

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER GOKEY
Emergency Ordinance No. 1446

Series 2009

TITLE: AN ORDINANCE PROVIDING FOR A TIME-LIMITED REBATE OF A PORTION OF THE CITY'S BUILDING PERMIT AND INSPECTION FEES FOR THE REPAIR OF DAMAGE CAUSED BY THE JULY 20, 2009 STORM AND DECLARING AN EMERGENCY

WHEREAS, on Monday July 20, 2009, the City of Wheat Ridge was hit by a major thunderstorm that included large diameter hail, strong winds and significant rain which caused significant damage to the City, its residences and business locations and has created an emergency situation; and

WHEREAS, repair of structural and other damage caused by the storm will require building permits and inspections for which the City charges a fee pursuant to Chapter 5 of the Code of Laws ("Permit Fees"); and

WHEREAS, if left unrepaired, the damage caused by the storm may create a dangerous environment for the citizens of Wheat Ridge and cause property values to decline; and

WHEREAS, the City Council seeks to promote the timely repair of structures that were damaged by the July 20, 2009 storm and to protect the health, safety and welfare of its citizens by providing for a rebate of Permit Fees (not including sales, use or excise taxes), by fifty percent (50%) for all such permit applications submitted on and after July 21, 2009, to and including October 16, 2009.

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

Section 1. Permit Fees Rebated. Fifty percent (50%) of all building permit and inspection fees charged pursuant to Code of Laws Chapter 5 ("Permit Fees") shall be rebated to the owner of the property for which the building permit is issued, following final inspection of the permitted work, under the following conditions, and the provisions of Chapter 5 are hereby temporarily amended accordingly:

- A. **Qualifications.** The Permit Fees shall be rebated at 50% only for those property owners who seek to repair damage caused by the July 20, 2009 storm.
- B. **Application Requirements.** Property owners seeking a rebate of Permit Fees under the program established hereby must file an application for the same with the City. The application shall be accompanied by a signed statement:

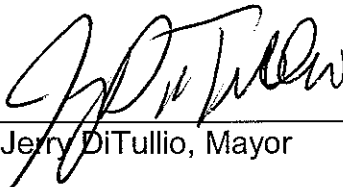
(1) attesting that the purpose of the work requiring the building permit was to repair damage caused by the July 20, 2009 storm, (2) acknowledging and agreeing that the owner is solely responsible for all reporting and other requirements applicable to them and to the affected property under all policies of insurance, and (3) acknowledging that the City is not a party to any owner policy of insurance and has no obligations thereunder. No person who fails to submit such signed statement shall be entitled to the rebate.

- C. Rebate Procedure. Building permit applicants shall pay the full amount of the fees required by Chapter 5 of the Code of Laws at the time of application. Upon final inspection confirming the proposed work has been completed in compliance with the Code and that such work was for the purpose of repairing damage caused by the July 20, 2009 storm and receipt of a complete application as described above, the City shall rebate to the owner fifty percent (50%) of the building permit and inspection fees paid.
- D. Effective Period. The period of eligibility shall commence on July 21, 2009 and automatically end on October 16, 2009. No rebate shall be granted with respect to any building permit application submitted prior to the beginning or after the end of the Effective Period.
- E. No Reduction in Taxes. This Ordinance shall not reduce or affect any sales, use or excise tax imposed by the City.
- F. Appropriation. The rebate program hereby established is conditioned upon and subject to the City Council's approval of an appropriation for the same.

Section 2. Emergency Declared. Pursuant to Charter Section 5.13 the Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge and that this Ordinance is necessary for the immediate preservation of public peace, health and safety. Specifically, the immediate effectiveness of this Ordinance is necessary to address the financial impacts to owners suffering structural and other damage caused by the July 20, 2009 thunderstorm.

Section 3. Effective Date. As provided by Charter Section 5.13, this Ordinance shall take effect immediately.

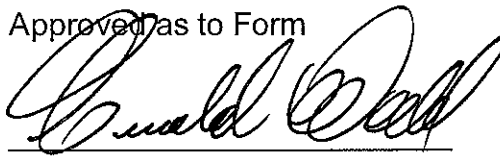
INTRODUCED, READ, AND ADOPTED as an emergency ordinance by a vote of 5 to 4, this 3rd day of August, 2009 and ordered published in full in a newspaper of general circulation in the City of Wheat Ridge within ten (10) days after passage, or as soon thereafter as possible.


Jerry DiTullio, Mayor

ATTEST:


Michael Snow, City Clerk

Approved as to Form


Gerald E. Dahl, City Attorney

Publication: August 6, 2009
Wheat Ridge Transcript