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "Violations and Enforcement", is hereby repealed and replaced with a new Article X, entitled "International Fire Code," to read as follows:

#### **ARTICLE X - International Fire Code**

##### **Sec. 18-10-10. - Adoption.**

There is hereby adopted by reference the *2024 International Fire Code*, as published by the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 ("IFC"). One copy of such code and other codes adopted by reference in the *2024 International Fire Code*, the same being adopted as if set out at length herewith, shall be maintained at the office of the Community Development Department and may be inspected during regular business hours. The subject matter of this code includes comprehensive provisions and safety standards for fire prevention generally and, specifically, the regulation of conditions hazardous to life and property from fire or explosion; and to provide for the issuance of permits for hazardous uses or operations within buildings and structures in the City for the purpose of protecting the public health, safety, and general welfare.

##### **Sec. 18-10-20. - Amendments.**

Additions, deletions, amendments and changes to the IFC, as adopted by reference pursuant to Section 18-10-10, are hereby adopted as follows:

- (1) Section 101.1 is hereby amended as follows:

**101.1 Title.** These regulations shall be known as the "*Fire Code of the City of Cherry Hills Village*", hereinafter referred to as "this code."

(2) The following appendices are hereby adopted as a part of this code:

1. Appendix B, Fire-Flow Requirements for Buildings
2. Appendix C, Fire Hydrant Locations and Distribution
3. Appendix D, Fire Apparatus Access Roads, as amended.

(3) Section 103.1 is repealed and replaced as follows:

**103.1 Creation of Agency.** The South Metro Fire Rescue Fire Protection District is hereby created as the Fire Marshal's Office within the jurisdiction of the City of Cherry Hills Village and the official in charge thereof shall be known as the fire code official. The function of the Fire Marshal's Office shall be the implementation, administration, and enforcement of the provisions of this code.

(4) Section 103.2 is hereby repealed and replaced as follows:

**103.2. Appointment.** The Fire Marshal of the South Metro Fire Rescue Fire Protection District, or designee, is hereby appointed as the fire code official.

(5) Section 105.5.40 is hereby repealed and replaced as follows:

**105.5.40 Outdoor Assembly Event.** An operational permit is required to conduct an outdoor assembly event where elements of the event are regulated by this code or where planned attendance exceeds 500 people on site at one time.

(6) Section 105.5.51 is hereby repealed and replaced as follows:

**105.5.51 Temporary membrane structures, special event structures, inflatable amusement devices and tents.** An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure, an inflatable amusement device or a tent having an area in excess of 400 square feet (37 m<sup>2</sup>).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:
  - a. Individual tents having a maximum size of 700 square feet (65 m<sup>2</sup>).
  - b. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m<sup>2</sup>) total.
  - c. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

(7) Section 105.6 is hereby amended as follows:

**105.6 Required Construction Permits.** The fire code official is authorized to issue construction permits for work as set forth in Section 105.6.1 through 105.6.26.

(8) Section 105.6.25 is hereby amended as follows:

**105.6.25 Temporary Membrane Structures and Tents.** A construction permit is required to erect a membrane structure, air-inflated membrane structure, air-supported membrane structure, a temporary special event structure, an inflatable amusement device or a tent in accordance with section 105.5.51.

(9) Section 105.6.26 is added to read as follows:

**105.6.26 Building and Facilities.** Any owner or owners' authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change occupancy of a building, or structure, or facility, or to cause any such work to be performed, shall first make application to the fire code official and obtain the required permit.

(10) Section 108.3 is hereby deleted in its entirety.



(11) Section 112.1 is hereby repealed and replaced as follows:

**112.1 Regional Fire Code Board of Appeals Established.** In order to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this Code, there shall be created a Regional Fire Code Board of Appeals by the entry of various fire districts into an intergovernmental agreement ("IGA"). Said Regional Fire Code Board of Appeals shall be appointed through the operation of the IGA. The fire code official shall be an ex officio member of said Board but shall have no vote on any matter before the Board. The Board shall adopt rules of procedure for conduct of its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

(12) Section 113.4 is hereby repealed and replaced as follows:

**113.4 Violation Penalties.** Violations of this code shall be governed by Chapter 18, Article XI, Cherry Hills Village Municipal Code.

(13) Section 11.4 is hereby repealed and replaced as follows:

**114.4 Failure to Comply.** 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 unsafe condition, shall be governed by Section 18-11-30 of the Cherry Hills Village Municipal Code.

(14) Section 609.1 is amended to read as follows:

**609.1 General.** Hyperbaric facilities shall be inspected, tested and maintained in accordance with NFPA 99. When the fire code official determines the requirement of NFPA 99 is not applicable to the type of hyperbaric chambers and associated devices being installed, the fire code official shall determine the applicable requirements for the hyperbaric facility.

(15) Section 1103.7.6 (3) is hereby amended to read in its entirety as follows:

**1103.7.6 Group R-2.** A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies more than three stories in height or with more than 16 dwelling or sleeping units.

Exceptions:

1. Where each living unit is separated from other contiguous living units by fire barriers having a fire-resistance rating of not less than  $\frac{3}{4}$  hour, and where each living unit has either its own independent exit or its own independent stairway or ramp discharging at grade.
2. A separate fire alarm system is not required in buildings that are equipped throughout with an approved supervised automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and having a local alarm to notify all occupants.
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3, items 3.2 to 3.5.
4. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, do not exceed three stories in height and comply with both of the following:
  1. Each dwelling unit is separated from other contiguous dwelling units by fire barriers having a fire-resistance rating of not less than  $\frac{3}{4}$  hour.
  2. Each dwelling unit is provided with smoke alarms complying with the requirements of Section 907.2.11.

- (16) Section 3106.1 is deleted and replaced by the following:

**3106.1 Scope.** Inflatable amusement devices shall comply with this section.

Exception: Deleted

- (17) Section 5601.1.3 is hereby amended to read in its entirety as follows:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. The possession, storage, handling, and use of fireworks as allowed in Section 5608.

- (18) Section 5704.2.9.6.1 is hereby amended to read as follows:

**5704.2.9.6.1 Locations of Above-Ground Tanks.** Above-ground tanks shall be located in accordance with this section.

- (19) Section 5706.2.4.4 is hereby deleted in its entirety.

- (20) Section 5806.2 is hereby deleted in its entirety.

- (21) Section 6104.2 is hereby deleted in its entirety.

- (22) Section D101.1 is deleted and replaced by the following:

**D101.1 Scope.** Fire apparatus access roads shall be in accordance with this appendix, all other applicable requirements of the International Fire Code, and the roadway design standards adopted by the City of Cherry Hills Village. Should any provisions of the fire code conflict with the City of Cherry Hills Village roadway design provisions, the fire code official and the City of Cherry Hills Village Public Works Director shall make the final determination.

- (23) Section D102.1 is deleted and replaced by the following:

**D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 80,000 pounds (34 050 kg).

- (24) Section D103.1 is deleted in its entirety.

- (25) Section D103.2 is deleted and replaced by the following:

**D103.2 Grade.** The grade of the fire apparatus access road shall be a maximum of 6% or as otherwise determined by the fire code official based on fire department apparatus specifications.

- (26) Section D104.1 is deleted and replaced by the following:

**D104.1 Buildings exceeding three stories or 30 feet in height.** Buildings or facilities where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

**Section 11.** Article XI, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "Construction Practices", is hereby repealed and replaced with a new Article XI, entitled "Violations and Enforcement", to read in full as follows:

## **ARTICLE XI - Violations and Enforcement**

### **Sec. 18-11-10. Unlawful actions.**

It shall be unlawful and a violation of this Code for any property owner, permit holder or any other person:

- (1) To authorize the performance or to perform any work or activity for which a permit is required by this Code without first securing or obtaining all City-issued permits in accordance with this Code necessary to commence and perform such work or activity.
- (2) Following issuance of a stop work order, to authorize the performance or to perform any work or activity other than work or activity deemed by the applicable code official as necessary to remedy the violations or conditions cited in the stop work order.
- (3) To authorize the performance or to perform any work that fails to comply with the requirements of this Code.
- (4) Following the effective date of this Code, to allow any structure, building, improvement, or condition to exist upon property that was installed, constructed, erected, or created in violation of this Code.
- (5) To remove, move, cover, obscure, damage, destroy, or alter a posted Stop Work Order.
- (6) To interfere with or otherwise impede or impair the lawful actions of the applicable code official.

### **Sec. 18-11-20. Violations.**

Persons who violate a provision of this Chapter or any provision of any code adopted within this Chapter, or who erect, install, alter, or repair a building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor. Misdemeanors are punishable by:

- (1) A fine of not more than the maximum fine authorized in Section 1-4-20 of this Code for any one offense, each day after a ticket is given constituting a separate offense; or
- (2) By imprisonment in the County jail for a period of not more than 90 days; or
- (3) By both such fine and imprisonment.

### **Sec. 18-11-30. Stop work orders and notices.**

The building official or other applicable code official is authorized to issue a notice, order, and demand to immediately cease work or any other action found by the official to be in violation of this Chapter or any code or codes either currently adopted or subsequently adopted by the City.

- (1) A stop work order or other notice shall be made in writing and signed by the applicable code official. The stop work order shall identify with reasonable specificity the activity found by the code official to be in violation of this Code or conducted in an unsafe or dangerous manner. Whenever possible, the order shall cite the applicable provisions of the code. The order shall identify the conditions necessary to remedy the violation and permit the continuation of the work authorized under the permit.
- (2) A stop work order shall be deemed issued and effective when posted in a conspicuous place at the site described in the application for permit. The applicable code official shall endeavor to mail or otherwise deliver a copy of the stop work order to the permit holder, the owner of the property and/or to persons engaged in the performance of the work authorized by the permit. Provided that the stop work order is properly posted in accordance with this Section, failure to deliver a copy of the order to the permit holder, the property owner or any other person shall not invalidate or render ineffective the order.
- (3) Upon correction or remedy of the violations cited in a stop work order, the applicable code official shall issue a written order rescinding the stop work order.

- (4) Upon issuance of a stop work order, the applicant shall submit for a building permit in accordance with this Chapter. Permit fees shall include fees for such work and an investigation fee, as set forth in a resolution of the City Council.

**Sec. 18-11-40. Abatement of violations.**

The imposition of the penalties herein prescribed shall not preclude the City Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the property, the structure or any mechanical, plumbing, or other system on or about any premises.

**Section 12.** The provisions of Article XII, Chapter 18, of the Cherry Hills Village Municipal Code, entitled "Service Expansion Fee", are hereby relocated to Article XIII, Chapter 18, as set forth in Section 13 of this Ordinance and a new Article XII, entitled "Construction Practices", is hereby enacted to read in full as follows:

**ARTICLE XII – Construction Practices**

**Sec. 18-12-10. Applicability and intent.**

- (1) **Applicability.** This Article shall apply to all construction activity within the City, except construction activity performed by or on behalf of the City for a City project.
- (2) **Intent.** It is the City's intent by the adoption of this Article to reasonably minimize the detrimental health, safety, and general welfare impacts of construction activities on the residents of the community and to ensure that each construction activity is conducted in such a manner so as to avoid unnecessary inconvenience and annoyance to the general public and the occupants of neighboring property.

**Sec. 18-12-20. Definitions.**

For purposes of this Article and unless the context clearly indicates otherwise, certain words and phrases used herein shall be interpreted as follows:

The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

*Construction activity* means any site preparation, landscaping, building construction, sign erection, paving, fencing, planting, or other improvement or modification of any real property or existing improvement thereon.

*Construction site* means all of a real property, as defined by its boundary lines, over any part of which there is a construction activity, along with the public or private right-of-way adjacent to such property.

*Construction site facilities* means a portable toilet, a trash receptacle or dumpster, and any other structure or facility erected or installed as a job office, material storage facility, or other facility or installation on or within a construction site that is used for or in connection with a construction activity or that is required to be depicted on a construction staging plan pursuant to this Article.

*Construction staging plan* means a site plan of a construction site that shows the location for all construction site facilities and all other items that are required to be shown on such plan pursuant to the requirements of this Article.

*Construction vehicle* means any car, truck, tractor, trailer, or other vehicle or equipment of any type that is used to perform any part of a construction activity or to transport equipment, supplies or workers to a construction site.

*Emergency work* means work required to protect persons or property from exposure to imminent danger.

*Right-of-way* means any street, way, place, alley, easement, median, parkway or boulevard, whether public or private, the principal purpose of which is the provision of vehicular access to real property.

*Vehicle tracking control* means an effective method or methods of preventing vehicles from tracking soil, mud, or gravel from a construction site to a right-of-way, which method or methods may include, but be not limited to, the use of temporary paving or a washing or mud-clearing station.

**Sec. 18-12-30. Administration.**

- (1) A construction staging plan shall be submitted along with the application for a permit for any construction activities. In instances when a building permit or other permit from the City is not required for a construction activity, or for any work being conducted pursuant to a permit issued for a project consisting solely of electrical work, plumbing work, or mechanical work, such construction activity shall still be subject to the minimum requirements outlined in Section 18-12-40(2) of this Article, even though a construction staging plan may not be required. The City Manager or his or her designee may require a construction staging plan be submitted for review and approval, for proposed or current construction activities, if the City Manager or his or her designee determines that a construction staging plan is necessary to ensure that construction is conducted in such a manner so as to minimize the impacts resulting from the construction activity on the general public and the occupants of neighboring property. It shall be unlawful to perform, or for the owner of any construction site to allow to be performed, any construction activity prior to the City's full approval of the construction staging plan, when such construction staging plan is required by this Section.
- (2) The construction staging plan shall be subject to the review and approval of the City Manager or his or her designee. Such review shall be conducted to ensure that the construction activities will be conducted in compliance with the requirements of this Article; provided, however, that if the City Manager or his or her designee determines that a deviation of a construction staging plan from the requirements of this Article will result in no greater adverse impacts on adjacent properties than would occur if the plan were to fully comply with the provisions of this Article, then the City Manager or his or her designee may approve the plan in his or her reasonable discretion.
- (3) The City Manager or his or her designee may impose reasonable conditions upon any approval of a construction staging plan to ensure that the construction activities will be conducted in compliance with the requirements of this Article.
- (4) A construction staging plan may be modified or amended upon the written approval of the City Manager or his or her designee. Any modification to or amendment of a construction staging plan shall be reviewed and approved under the same standards, and shall be subject to the same conditions, as are set forth in this Section for the review and approval and conditioning of the initial construction staging plan.
- (5) Any construction activity performed by a property owner or occupant of property without the assistance of a contractor, or any landscaping, planting, or grading work that disturbs less than 500 square feet of property area and less than 10 cubic yards of soil, shall not be subject to the requirements of this Article.

**Sec. 18-12-40. Construction staging plan.**

The construction staging plan shall include all of the following information:

- (1) A to-scale, accurate depiction of all existing and proposed improvements.
- (2) A to-scale, accurate depiction of the location of all construction site facilities and, when applicable, a description of construction site facilities, including but not limited to the following:
  1. Portable toilets.
    - a. Except for construction sites that contain an operable, permanent toilet that is made available for the use of every construction worker, at least one (1) portable toilet shall be provided on each construction site and the location of such portable toilet shall be shown on the construction staging plan. For a residential construction site, no more than one (1) portable toilet may be located on the site.
    - b. A portable toilet shall not be located within any right-of-way.

- c. Every portable toilet shall be reasonably screened from the view of adjacent properties and rights-of-way, and in no event shall a portable toilet be located within ten (10) feet of any property line.
  - d. Every portable toilet shall at all times be maintained in a sanitary and odor-free condition.
- 2. Trash receptacles and dumpsters.
  - a. A trash receptacle and/or dumpster of a size adequate to contain the construction waste materials anticipated in connection with a construction activity shall be provided on each construction site to contain solid waste materials, and the location of such trash receptacle and/or dumpster shall be shown on the construction staging plan. Liquid and hazardous waste materials shall be disposed of at a proper waste depository.
  - b. Trash receptacles or dumpsters shall not be located within any right-of-way, and in no event shall a trash receptacle or dumpster be located within five feet of any side or rear property line.
  - c. Trash receptacles and dumpsters shall at all times be maintained in an odor-free condition and in such a manner as to prevent waste materials from being blown out of them. Trash receptacles and dumpsters shall be emptied on a regular basis so as to comply with the requirements of this Subsection.
- 3. Construction trailers.
  - a. Temporary construction trailers shall be permitted, operated and maintained in accordance with the provisions of Section 16-2-420 of this Code. If a temporary construction trailer is to be used on a construction site, its location shall be depicted on the construction staging plan.
- 4. Vehicle tracking control.
  - a. No construction vehicle shall track soil, mud, or gravel off of a construction site and onto a right-of-way. Vehicle tracking control shall be used at ingress and egress points on all construction sites that have the potential for construction vehicles to track soil, mud, or gravel off of a construction site and onto a right-of-way.
  - b. The construction staging plan shall depict the location for, and describe the type of, vehicle tracking control that will be utilized for the construction site.
- 5. Silt fencing.
  - a. Silt fencing shall be placed downgrade of all areas of a construction site that are to be disturbed and that have the potential for sediment to be transported off of a construction site by runoff, and the location and type of such silt fencing shall be shown on the construction staging plan.
  - b. A minimum of nine inches of the bottom of the silt fence shall be anchored using gravel or dirt.
- 6. Parking. For purposes of this Subsection, lot area shall have the meaning set forth in Section 16-9-40 of this Code.
  - a. The locations of all parking and loading/unloading areas for construction vehicles associated with a construction site shall be shown on the required construction staging plan.
  - b. For any lot, parcel or other real property that contains one or more acres of lot area, the parking of construction vehicles shall occur only within the boundaries of such lot, parcel or other real property. It shall be unlawful for any construction vehicle associated with any lot, parcel or other real property that contains one or more acres of lot area to be parked within a right-of-way.
  - c. For any lot, parcel or other real property that contains less than one acre of lot area, the parking of construction vehicles shall occur only within the boundaries of such lot, parcel or other real property if reasonably feasible.

- d. In the event that the parking of construction vehicles within the boundaries of a lot, parcel or other real property containing less than one acre of lot area is not reasonably feasible, the construction staging plan may provide:
    - 1) That the parking area shall be located within the right-of-way area that is immediately adjacent to the subject property and not adjacent to any other property; and
    - 2) That vehicular access on the right-of-way shall be maintained at a minimum width of 20 feet (for emergency response purposes), assuming the contemporaneous use of the right-of-way for the parking of vehicles immediately across the right-of-way from the area in which the construction vehicles are to be parked. In the event that such minimum width cannot be maintained, the parking of construction vehicles shall not occur within the right-of-way.
  - e. It shall be unlawful for any construction vehicle associated with such lot, parcel or other real property to be parked within a right-of-way except to the extent that the parking within a right-of-way is in conformance with the approved construction staging plan.
  - f. The construction staging plan shall make provision for parking at remote locations that are not within a right-of-way within the City in the event that the number of anticipated construction vehicles exceeds the parking capacity of the site.
7. Temporary construction fencing.
- a. Any temporary construction fencing shall be shown on the required construction staging plan.
  - b. Temporary construction fencing shall be provided for any below-grade construction in excess of 30 inches that is unattended or open overnight.
  - c. Temporary construction fencing shall not exceed six feet in height and may be opaque so as to provide additional screening of the construction site.
  - d. Temporary construction fencing may not be located in a right-of-way.
8. Construction material storage.
- a. Construction material storage areas shall be designated on the required construction staging plan.
  - b. Construction materials shall not be stored in any right-of-way.
  - c. Construction materials shall be reasonably screened from view of adjacent properties and rights-of way.
  - d. In no event shall construction materials be stored within five feet from any property line.
9. Storage of fill or excavated dirt.
- a. The location of storage sites for any fill or excavated dirt shall be indicated on the construction staging plan.
  - b. Any fill or excavated dirt shall be maintained in a manner so as to prevent dust from blowing on adjacent properties, which manner may include, but need not be limited to, the periodic watering of the piles.
  - c. Silt fencing around piles of fill or excavated dirt may be required under the provisions of Subparagraph (5), above.
  - d. All excess fill or excavated dirt shall be removed promptly upon completion of the project.
- (3) Photographs of all improved portions of any public right-of-way that are within 500 feet of any point of vehicular access to a construction site.

**Sec. 18-12-50. Construction site maintenance and operation and duty to repair public rights-of-way.**

- (1) Contractors, subcontractors and persons holding permits to perform construction activities, and the owners of construction sites, shall cause the construction site to be



maintained in a neat and orderly condition that is free from any debris, garbage, junk, used or discarded construction materials, trash, or any other foreign substance produced as a result of the construction project other than debris, garbage, junk, trash or other foreign substance deposited into and contained within a trash receptacle or trash dumpster.

- (2) Notwithstanding any provision of this Article, all construction activities and construction sites shall be subject to the provisions of Chapter 7 of this Code, including but not limited to those provisions concerning noise.
- (3) Contractors, subcontractors, persons holding permits to perform construction activities, and the owners of construction sites shall, at the direction of the City Manager or his or her designee, either repair or reimburse the City for its costs incurred to repair any damage to any public right-of-way that is caused by a construction vehicle.

**Sec. 18-12-60. Construction times.**

- (1) Construction activity may be performed subject to the following restrictions:

Day	Hours
Monday through Friday	7 a.m. to 6 p.m.
Saturday	8 a.m. to 4 p.m.
Sunday and federal holidays as listed by the United States Office of Personnel Management (observed)	No outside construction activity permitted at any time. Construction activity occurring within a fully enclosed structure is permitted between the hours of 8 a.m. to 4 p.m.

- (2) Construction Vehicles. Construction vehicles or construction delivery trucks shall not park or stand and leave their engines idling between the hours of 6:00 p.m. and 8:00 a.m.
- (3) Exception. This Section shall not apply to emergency work as defined in Section 18-12-20, provided an owner or contractor obtains prior written approval from the City Manager and the emergency work is concluded within 48 hours of receipt of approval from the City Manager. Emergency work shall not be subject to the waiver process set forth in Subsection (4) of this Section.
- (4) Construction times waiver. A waiver to the construction times as prescribed in Section 18-12-60(1) may be approved by the City Manager subject to the procedure and approval criteria set forth in this subsection.
  - 1. Eligibility. A waiver may be authorized for water well drilling construction activity that exceeds the construction time limits set forth in Subsection (1) of this Section for up to a maximum of seven consecutive days. Any waiver request to the construction time limits that exceeds seven consecutive days shall be referred to City Council for consideration at a public meeting and shall be approved only upon a showing of good cause.
  - 2. Application Requirements.
    - a. Completed waiver request in a form provided by the building department.
    - b. A statement of justification for the construction times waiver including the following:
      - i. Reason for waiver.
      - ii. Copy of well permit issued by office of state engineer.
      - iii. Scope of work.
      - iv. Description of potential impacts to adjacent properties, including but not limited to noise, lighting, vibrations, location of heavy equipment.

- v. Description of mitigation efforts to address any adjacent property impacts.
    - vi. Time schedule for start and completion of construction.
  - c. Site plan showing the size, location and use of all existing and proposed improvements or construction, with dimensions to property lines showing setbacks. The plan shall show all other existing or proposed structures or improvements on the site, including the location and size of vegetation, if applicable.
  - d. Construction staging plan exhibit in accordance with Section 18-12-30 of this Code.
  - e. Application fees shall be set by resolution of the City Council.
3. Preapplication Neighborhood Meeting. The applicant shall conduct a preapplication neighborhood input meeting in accordance with the procedures set forth in Section 18-12-80 of this Code.
  4. City Decision. Within 10 business days of receipt of a complete waiver application, the City Manager shall render a decision on the waiver request, and may approve a waiver for a specified period of time upon finding that all of the following criteria of approval have been met:
    - a. The waiver is necessary to complete the drilling or re-drilling of a water well in the most expeditious and safe manner; and
    - b. Construction activity will be mitigated to prevent any significant disruptions to adjacent properties; and
    - c. The location of construction activity is limited to the subject property and does not adversely impact adjacent properties.
  5. Issuance of Waiver. Upon issuance of a waiver, the applicant shall be authorized to commence and complete construction activity within the parameters of the written waiver. Said written waiver may include conditions of approval and/or waivers to noise limits set forth in Section 7-1-30(4) of this Code.

**Sec. 18-12-70. Enforcement.**

- (1) Upon a complaint or observation by the City of a violation of this Article, or upon a determination by the City that a construction site is not being maintained or operated in strict conformance with the provisions of an approved construction staging plan, the City shall provide written notice to the contractor or person performing the work on the construction site, as well as mailed notice to the owner of record of the construction site, specifying the specific conditions that are deemed in violation of this Article or the approved construction staging plan and demanding that the construction site be brought into compliance with this Article or such plan within 24 hours; provided, however, that no such notice is required if the City Manager or his or her designee determines that the immediate cessation of the violation or failure to comply with an approved construction staging plan is necessary to preserve health or safety, or when there is a violation of the regulations concerning construction times as stated in Section 18-12-60 of this Article.
- (2) In the event of a violation of any provision of this Article, or in the event that the City determines that a construction site is not being maintained or operated in strict conformance with the provisions of an approved construction staging plan, or in the event that reasonable steps have not been undertaken within the 24-hour period referenced in Subsection (1), above, to bring a site into compliance with any provision of this Article or such plan after notice as provided in Subsection (1), above, or without prior notice in the event of a second violation of the same provision of this Article or a second failure to operate in strict conformance with the same provision of an approved construction staging plan, the City may, at its discretion:

1. Issue a stop work order;
  2. Withhold any certificate of occupancy for any improvement on the construction site;
  3. Withhold any required construction or building inspection approvals;
  4. Reject any necessary acceptance by the City of construction or improvements;
  5. Reject any necessary acceptance by the City of construction or improvements;
  6. Prosecute the violation in accordance with the City's laws governing nuisances or as a violation of this Article that is subject to the penalties set forth in Subsection (6) below; and/or
  7. Remedy the conditions that are deemed in violation of this Article or the approved construction staging plan and assess the costs incurred by the City to bring the construction site into compliance with this Article as a lien against the subject property, subject to collection in the same manner as unpaid property taxes.
- (3) In the event that the City issues a stop work order pursuant to this Section, it shall be unlawful for any person to engage in any construction activity on the subject construction site until a written plan is submitted to and approved by the City Manager. Such plan shall provide a detailed statement setting forth the means and methods by which the existing violation has been or will be remedied and by which the same violation will be avoided in the future. The statement shall provide such additional or clarifying information as may be reasonably requested by the City Manager. Upon its approval by the City Manager, the written plan shall be a part of the construction staging plan required by this Article, and shall be enforceable under this Article as if it had been set forth as part of the original, approved construction staging plan.
- (4) In the event that the City remedies the conditions deemed in violation of this Article or the approved construction staging plan, the cost for the City to perform such work shall be \$500.00, exclusive of any costs attributable to vehicle or equipment time, or the actual cost of remediation of the violation, whichever is greater. The failure to pay an assessment imposed by the City for City costs incurred to bring the construction site into conformance with this Article or such plan within seven days shall cause all building permits for the construction site to expire. Provided that full payment of such assessment is made and all other applicable requirements for the issuance of a building permit are satisfied, a new permit may be obtained upon application and payment of the building permit fee calculated on the valuation of the remaining work.
- (5) Any and all construction site facilities shall be removed from the construction site at such time as the subject improvement is issued a certificate of occupancy or completion, or within 10 days after the construction activity has ceased, whichever first occurs.
- (6) Upon the first conviction of a person for a violation of any provision of this Article, there shall be imposed a fine of not less than \$250.00. Upon the second conviction of a person for violation of the same provision of this Article for which he or she was previously convicted, there shall be imposed a fine of not less than \$500.00. Upon the third and each subsequent conviction of a person for violation of the same provision of this Article for which he or she was previously convicted, there shall be imposed a fine of not less than \$1,000.00. Notwithstanding the foregoing, a violation shall not be considered a second or third and subsequent violation, subject to the increased fines described herein, if the date of the violation which results in a conviction occurs more than three years after a previous conviction of the same provision of this Article.

**Sec. 18-12-80. Preapplication neighborhood input meeting.**

- (1) A preapplication neighborhood input meeting ("neighborhood meeting") shall be held, either virtually or in-person, prior to submitting an application for a permit to construct a new single-family dwelling, commercial, community or institutional structure, or an addition to any such structure that increases the square footage by 50 percent or more, or adds a second story to an existing one-story structure. The determination as to

whether the meeting shall be held virtually or in-person shall be at the sole discretion of the Director. A neighborhood meeting must be held either virtually or in-person, but shall not be held via a combination of those two formats. An affected property owner shall mean the owner of property contiguous to or across any street from any portions of the applicant's property. A homeowners' association shall mean a homeowners' association registered with the City with jurisdiction over the applicant's property. The applicant and the City are entitled to rely on the registration information provided by the homeowners' associations to the City for purposes of preparing any notices or otherwise contacting homeowners' associations.

- (2) The purpose of a neighborhood meeting is to inform affected property owners and homeowners' associations about proposed development and to seek input and comments about its design and potential impacts on the neighborhood which could reasonably be mitigated. A neighborhood meeting is not required to generate complete consensus on all aspects of the proposed development, nor to supplant or add to the applicable standards or requirements of this Code.
- (3) Procedures for neighborhood meetings.
  1. Upon receipt of a complete application, the City shall set a time, date and place for the meeting during the City's normal business hours. At least 15 days prior to the neighborhood meeting date, the applicant shall be required to send written notice of the neighborhood meeting to all affected property owners and homeowners' associations by certified mail, return receipt requested, stating:
    - a. the purpose of the meeting and generally describing the scope of the project; and
    - b. the time and place of the meeting. Such notice language shall be furnished to the applicant by the City.
  2. At least seven days prior to the neighborhood meeting date, the applicant shall submit to the City the following documents that are required to be available at the meeting:
    - a. A schedule detailing the anticipated dates of construction, including the major phases of construction, such as excavation and grading, foundation work, framing, exterior finish work, interior finish work and landscaping.
    - b. A preliminary construction staging plan meeting the requirements of Section 18-12-40 of this Article.
    - c. A preliminary site plan, drawn to scale and in accordance with an accurate survey, including the following information:
      - i. The size and location of any proposed structures and existing structures;
      - ii. The setback distances from lot lines to any proposed structures in accordance with the parcels' zoning; and
      - iii. Existing contours in one-foot intervals in USGS datum.
    - d. Building height and bulk plane drawings demonstrating the height and three-dimensional extent of the proposed structures in accordance with the parcel's zoning. The design elements of the building, including the architectural style, colors and materials, are not required.
- (4) The applicant, or applicant's representative, shall be required to attend the meeting to present the documents submitted in accordance with this Section. Copies of any written comments submitted to the City prior to the neighborhood meeting shall be provided to the applicant, or applicant's representative, at or before the meeting.
- (5) Compliance with the neighborhood meeting procedures in this Section is a condition precedent to submitting a building permit application. A building permit application must

substantially conform to the site plan and building height and bulk plane drawings submitted under Paragraphs (3)(2)(c) and (d), above. If a building permit application is not submitted within 180 days after the neighborhood meeting date, or the site plan and building height and bulk plane drawings do not substantially conform to those submitted for the neighborhood meeting, an applicant shall be required to conduct an additional neighborhood meeting in accordance with this Section prior to submitting an application for a building permit.

**Section 13.** Article XIII, Chapter 18, of the Cherry Hills Village Municipal Code, entitled “Marijuana Cultivation in Enclosed Structures”, is hereby repealed and replaced with the following Article XIII, entitled “Service Expansion Fee”, previously located in Article XII of Chapter 18 and with no changes thereto, to read in full as follows:

### **ARTICLE XIII – Service Expansion Fee**

#### **Sec. 18-13-10. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

*Building* means any enclosed structure without reference to use or occupancy for which a building permit is required by the ordinances of the City.

*Building Inspector* means the official charged with the administration and enforcement of the building code as adopted by the City, or his regularly authorized deputy.

*Contractor* means any person, firm, partnership, joint venture, architect, or corporation required to obtain a building permit pursuant to the ordinances of the City.

*Floor area* means the area of each floor and basement included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts, courts, and parking garages.

#### **Sec. 18-13-20. Payment of service expansion fee.**

- (1) Any owner, architect, contractor or other person applying for a building permit in accordance with the applicable ordinances of the City shall, as a condition to obtaining such building permit, pay to the City a service expansion fee as set by resolution of the City Council.
- (2) The service expansion fee shall apply to all new construction, all additions to existing structures, and the substantial alterations or reconstruction of existing structures, except for churches, schools, governmental, municipal, or quasi-municipal structures.
- (3) The service expansion fee shall be due and payable at the time the building permit is issued. Under no circumstances shall the Building Inspector issue a certificate of occupancy until and unless the service expansion fee, as set forth in Subsection (1) above, has been paid in full.

#### **Sec. 18-13-30. Effective date of provisions.**

The service expansion fee provided for herein shall be due and payable with respect to all building permit applications filed with the City from and after November 1, 1979.

**Section 14.** A new Article XIV, Chapter 18, of the Cherry Hills Village Municipal Code, entitled “Marijuana Cultivation in Enclosed Structures”, is hereby enacted to read in full as follows:

### **ARTICLE XIV – Marijuana Cultivation in Residential Structures**

#### **Sec. 18-14-10. Purpose, intent.**

It is the intent of this Article XIV to reasonably regulate certain building and use activities relating to the growing or processing, within a residential structure and certain accessory structures within the City, of marijuana by patients and primary caregivers pursuant to Article XVIII, Section 14 of the Colorado Constitution, state statutes and other applicable laws and regulations, and by other authorized persons pursuant to Article XVIII, Section 16 of the Colorado Constitution, state statutes and other applicable laws and regulations, so as to ensure that such activities are conducted in a safe manner. In furtherance of the City's intent, the City Council finds that this Article is necessary to prevent or mitigate the secondary effects and

negative impacts associated with the growing and processing of marijuana plants within residential homes and neighborhoods in order to preserve the health, safety, and welfare of the community.

**Sec. 18-14-20. Authority and applicability.**

The City of Cherry Hills Village is a home rule municipality and the City Council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety, and welfare of the City and its residents. This Article shall apply to all persons and property situated within the municipal boundaries of the City.

**Sec. 18-14-30. Definitions.**

*Accessory structure* shall have that meaning set forth in Section 16-9-130 of this Code.

*Authorized person* means a person 21 years of age or older lawfully permitted to engage in the personal use of marijuana, including growing and processing marijuana plants, pursuant to Article XVIII, § 16 of the Colorado Constitution.

*Contiguous*, in terms of determining the area devoted to the growing, cultivating, manufacturing, preparing, processing, or packaging of marijuana and marijuana plants, means an uninterrupted expanse of space on the same floor or level of the primary residence that can be measured by framing the area with four or more continuous and connected straight lines. The space within a single room which is defined by permanent perimeter walls is contiguous; the space within adjoining rooms divided by a permanent wall or permanent structure *but* accessible via a common doorway or connected by a common hallway is contiguous; however, nonadjacent spaces separated by two or more permanent walls or separated by floors or levels of the building are not contiguous.

*Enclosed space* means an area within a residential structure having a roof and all sides closed to the weather and locked to prevent unauthorized entry.

*Growing* and *cultivating* are interchangeable and mean and encompass all steps or stages in the process of producing, developing, tending, and keeping a marijuana plant through harvest (or, in the alternative, to serve as a "mother plant"), including but not limited to planting, germination, cloning, vegetative growth, flowering, and harvest.

*Locked* means secured at all points of ingress or egress with a locking mechanism designed to limit access such as with a key or combination lock.

*Marijuana* shall have the meaning set forth in Section 10-12-20 of this Code.

*Marijuana plants* mean marijuana plants, seedlings, or any part thereof in a living condition that are lawfully cultivated, produced, possessed, or processed pursuant to the Colorado Constitution and other applicable laws or regulations.

*Patient* shall have the meaning set forth in Article XVIII, § 14(1)(c) of the Colorado Constitution.

*Primary caregiver* shall have the meaning as set forth in Article XVIII, § 14(1)(f) of the Colorado Constitution.

*Primary residence* means the place that a person, by custom and practice, makes his or her principal domicile and address, and to which the person intends to return following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of a residential structure on a lot or parcel and the use of the residential address for domestic purposes, such as, but not limited to, sleep, preparation and consumption of meals, regular mail delivery, vehicle and voter registration, or credit, water, and other utility billing. A person shall have only one primary residence, but such primary residence shall include, for purposes of this Article, accessory structures located on the same lot or parcel as the residential structure.

*Processing* means and encompasses all steps or stages in the process of preparing a harvested marijuana plant for utilization as a usable form of marijuana, including but not limited to cutting, manicuring, drying, curing, extracting, packaging, and storing.



*Residential structure* means a structure or that portion of a structure devoted to a single-family detached dwelling; or, in the alternative, an allowed accessory building or structure associated with and on the same lot as such dwelling. For purposes of the home growing or processing of marijuana plants pursuant to Article XVIII, Section 16 or Section 14 of the Colorado Constitution, such activities shall be carried out in either the dwelling or the associated accessory building or structure, but not both.

*Single-family dwelling* shall have the same meaning as Single-Family Detached Dwelling Unit set forth in Section 16-9-130 of this Code.

**Sec. 18-14-40. Regulations for growing and processing marijuana plants in residential structures.**

- (1) It shall be unlawful to grow, cultivate or process marijuana or marijuana products for personal or medical use anywhere in the City other than an enclosed space within a residential structure in full compliance with the Colorado Constitution, any applicable state statutes, any rules or regulations promulgated thereunder, any other applicable law and the following regulations:
  1. Marijuana plants may be grown, cultivated or processed only in a patient's primary residence, the primary residence of the patient's primary caregiver, or the primary residence of an authorized person.
  2. Marijuana plants may be grown, cultivated, or processed within the primary residence of a patient for himself or herself, or by the patient's primary caregiver for such patient, subject to the square footage limitations set forth in Paragraph (1)(3) of this Section. A primary caregiver may not lawfully grow, cultivate or process marijuana plants for a patient in another patient's primary residence unless such is also the primary residence of the patient.
  3. The growing, cultivation or processing of marijuana plants including the keeping, storage, and maintenance of all materials, supplies, tools, equipment, and paraphernalia associated with the same, shall be limited to one of the following two areas within a residential structure:
    - i. A maximum contiguous 32 square foot area of enclosed space within a single-family detached dwelling; or
    - ii. A maximum contiguous 32 square foot area of enclosed space within an accessory structure separated by a minimum 10-foot setback from any single-family detached dwelling.
  4. Marijuana plants shall not be grown, cultivated or processed outdoors in the yard or other open area outside of a residential structure.
  5. Marijuana plants shall not be grown, cultivated, or processed in any rooms used for sleeping purposes by any occupant of a residential structure.
  6. The use of high intensity discharge lighting, including but not limited to mercury-vapor lamps, metal halide lamps, ceramic metal halide lamps, sodium-vapor lamps, high pressure sodium lamps, and xenon short-arc lamps, for the growing, cultivation, or processing of marijuana plants shall be prohibited unless the enclosed space within the residential structure used for marijuana growing, cultivation, or processing, including the walls, roof and doors, is constructed with a firewall assembly of Type X drywall meeting the minimum building code requirements for residential structures.
  7. Marijuana plants may not be processed with the use of any chemical to enhance tetrahydrocannabinol ("THC") in marijuana.
  8. The processing of marijuana or marijuana plants shall not involve the use of any chemical extraction method, including but not limited to any method using butane, acetate, isopropyl, ethyl alcohol, white gas, sulfuric acid, hydrochloric acid, or any substance prohibited by state law.



9. The use of a residential structure for the growing, cultivation, or processing of marijuana shall comply with all applicable building, fire, and safety codes adopted by the City, including plumbing, electrical, and all applicable zoning requirements, including but not limited to lot coverage, building height, and setbacks.
  10. The enclosed space within which marijuana plants are grown, cultivated, or processed shall be properly ventilated in accordance with all applicable building codes adopted by the City.
- (2) If a patient, primary caregiver or authorized person grows, cultivates, or processes marijuana plants within a residential structure that he or she does not own, such patient, primary caregiver, or authorized person shall obtain the written consent of the property owner before commencing to grow, cultivate, or process marijuana plants on the property. Such written documentation shall also include the owner's express consent to any material alterations to the residential structure associated with the growing, cultivating, or processing of marijuana plants, including but not limited to alterations to walls, windows, ventilation, plumbing, or electrical systems, shall be maintained on the premises of the residential structure; and shall be shown to any authorized City official upon request.
  - (3) It shall be unlawful for any person to sell or offer for sale marijuana or marijuana plants from or within the City.

**Sec. 18-14-50. Maximum number of marijuana plants.**

It shall be unlawful for any authorized person, patient or primary caregiver to possess, grow, cultivate, or process more than the number of marijuana plants allowed under the Colorado Constitution, any applicable state statutes, any rules or regulations promulgated thereunder, or any other applicable law. In no event shall the maximum number of marijuana plants within any residential structure exceed 12 marijuana plants, regardless of size or stage of growth or the number of residents lawfully allowed to reside in the residential structure and to possess and grow marijuana for any purpose.

**Sec. 18-14-60. Exterior impacts unlawful.**

It shall be unlawful to grow, cultivate or process marijuana plants within a residential structure in such a manner as to be perceptible from the exterior of the residential structure by means including, but not limited to:

- (1) Common visual observation, including any form of signage;
- (2) Odors, smells, fragrances or other olfactory stimulus generated by the cultivation, production, possession or processing of marijuana plants;
- (3) Noise from exhaust fans, other equipment or other sources associated with or connected to such growing or processing in excess of any applicable permissible noise levels set forth in Section 7-1-30 of this Code; or
- (4) Light pollution, glare or brightness of artificial illumination associated with the cultivation, possession or processing of marijuana plants.

**Sec. 18-14-70. Search warrants authorized.**

- (1) The City Council declares that a violation of this Article involves a serious threat to public safety or order within the meaning of Rule 241(a)(1) of the Colorado Municipal Court Rules of Procedure.
- (2) If the owner or occupant of a residential structure denies officials of the City's Community Development Department, Building Division or any police officer permission to inspect the residential structure, the City may request the Municipal Court to issue a search warrant for the inspection of the premises pursuant to the procedure and standards as set forth in Rule 241 of the Colorado Municipal Court Rules of Procedure.
- (3) The Municipal Court may issue a search warrant authorizing City officials to inspect a residential structure for the growing of marijuana plants in accordance with Rule 241(b) of the Colorado Municipal Court Rules of Procedure. Any search warrant issued

pursuant to this Article XIV shall fully comply with the applicable provisions of Rule 241 of the Colorado Municipal Court Rules of Procedure.

- (4) The Municipal Court may impose such conditions on a search warrant as may be necessary to protect the private property rights of the owner of the premises to be inspected or to otherwise ensure that the warrant complies with applicable law.
- (5) It shall be unlawful for any owner or occupant to deny any authorized City official access to the property owned or occupied by such owner or occupant if the authorized person presents a warrant issued pursuant to this Article.

**Sec. 18-14-80. Penalties and violations.**

- (1) A violation of the provisions of this Article shall be punishable as follows:
  1. Each and every day a violation of the provisions of this Article is committed, exists, or continues shall be deemed a separate offense;
  2. The City is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin, abate, or remove the violation;
  3. Any remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law or in equity; and
  4. In addition to any other penalties that may exist under state, federal, and local laws, violation of this Article shall be punishable as set forth in section 1-4-20 of this Code.
- (2) In addition to any other lawful method of enforcement, which method shall not be deemed exclusive, a violation of this Article is declared to be a public nuisance that may be abated as provided in Chapter 7, Article I of this Code.

**Sec. 18-14-90. Most stringent law or construction applies.**

Nothing in this Article is intended to supersede or modify applicable provisions of state law concerning the same subject. To the extent this Article is interpreted to authorize an action or activity otherwise prohibited by state law, such authorization shall mean such action or activity is not prohibited by local law. To the extent that a provision of state law is or becomes more stringent than a provision of this Article, the most stringent requirement or construction shall apply.

**Section 15. Effective Date of Ordinance; Effective Date of Codes Adopted by Reference.** This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village. Notwithstanding the effective date of this Ordinance, Articles I through X of Chapter 18 in effect as of the date on which this ordinance is approved on final passage shall remain in effect through 11:59 p.m. on December 31, 2025, and the codes adopted by reference in Sections 1 through 10 of this Ordinance shall be effective and enforceable commencing on January 1, 2026.

**Section 16. Repeal.** With the exception of the relocation of Article XII, Chapter 18, entitled "Service Expansion Fee," and for which no repeal is intended or effected, to Article XIII, Chapter 18 of the Cherry Hills Village Municipal Code, existing ordinances or parts thereof covering the same matters as embraced in this Ordinance are hereby repealed, and any and all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby, provided, however, that the repeal of any ordinance or parts of ordinances of the City of Cherry Hills Village shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided that 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 the taking effect of this ordinance.

**Section 17. Safety.** This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

**Section 18. Severability.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that

such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

**Section 19. Codification Amendments.** The codifier of the City’s Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Cherry Hills Village Municipal Code.

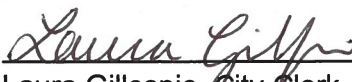
Adopted as Ordinance No. 4, Series 2025, by the City Council of the City of Cherry Hills Village, Colorado this 10<sup>th</sup> day of December, 2025.

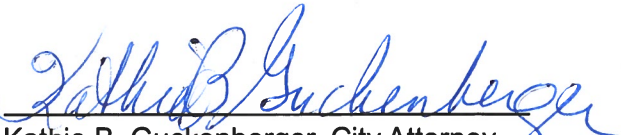
(SEAL)

  
Kathleen Brown, Mayor

ATTEST:

Approved as to form:

  
Laura Gillespie, City Clerk

  
Kathie B. Guckenberger, City Attorney

Published in the Villager  
Published: 12/18/25  
Legal #: 31111

CITY OF CHERRY HILLS  
VILLAGE  
ADOPTION OF ORDINANCE  
ORDINANCE 4, SERIES 2025

A BILL FOR AN ORDINANCE  
OF THE CITY OF CHERRY  
HILLS VILLAGE REPEALING  
AND RE-ENACTING ARTICLES  
I THROUGH VIII, REPEALING  
AND REPLACING ARTICLES IX,  
X, XI, AND XIII, RELOCATING  
ARTICLE XII WITHIN CHAPTER  
18, AND ENACTING A NEW  
ARTICLE XIV OF CHAPTER  
18 OF THE CHERRY HILLS  
VILLAGE MUNICIPAL CODE  
CONCERNING BUILDING  
AND FIRE REGULATIONS;  
ADOPTING BY REFERENCE,  
WITH CERTAIN AMENDMENTS,  
THE 2024 INTERNATIONAL  
BUILDING CODE, THE 2024  
INTERNATIONAL EXISTING  
BUILDING CODE, THE 2024  
INTERNATIONAL RESIDENTIAL  
CODE, THE 2020 NATIONAL  
GREEN BUILDING STANDARD,  
THE 2024 INTERNATIONAL  
MECHANICAL CODE, THE  
2024 INTERNATIONAL  
PLUMBING CODE, THE  
2024 INTERNATIONAL  
FUEL GAS CODE, THE  
2024 INTERNATIONAL  
ENERGY CONSERVATION  
CODE, THE 2023 NATIONAL  
ELECTRICAL CODE, THE 2024  
INTERNATIONAL SWIMMING  
POOL AND SPA CODE, AND  
THE 2024 INTERNATIONAL  
FIRE CODE; PROVIDING  
PENALTIES FOR VIOLATIONS  
THEREOF; UPDATING CROSS-  
REFERENCES THEREIN; AND  
REPEALING ALL ORDINANCES  
IN CONFLICT THEREWITH

Copies of the Ordinances are on  
file at the office of the City Clerk  
and may be inspected during  
regular business hours.

Published in The Villager  
Published: December 18, 2025  
Legal # 31111