

ORDINANCE NO. 2493

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST, HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE TO CREATE ARTICLE VI OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO CONSOLIDATE THE PROVISIONS WHICH REGULATE HOW FEES ARE CALCULATED FOR PERMITS ASSOCIATED WITH THE COMMERCE CITY BUILDING CODE (C3BC)

WHEREAS, the purpose of this and related ordinances is to update the city's building code, adopt changes made in the various 2021 editions of the International Codes, apply city-specific revisions to the adopted codes, and to simplify, consolidate, and clarify the city's building code support functions such as appeals, violations, contractor licenses, fees and third-party services; and

WHEREAS, Article VI, entitled "Fees," has been created as a housekeeping measure to remove repetitive provisions in each volume of the C3BC and incorporate them into a single location. There are no substantive changes over those provisions for fees that were included in the various volumes of the 2018 C3BC.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendments. Chapter 5, Article VI of the Commerce City Revised Municipal Code is hereby created as set forth in Exhibit A.

SECTION 3. Repealer. 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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 17TH DAY OF APRIL, 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 15TH DAY OF MAY, 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

CHAPTER 5 – BUILDINGS AND BUILDING REGULATIONS
ARTICLE VI. FEES

...

Sec. 5-86. - Payment of fees.

The fees for any permit issued pursuant to the City of Commerce City Building Code (C3BC), as well as related fees for work done in connection to or concurrently with the work authorized by a building permit, shall be set by resolution of the city council. The city council is also authorized to establish a refund policy and to impose additional fees for any person who commences any work before obtaining the necessary permits. No permit shall be valid until the appropriate fees have been paid.

Sec. 5-87. – Permit valuations.

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of all work including materials and equipment (whether new or existing, donated or salvaged) and labor, for which the permit is being issued, such as electrical, fuel gas, mechanical, plumbing, roofing, elevators, fire extinguishing and alarm systems, building finishes and other permanent systems and equipment. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official.

The final determination of value or valuation under any of the provisions of the C3BC shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all work as described above. When the permit applicant's stated valuation is incomplete or under reported, the building official shall use the most recent building valuation data published by the International Code Council to determine appropriate valuation.

After the completion of a project, an audit may be requested by the permit applicant or the city to establish the actual permit valuation. If the permit applicant requests an audit, he or she must do so within 60 days after the date the project is completed. Where actual valuation differs from the stated valuation, the required fees shall be reconciled, where indicated, excess fees collected shall be refunded or additional required fees shall be assessed.

****END OF EXHIBIT A****