

CONSTRUCTION ADVISORY BOARD (CAB)

Roles and Duties

Background

The Commission was originally established as the Construction Advisory Board on April 7, 1981 (Ord. #1956), with 11 members. Under certain circumstances, may revoke or suspend, or take other action on an existing contractor's license (Ord. #5018). This Board also serves as the Board of Appeals.

Roles and Duties of the Commission

The duties are established by Municipal Code 2.60.080, as follows:

Construction advisory board.

A. There is established a construction advisory board consisting of eleven members appointed by the city council. The term of office of each member shall be three years.

B. The purpose of the construction advisory board shall be to serve as an advisory body to the city council on all matters pertaining to the regulation of construction activities within the jurisdiction of the city. In addition to any other duties as may be delegated to it by the city council, the board shall:

- 1. Review uniform codes and recommend updates, as needed; and*
- 2. Review subdivision improvement requirements and development standards and recommend updates, as needed.*

C. The construction advisory board shall be the board of appeals in connection with all codes adopted by reference in Title 15 and shall exercise the powers delegated to it by the city council in Chapter 15.04.

Current Commission Operations, 2017

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| Membership: | Eleven (11) members |
| Terms/Renew schedule | Three (3) years December |
| Qualifications: | General provision found in 2.60.020; Six (6) members must be COL |
| Meetings: | Monthly, fourth Wednesday, 6:00 p.m., City Council Chambers |
| City Council Liaison: | John Fogle |
| City Council Liaison Alt: | Don Overcash |
| Department: | Development Services/Building |
| Staff Liaison: | John Schumacher |

Chapter 15.04

BUILDINGS AND CONSTRUCTION--GENERAL PROVISIONS*

Sections:

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| 15.04.010 | Building official. |
| 15.04.020 | General provisions. |
| 15.04.032 | No permit issued - When. |
| 15.04.036 | Finished grade. |
| 15.04.050 | Permits - Time limit for procuring. |
| 15.04.060 | Permits - Application - Approval. |
| 15.04.070 | Exemption of Certain City Projects from Permit Fees. |
| 15.04.090 | Connections - Prohibited until work is approved. |
| 15.04.120 | Interpretation. |
| 15.04.140 | Liability for damage. |
| 15.04.150 | Appeals. |
| 15.04.151 | Appeals to the construction advisory board. |
| 15.04.152 | Appeals to the fire and rescue advisory commission. |
| 15.04.153 | Review by city council. |
| 15.04.155 | Review by city council. |
| 15.04.170 | Conflicts between codes. |
| 15.04.190 | Penalties. |
| 15.04.200 | Conflict in standards. |

* For statutory provisions authorizing cities and towns to regulate the construction of buildings, see CRS § 139-34-1(42).

15.04.010 Building official.

The position of building official is created. Unless otherwise provided, the building official shall be the chief enforcement officer for all building regulations contained in this title, including the various codes adopted by reference in this title and for Titles 16 and 18 of this code, including the various codes adopted therein by reference. The building official may appoint plans reviewers, building inspectors, other related technical officers and inspectors and assistants as authorized by the city manager. (Ord. 3481 § 1, 1988; Ord. 3091 § 1, 1984; Ord. 1355 § 1, 1974; prior code § 22-1)

15.04.020 General provisions.

The general provisions of this chapter shall apply to all building regulations set forth in this title. (Ord. 1981 § 1, 1981; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2)

15.04.032 No permit issued--When.

No permit shall be issued to any person who is delinquent on the payment of any fees or other charges due the city in connection with such permit or any other permit previously issued to such person, until such fees or charges are paid. (Ord. 3335 § 16, 1986)

15.04.036 Finished grade.

As an integral part of the issuance of a building permit for new construction, the applicant must submit a finished grading plan for review and approval, by the city engineer. This grading plan must be in sufficient detail to insure positive drainage away from all structures and the method of disposal of all drainage runoff for the entire project site. The finished grading plan shall be subject to the review and approval of the city engineer, prior to the issuance of the building permit. (Ord. 1894 § 1, 1980)

15.04.050 Permits--Time limit for procuring.

All permits issued hereunder must be procured and all required building permit fees therefore paid within ninety days after notification by the building official's office that the building permit application has been processed. (Ord. 4354 § 2, 1998; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-1 (part))

15.04.060 Permits--Application--Approval.

Applications for building, plumbing, electrical, mechanical and sign permits shall be made to the building official. Such application shall be accompanied by plans which are sufficient to determine whether the proposed project complies with the provisions of these codes. In the event any changes, additions or amendments are made in said plans and specifications at any time before completion of the work, the changes shall be submitted to the building official for his approval. Such approval shall be noted on the records of the building official. Upon receipt of evidence that the applicant is duly licensed (if the nature of the work for which the permit is sought requires the applicant to be licensed) and that all conditions for the issuance of a permit have been met by the applicant, and that all necessary fees have been paid to the city, the building official shall issue the permits required. (Ord. 5600 § 1, 2011; Ord. 4354 § 3, 1998; Ord. 1659 § 11, 1978; Ord. 1640 § 1, 1978; Ord. 1420 § 3c, 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-2)

15.04.070 Exemption of Certain City Projects from Permit Fees

Notwithstanding any provision in this Title 15 to the contrary, the city shall not be required to pay any inspection, building, or any other fees required under this Title 15 with respect to the construction or development of any city-funded building, improvement or facility to be used for a city purpose; provided that this exemption shall not apply to those buildings, improvements and facilities funded by, constructed for, and to be used by (i) the city's power, water, wastewater, stormwater, or solid waste utility; or (ii) the city's golf enterprise and all such utility and enterprise development shall continue to be subject to all applicable fees under this Title 15. (Ord. 5485 § 1, 2010)

15.04.090 Connections--Prohibited until work is approved.

It is unlawful for any person to make any electrical, gas, water or sewer connection to any building or structure until the work has been completed, inspected and approved as set forth in this code and in the codes herein adopted by reference. (Ord. 1420 § 3f, 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-5)

15.04.120 Interpretation.

- A. When the building code or other codes adopted in this title contain a provision that an act or activity must be accomplished in order to secure an approval from, or that an act or activity is subject to the direction of, the inspecting agents or any other officer of the city, then such provision shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance or the respective codes have been complied with. No such provision shall be construed as giving any officer or agent discretionary powers to make any ruling or determination concerning such conditions or things not prescribed by ordinance or code or to enforce ordinance provisions in an arbitrary or capricious manner.
- B. When any reference in this Title, or other codes adopted in this Title, is made to the "International Building Code" such reference shall refer to the building code adopted in this Title.
- C. When any reference in this Title, or other codes adopted in this Title, is made to the "ICC Electrical Code" such reference shall refer to the electrical code adopted in this Title.
- D. When any reference in this Title, or other codes adopted in this Title, is made to the "International Fire Code" such reference shall refer to the fire code adopted in this Title.
- E. When any reference in this Title, or other codes adopted in this Title, is made to the "International Private Sewage Disposal Code" such reference shall have no application.
- F. When any reference in this Title, or other codes adopted in this Title, is made to the "International Property Maintenance Code" such reference shall refer to the property

maintenance code adopted in this Title. (Ord. 5026 § 1 (part), 2005; Ord. 4354 § 4, 1998; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-8)

15.04.140 Liability for damage.

This title shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any materials or equipment related to any permit issued by the city for damages to anyone injured or any property destroyed by reason of the performance of any inspection authorized therein or the issuance of any certificate of inspections as herein provided. (Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-10)

15.04.150 Appeals.

The construction advisory board shall serve as the board of appeals in connection with all codes adopted in this Title 15 by reference with the exception of appeals arising out of the fire code adopted by this Title. The fire and rescue advisory commission shall serve as the board of appeals in connection with appeals arising out of said fire code. (Ord. 5234 § 1, 2007; Ord. 5026 § 2, 2005; Ord. 4354 § 5, 1998; Ord. 1956 § 2, 1981; Ord. 1420 § 3g, 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code 22.2-11)

15.04.151 Appeals to the construction advisory board.

- A. Except as otherwise provided in Section 15.04.152, if under this Title 15 a person is denied any permit or certificate of occupancy, has a permit or certificate of occupancy revoked or suspended, is issued a notice of abatement, or is issued a stop work order by the city's building official, such person may appeal the building official's action to the construction advisory board by filing a written notice appeal with the building official no later than fifteen days after the permit or certificate of occupancy is denied, revoked or suspended or fifteen days after the issuance of the stop work order, which notice shall state the appellant's grounds for appeal.
- B. If the construction advisory board determines that the denial of the permit or certificate of occupancy, the revocation or suspension of the permit or certificate of occupancy, the notice of abatement, or the issuance of a stop work order is not justified under the applicable provisions of this Title 15; the material or methods of construction required are not reasonable for the particular building; that the alternate materials and methods of construction proposed by the appellant are sufficient to insure public health and safety; or that the requirements of the applicable provisions of this Title 15 would work an undue hardship upon the appellant, the board may authorize issuance of the denied permit or certificate of occupancy, rescind the revocation or suspension of the permit or certificate of occupancy, rescind the notice of abatement, or rescind the stop work order and, when doing so, may designate and impose such conditions as it reasonably determine to be justified under the circumstances. (Ord. 5390 § 1, 2009; Ord. 5234 § 2, 2007; Ord. 4354 § 6, 1998)

15.04.152 Appeals to the fire and rescue advisory commission

- A. If under the fire code adopted by this Title 15 a person is denied a permit, has a permit revoked, or is issued a stop work order by the code official, such person may appeal the code official's action to the fire and rescue advisory board by filing with the code official a written notice of appeal to the code official not later than fifteen days after the permit has been denied or revoked or fifteen days after the issuance of a stop work order, which notice shall state the appellant's grounds for appeal.
- B. If the fire and rescue advisory commission determines that the denial of the permit, the revocation of the permit, or the issuance of a stop work order is not justified under the applicable provisions of the fire; that the alternative design, materials, or methods of construction proposed by the appellant are equivalent to those prescribed by the applicable fire code provisions concerning quality, strength, effectiveness, fire resistance, durability, safety and all other pertinent factors; or that the applicable requirements, of the fire code would work an undue hardship upon the appellant, the commission may authorize issuance of the denied permit, rescind the revocation of the permit, or rescind the stop work order and, when doing so, may designate and

impose such conditions as it may reasonably determine to be justified under circumstances. (Ord. 5234 § 2, 2007; Ord. 4354 § 6, 1998)

15.04.153 Public hearings

Every appeal under Section 15.04.151 and Section 15.04.152 shall be heard by the construction advisory board and the fire and rescue advisory board, as applicable, at a public hearing. Notice of the public hearing shall be given at least fifteen days in advance by publication of a notice of the public hearing in a newspaper of general circulation in the city. At the appeal hearing, members of the public, the appellant and city staff shall be entitled to address the appeals board. The public hearing shall be recorded. (Ord. 5234 § 3, 2007; Ord. 4354 § 7, 1998)

15.04.155 Review by City Council

The appellant or the city official whose decision was appealed under Section 15.04.151 to the construction advisory board or under Section 15.04.152 to the fire and rescue advisory commission, and who is aggrieved by the decision of the applicable appeal board, may appeal that decision to the city council. In addition, any member of the fire and rescue advisory commission may appeal a decision of the construction advisory board reasonably related to a fire related issue. A person appealing a decision of the construction advisory board shall file a written notice of appeal with the city's building official no later than fifteen days after the board's decision and shall in the notice the grounds for appeal. A person appealing a decision of the fire and rescue advisory commission shall file a written notice of appeal with the city's code official not later than fifteen days after the commission's decision and shall state in the notice the grounds for appeal. In the event of such appeal to the city council, the powers and duties set forth in Section 15.04.151 and Section 15.04.152, as applicable, shall be exercised by the city council, which shall conduct a new public hearing on the matter. (Ord. 5234 § 3, 2007; Ord. 4354 § 8, 1998; Ord. 1956 § 3, 1981)

15.04.170 Conflicts Between codes.

Whenever the provisions of the building regulations conflict with the provisions of any other section of the Municipal Code or any codes adopted by reference therein, the provisions which provide the most restrictive requirements shall supersede all other provisions. (Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-13)

15.04.190 Penalties.

- A. It is unlawful for any person to violate any of the provisions of this title or the codes adopted by reference in this title or to violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement or specifications or plans submitted or approved thereunder or any certificate or permit issued thereunder. Any such violation constitutes a violation of this title.
- B. Every person convicted of a violation of any provision stated or adopted in this title or any provision of the codes adopted in this title by reference shall be punished as provided in Section 1.12.010 of this code. This penalty provision shall supersede all penalty provisions set forth in the codes adopted in this title by reference, whether or not said penalty provisions are specifically deleted or repealed. (Ord. 4354 § 9, 1998; Ord. 3845 § 1 (part), 1992; Ord. 1981 § 4, 1981; Ord. 1420 § 3h, 1975; Ord. 1412 § 5(a) (part), 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-14)

15.04.200 Conflict in standards.

Nothing in this chapter shall be construed to conflict with applicable state statutes where such statutes provide for standards more restrictive than those provided herein. Exceptions to applicable state standards shall be considered as provided by state statutes, and the city council shall act as the body responsible for the granting of exceptions, modifications and exemptions to such applicable state standards, as authorized by and pursuant to the provisions of the laws of the state of Colorado. (Ord. 1636 § 4, 1978)