

**ORDINANCE NO. 6  
Series 2010**

February 2, 2010: Introduced as Council Bill 3, Series 2010 by Councilor Scott Roswell, seconded by Councilor Klasina VanderWerf, and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

February 16, 2010: Considered in full text on second reading. Passed by a vote of 4 yes and 0 no.

**A BILL FOR AN ORDINANCE  
OF THE CITY OF CHERRY HILLS VILLAGE,  
AMENDING CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,  
CONCERNING BUILDING REGULATIONS  
BY AMENDING SECTIONS 18-1-20, 18-2-20, 18-3-20, 18-4-20 and 18-5-20  
CONCERNING AMENDMENTS TO THE 2006 INTERNATIONAL BUILDING CODE,  
INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE,  
INTERNATIONAL PLUMBING CODE, AND INTERNATIONAL FUEL GAS CODE PERMIT  
APPLICATION AUTHORIZATION REQUIREMENTS**

**WHEREAS**, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

**WHEREAS**, the City of Cherry Hills Village is authorized to adopt and enforce police power regulations in furtherance of the health, safety and welfare of its citizens; and

**WHEREAS**, the City Council adopted the 2006 International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, and International Fuel Gas Code and various amendments to these Codes in Chapter 18 of the Cherry Hills Village Municipal Code; and

**WHEREAS**, the City Council has determined that the 2006 International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, and International Fuel Gas Code should be amended to provide for a requirement that an applicant represent that he or she has authority of a majority of the ownership interests in the property as a condition of obtaining a building permit.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:**

Section 1. That subsections (4) through (20) of Sec. 18-1-20 of the Cherry Hills Village Municipal Code, concerning amendments to the 2006 International Building Code, are renumbered as subsections (5) through (21), respectively, and that a new subsection (4) is added to Sec. 18-1-20 to read as follows:

(4) Section 105.3(6) is hereby amended to read as follows:

“6. Be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application.”

Section 2. That subsections (3) through (22) of Sec. 18-2-20 of the Cherry Hills Village Municipal Code, concerning amendments to the 2006 International Residential Code, are renumbered as subsections (4) through (23), respectively, and that a new subsection (3) is added to Sec. 18-2-20 to read as follows:

(3) Section 105.3(6) is hereby amended to read as follows:

“6. Be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application.”

Section 3. That subsections (2) through (7) of Sec. 18-3-20 of the Cherry Hills Village

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Municipal Code, concerning amendments to the 2006 International Mechanical Code, are renumbered as subsections (3) through (8), respectively, and that a new subsection (2) is added to Sec. 18-3-20 to read as follows:

(2) Section 106.3 is hereby amended to read as follows:

**"106.3 Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official."

Section 4. That subsections (2) through (10) of Sec. 18-4-20 of the Cherry Hills Village Municipal Code, concerning amendments to the 2006 International Plumbing Code, are renumbered as subsections (3) through (11), respectively, and that a new subsection (2) is added to Sec. 18-4-20 to read as follows:

(2) Section 106.3 is hereby amended to read as follows:

**"106.3 Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official."

Section 5. That subsections (2) through (7) of Sec. 18-5-20 of the Cherry Hills Village Municipal Code, concerning amendments to the 2006 International Fuel Gas Code, are renumbered as subsections (3) through (8), respectively, and that a new subsection (2) is added to Sec. 18-5-20 to read as follows:

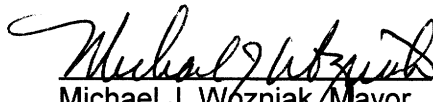
(2) Section 106.3 is hereby amended to read as follows:

**"106.3 Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owners representing a majority interest in the ownership of the property, or by an agent who is duly authorized by those individuals or entities that hold a majority interest in the ownership of the property. With respect to properties where deed, contract or other provisions require more than a majority interest to undertake work necessitating a building permit, such authority of the applicant shall be demonstrated with the permit application. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official."

Section 6. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite that fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 7. Effective date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.


Adopted as Ordinance No. 6, Series 2010, by the City Council of the City of Cherry Hills Village, Colorado, on the 16th day of February, 2010.

  
Michael J. Wozniak, Mayor

ATTEST:

  
Laura Smith, City Clerk

APPROVED AS TO FORM:

  
Kenneth S. Fellman, City Attorney

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**CITY OF CHERRY HILLS VILLAGE  
ADOPTION OF ORDINANCE  
ORDINANCE 6, SERIES 2010**

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING CHAPTER 18 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING BUILDING REGULATIONS, BY AMENDING SECTIONS 18-1-20, 18-2-20, 18-3-20, 18-4-20, AND 18-5-20 CONCERNING AMENDMENTS TO THE 2006 INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, AND INTERNATIONAL FUEL GAS CODE PERMIT APPLICATION AUTHORIZATION REQUIREMENTS

Copies of the Ordinance are on file at the office of the City Clerk and may be inspected during regular business hours.

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