

ORDINANCE NO. 865

AN ORDINANCE AMENDING THE DACONO MUNICIPAL CODE CONCERNING APPEALS TO THE BUILDING CODE BOARD OF APPEALS

WHEREAS, the City Council previously adopted Section 18-46 of the Dacono Municipal Code, which established a Building Code Board of Appeals that hears and decides appeals of orders, decisions and determinations by the Building Official; and

WHEREAS, the City desires to clarify that determinations involving the Building Valuation Data and permit fee schedules adopted by City Council cannot be appealed to the Building Code Board of Appeals; and

WHEREAS, the City Council has determined that this amendment should be adopted as herein set forth.

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

Section 1. Section 18-46(d) of the Dacono Municipal Code is hereby amended to read as follows (words to be added are underlined):

Sec. 18-46. Appeals.

(d) Any person, firm or corporation aggrieved by a final decision of the Building Official regarding the suitability of alternate materials, methods of construction or regarding the technical application and interpretation of the building codes adopted by reference within this Chapter may appeal the decision to the Board by filing an application for appeal within thirty (30) days after the date of the decision or other action causing the appeal. No appeal shall be accepted or heard if it is filed after such date. Further, no appeal shall be accepted or heard where the basis of the appeal is the Building Valuation Data or permit fee schedules adopted by City Council pursuant to Section 18-41 of this Code. Application for an appeal hearing before the Board shall include a concise statement of the decision being appealed, the reasons for the appeal and the relief being sought from the Board. The Board may designate application forms for such appeals. Upon the receipt of a complete application for appeal, the Board shall schedule a hearing to be held within thirty (30) days after the filing of the application for appeal, unless the applicant consents to a later date.

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the

validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. This ordinance is deemed necessary of the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property within the City of Dacono.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 25th day of March, 2019.

PUBLIC HEARING AND SECOND READING WILL BE THE 8th day of April, 2019, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

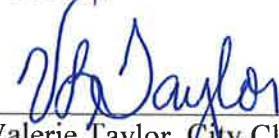
READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 8th day of April, 2019.

CITY OF DACONO, COLORADO



Joe Baker, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 865, **“AN ORDINANCE AMENDING THE DACONO MUNICIPAL CODE CONCERNING APPEALS TO THE BUILDING CODE BOARD OF APPEAL”** Amends Section 18-46(d) of the Dacono Municipal Code to clarify that determinations involving the Building Valuation Data and permit fee schedules adopted by City Council cannot be appealed to the Building Code Board of Appeals.

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