

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER REINHART
Council Bill No. 05
Ordinance No. 1478
Series 2011

TITLE: AN ORDINANCE AMENDING SECTION 2-59 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING THE MEMBERSHIP AND POWERS OF THE BUILDING CODE ADVISORY BOARD

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the City Council has exercised these powers by the adoption of Chapter 2 of the Wheat Ridge Code of Laws ("Code") concerning administration, and including the creation and membership of a Building Code Advisory Board (the "Board"); and

WHEREAS, The City Council wishes to permit flexibility in filling vacancies on the Board within the constraints imposed by the City's Home Rule Charter and Section 2-53 of the Code; and

WHEREAS, the City Council wishes to amend the review criteria applied by the Board in its decision-making process.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 2-59 of the Wheat Ridge Code of Laws is hereby amended to read in its entirety as follows:

- (a) There is hereby established a building code advisory board in order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of the provisions of the "INTERNATIONAL ~~Uniform~~ Building Code," AS ADOPTED BY SECTION 5-76 OF THIS CODE.
- (b) The building code advisory board shall have the authority and obligation to propose, revise, and annually review provisions for energy conservation in buildings for the city, AND SHALL HAVE SUCH OTHER DUTIES AS SET FORTH IN THIS CHAPTER.
- (c) The board shall consist of FIVE (5) members, ONE APPOINTED FROM EACH OF THE FOUR COUNCIL DISTRICTS, AND ONE AT-LARGE MEMBER, ALL OF WHOM SHALL BE qualified by experience and trained to pass upon matters pertaining to building construction and. THE BOARD shall

have representatives from the following categories as regular members of the board: one (1) licensed engineer; one (1) licensed architect; one (1) builder; and two (2) members from fields related to the construction industry. The alternate members of the building code advisory board may be members from any fields related to the construction industry. ALTERNATES MAY BE APPOINTED TO FILL VACANCIES IN THE REGULAR MEMBERSHIP OF THE BOARD. IN THE EVENT THERE ARE NOT SUFFICIENT QUALIFIED CANDIDATES FROM THE REQUIRED FIELDS TO FILL ANY VACANCY ON THE BOARD, THE CITY COUNCIL SHALL BE PERMITTED TO APPOINT ANY OTHERWISE QUALIFIED PERSON FROM ONE OF THE OTHER FIELDS TO FILL SUCH VACANCY. A QUORUM SHALL CONSIST OF THREE (3) MEMBERS INCLUDING ANY ALTERNATE SERVING IN THE ABSENCE OF A REGULAR MEMBER.

- (d) The board shall ~~have the authority to review AN APPEAL FROM any written final decision of the chief building inspector upon the written request of the applicant within ten (10) days of the decision by filing such appeal with the building department~~ AT ITS NEXT REGULARLY SCHEDULED MEETING, BUT NOT EARLIER THAN FIVE (5) DAYS FROM THE DATE OF SUBMISSION OF THE APPEAL. ANY SUCH APPEAL SHALL BE MADE IN WRITING WITHIN TEN (10) DAYS OF THE FINAL WRITTEN DECISION OF THE CHIEF BUILDING OFFICIAL upon the building division forms designated for such purposes. The board shall not have the authority to recommend decreasing public safety. ~~or fire-resistive standards set forth in any city ordinance. Where specific materials, types of construction or fire-resistive properties are required, such requirements shall be the minimum requirements, and any materials, types of construction or fire-resistive protection which will afford an equal or greater degree of safety or resistance to fire as specified in city ordinances may be recommended~~
- (e) Procedures for hearing of appeals from written decisions of the chief building inspector shall be pursuant to subsection (d) above. In all hearings the petitioner shall have the opportunity to appear on his own behalf, with or without the assistance of legal counsel, present evidence in his own behalf, and cross-examine witnesses presented against him. The building inspection division shall be given the opportunity to present evidence at all hearings.
- (f) The building code advisory board shall have the authority to promulgate rules and regulations for the conduct and standards of review to be applied in all appeals to the board ~~from written decisions of the chief building inspector.~~
- (g) THE BOARD SHALL HAVE THE RIGHT TO OVERTURN DECISIONS ON THE BASIS THAT THE DECISION CAUSES UNDUE ECONOMIC HARDSHIP, PROVIDED SUCH DECISION DOES NOT DECREASE THE PUBLIC SAFETY NOR VIOLATE COUNTY, STATE OR FEDERAL LAW.

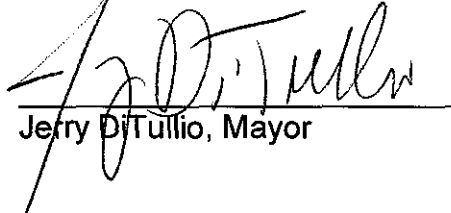
Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

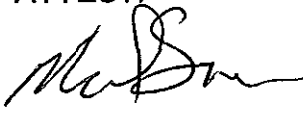
INTRODUCED, READ, AND ADOPTED on first reading by a vote of 5 to 3 on this 14th day of February, 2011, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for **February 28, 2011**, at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 28th day of February, 2011.

SIGNED by the Mayor on this 15th day of March, 2011.

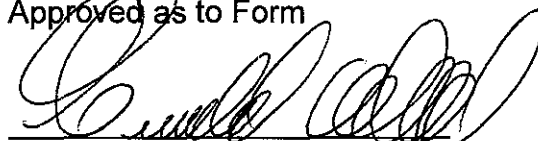

Jerry DiTullio, Mayor

ATTEST:


Michael Snow, City Clerk



Approved as to Form


Gerald E. Dahl, City Attorney

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