

## ORDINANCE NO. 08 Series 2005

June 21, 2005: Introduced as Council Bill 09 Series 2005 by Councilmember Doug Tisdale, seconded by Councilmember Bonnie Blum, and considered by the title only on first reading. Passed unanimously.

July 19, 2005: Considered in full text on second reading. Passed unanimously

### A BILL FOR AN ORDINANCE

#### **AMENDING CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING BUILDING REGULATIONS, BY AMENDING ARTICLE I, CONCERNING THE INTERNATIONAL BUILDING CODE, ARTICLE II, CONCERNING THE INTERNATIONAL RESIDENTIAL CODE, ARTICLE III, CONCERNING THE INTERNATIONAL MECHANICAL CODE, ARTICLE IV, CONCERNING THE INTERNATIONAL PLUMBING CODE, ARTICLE V, CONCERNING THE INTERNATIONAL FUEL GAS CODE, ARTICLE VII, CONCERNING THE NATIONAL ELECTRICAL CODE, ARTICLE VIII, CONCERNING THE INTERNATIONAL FIRE CODE, AND ARTICLE IX, CONCERNING VIOLATIONS AND ENFORCEMENT.**

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

WHEREAS, the City of Cherry Hills Village is authorized to regulate building construction for property within the boundaries of the City; and

WHEREAS, the City of Cherry Hills Village is experiencing an increase in construction activity in areas of the City that are already predominantly developed; and

WHEREAS, the City Council finds that construction activities in areas of the City that are already predominantly developed have an adverse impact on the quality of life of the residents of the City; and

WHEREAS, the City Council desires to amend the City Code to better balance the impact of construction on existing residents against the desires of property owners to construct new residences or to conduct significant remodels of existing residences;

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

Section 1. That Subsection 18-1-20(10), Table 1-D, of the Municipal Code, concerning amendments to the 2000 International Building Code, is hereby amended to read as follows:

**Table 1-D  
Plan Review Fees**

PROJECT TYPE	FEES
Nonresidential structures including: Churches, Schools, Nonprofit Recreational and Commercial Facilities	Minimum \$1,000 for first 10 hours – additional plan review at \$100.00 per hour
New Home/Scrape and Rebuild – more than 50% of Existing Square Footage	\$600.00
Additions/Scrape and Rebuild – more than 50% of Existing Square Footage	\$300.00
Remodel With No New Square Footage	\$150.00
Accessory and Recreational Structures	\$150.00
Additional Plan Review	\$100.00 per hour, minimum 1 hour
Investigation Fee	Same fee as building permit fee or \$100.00 whichever is more
Reinspection Fee	\$50.00

Section 2. That Subsection 18-1-20(15) of the Municipal Code, concerning amendments to the 2000 International Building Code, is hereby amended to read as follows:

(15) Section 113 relating to "Violations" is hereby amended to read as follows:

"Section 113.1 General: Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

Section 3. That Subsection 18-2-20(13) of the Municipal Code, concerning amendments to the 2000 International Residential Code, is hereby amended to read as follows:

(13) Section 113 relating to "Violations" is hereby amended to read as follows:

"113.1 General: Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

Section 4. That Subsection 18-3-20(3) of the Municipal Code, concerning amendments to the 2000 International Mechanical Code, is hereby amended to read as follows:

(3) Add a new Section 106.4.7 to read as follows:

"106.4.7 General: Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

Section 5. That Subsection 18-4-20(5) of the Municipal Code, concerning amendments to the 2000 International Plumbing Code, is hereby amended to read as follows:

(5) Sections 108.1 through 108.6 relating to "Violations" are hereby repealed and Section 108.1 is added to read as follows:

"108.1 General: Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

Section 6. That Subsection 18-5-20(4) of the Municipal Code, concerning amendments to the 2000 International Fuel Gas Code, is hereby amended to read as follows:

(4) Sections 108.1 through 108.6 relating to "Violations" are hereby ~~amended to read as follows~~ repealed and Section 108.1 is added to read as follows:

"108.1 General: Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

Section 7. That Subsection 18-7-20(6) of the Municipal Code, concerning amendments to the 2002 National Electrical Code, is hereby amended to read as follows:

(6) Section 80.23(B) relating to "Penalties" is hereby repealed and Section 80.23(A) relating to "Violations" is hereby amended to read as follows:

"80.23(A) Violations: Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

Section 8. That Subsection 18-8-20(3) of the Municipal Code, concerning amendments to the 2000 International Fire Code, is hereby amended to read as follows:

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

"109.3 Violations Penalties. Violations of this code shall be governed by Chapter 18, Article IX of the Cherry Hills Village Municipal Code."

**Section 9.** That Section 18-9-30 of the Municipal Code, concerning stop work orders and notices, is hereby amended by the addition of subsection (4) so as to read in its entirety as follows:

**Sec. 18-9-30. Stop work orders and notices.**

The code official is authorized to issue a notice, order and demand to immediately cease work or any other action found by the code 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 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 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.

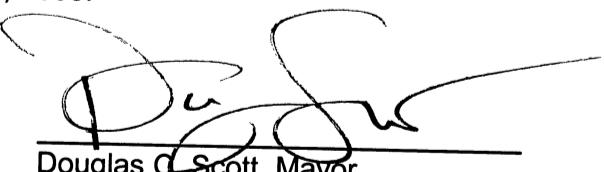
(3) Upon correction or remedy of the violations cited in a stop work order, the code official shall issue a written order rescinding the stop work order.

(4) Upon issuance of a stop work order, the applicant shall submit for a building permit in accordance with this Chapter. The review of such building permit shall be subject to the normal permit fees for such work outlined in Section 108.2.1, Tables 1-A through 1-E of the 2000 International Building Code as amended in addition to an investigation fee as outlined in Table 1-D of said section.

**Section 10.** **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.

**Section 11.** **Effective Date.** This ordinance shall take effect in accordance with the City of Cherry Hills Village Home Rule Charter.

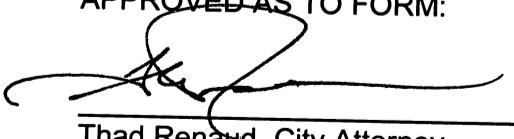
Adopted as Ordinance No. 08, Series 2005, by the City Council of the City of Cherry Hills Village, Colorado, and signed and approved by its Mayor and Presiding Officer this 19<sup>th</sup> day of July, 2005.

  
Douglas C. Scott, Mayor

ATTEST:

  
Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:

  
Thad Renaud, City Attorney