

SUBJECT: **ORDINANCE NO. 1874, SERIES 2024 – AN ORDINANCE
AMENDING LOUISVILLE MUNICIPAL CODE CHAPTER 15.56
FOR THE PURPOSE OF EXPANDING THE ROLE OF THE
BUILDING CODE BOARD OF APPEALS TO REVIEW AND
MAKE RECOMMENDATIONS TO THE CITY COUNCIL ON
BUILDING CODE ADOPTIONS – 2nd READING (advertised *Daily
Camera* 5/26/24)**

DATE: **JUNE 4, 2024**

PRESENTED BY: **ROB ZUCCARO, AICP, COMMUNITY DEVELOPMENT
DIRECTOR**

SUMMARY:

The attached ordinance amends the municipal code to expand the authority of the Building Code Board of Appeals (the Board) to review and make a recommendation to the City Council as part of Council’s consideration of the adoption of any new building codes, and amendments to those codes.

BACKGROUND:

The City originally created the Building Code Board of Appeals by Ordinance No. 1214, Series 1996 to align with the adoption of the uniform national building and construction standards. The purpose of the Board has been to provide a venue for the appeal of any order, decision, or determination made by the City’s Building Official in interpreting and applying the City’s building codes. In 2006, the City adopted contractor licensing standards, and expanded the Boards role to hear and make determinations on license enforcement and revocations.

The current City code does not provide a formal duty or authority for the Board to make a recommendation on the adoption of building codes. However, the Board has informally reviewed some past code amendments and advised the Building Official and City Council on code adoption cycles. The City will adopt new building codes by reference from time to time, and specific amendments to those codes deemed appropriate for the City. The international series of building codes, which the City has currently adopted, are updated on a three-year cycle.

ANALYSIS:

Adding the specific duty into the Municipal Code to make a recommendation to the City Council on any potential building code adoption will clarify the Board’s role in the code adoption process. Unlike most City boards and commissions, a Building Code Board of Appeals member is not required to be a resident of the City, but is required to have qualifications and experience in building construction.

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PUBLIC COMMENTS:

No public comments have been received.

FISCAL IMPACT:

No fiscal impact is anticipated from the changes to the code.

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance No. 1874, Series 2024 on first reading and setting the public hearing for June 4, 2024.

ATTACHMENT:

1. Ordinance No. 1874, Series 2024

STRATEGIC PLAN IMPACT:

☐	 Financial Stewardship & Asset Management	☒	 Reliable Core Services
☒	 Vibrant Economic Climate	☐	 Quality Programs & Amenities
☐	 Engaged Community	☐	 Healthy Workforce
☐	 Supportive Technology	☐	 Collaborative Regional Partner

**ORDINANCE NO. 1874
SERIES 2024**

**AN ORDINANCE AMENDING LOUISVILLE MUNICIPAL CODE CHAPTER 15.56 FOR
THE PURPOSE OF EXPANDING THE ROLE OF THE BUILDING CODE BOARD OF
APPEALS TO REVIEW AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL
ON BUILDING CODE ADOPTIONS**

WHEREAS, the City Council has adopted from time-to-time certain building and construction standards; and

WHEREAS, it is deemed to be in the interest of the public health, safety and general welfare to adopt by reference certain building codes with amendments as deemed appropriate; and

WHEREAS, the City Council desires to have the Building Code Board of Appeals act in a formal advisory role to the City Council prior to consideration of adoption of any building code and amendments thereto; and

WHEREAS, the City Council, after proper notice as required by law, has held a public hearing on this ordinance providing for amendments to said codes; and

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

Section 1. Louisville Municipal Code Chapter 15.56, concerning authority of the Building Code Board of Appeals, is hereby amended as follows (deleted text in ~~strikethrough~~ and new text underlined):

Sec. 15.56.010. - Created; membership; rules and authority.

- A. There is hereby created the building code board of appeals ("board"). The purpose of the board is to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the building codes, and amendments thereto, as adopted from time to time by reference within this title 15. The board shall also review and make a recommendation to the City Council on any building codes presented to the City Council for adoption, and amendments thereto, within this title 15. The board shall consist of five members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the city. Residence within the city limits of the city shall not be a requirement or qualification for appointment to the board. The building official shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Municipal Code of the City of Louisville 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 and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as 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.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 21st day of May, 2024.

Christopher M. Leh, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 4th day of June, 2024.

Christopher M. Leh, Mayor

ATTEST:

Meredyth Muth, City Clerk