

ORDINANCE NO. 087, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS TO
CORRECT AND CLARIFY AN INADVERTENT CHANGE TO THE
APPEAL TO THE CITY COUNCIL OF FINAL DECISIONS BY THE
BUILDING REVIEW COMMISSION AND THE WATER COMMISSION

WHEREAS, Chapter 2, Article II, Division 3 of the City Code (the “Appeals Code”) establishes a process whereby parties directly affected by the quasi-judicial decisions of City boards and commissions and certain other City decision makers may be appealed to the City Council; and

WHEREAS, on February 24, 2020, City Council adopted Ordinance No. 020, 2020, repealing and reenacting the Appeals Code, including Section 2-47 that permits final decisions that are “expressly appealable to City Council under other provisions of [the Appeals Code]” to be decided by City Council; and

WHEREAS, it has been determined that certain final decisions made by the Building Review Commission and the Water Commission were appealable to City Council under the prior provision of the Appeals Code, but with the change made to City Code Section 2-47 are no longer clearly appealable because such decisions are not “expressly appealable to City Council under other provisions of the Appeals Code”; and

WHEREAS, City Council desires to clarify and, to the extent necessary, reinstate the right to appeal final decisions of the Building Review Commission and Water Commission as set forth herein to Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Article I, Chapter 5 of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 5.3 to read as follows:

Sec. 5-3. - Certain appeals to be taken to city council.

A final decision of the Building Review Commission regarding application of the International Codes adopted in this Chapter 5 of the City Code may be appealed to City Council under Chapter 2, Article II, Division 3 of the City Code.

Section 3. That Section 15-156 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-156. - Duties of Building Review Board; Appeal.

(a) The Building Review Board shall have the duties and perform the functions as set forth in § 2-119 of the Code, which duties and functions include, without limitation, hearing all matters related to the suspension or revocation of any supervisor certificate or license or registration of any plumber or electrician as provided in the Code. The Building Review Board is authorized, upon appeal in specific cases, to grant variances from the terms of this Article, where the strict application of any provision of this Article would result in peculiar or exceptional practical difficulties to or exceptional or undue hardship upon the person or applicant regulated; or, when such applicant can demonstrate to the satisfaction of the Board that the applicant possesses other qualifications not specifically listed in this Article, such as specialized training, education or additional experience, which the Board has determined qualifies the applicant to perform in a competent manner any construction authorized under the license or certificate sought, and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Article.

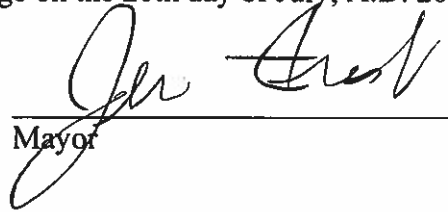
(b) A final decision of the Building Review Commission regarding suspension or revocation of a license under this section may be appealed to City Council under Chapter 2, Article II, Division 3 of the City Code.

Section 4. That Section 10-28(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 10-28. - Appeals/variance procedure.


(a) The Water Board, as established in § 2-436, shall hear and decide appeals from decisions of the Utilities Executive Director and requests for variances from the requirements of this Article. Any final decision of the Board may be appealed to City Council under Chapter 2, Article II, Division 3 of the City Code.

Introduced, considered favorably on first reading, and ordered published this 6th day of July, A.D. 2021, and to be presented for final passage on the 20th day of July, A.D. 2021.



Mayor

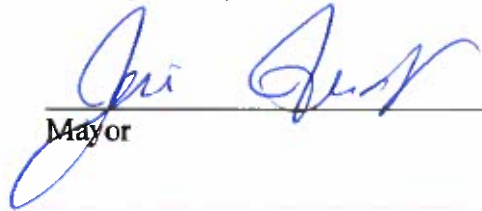
ATTEST:



City Clerk *Interim*



Passed and adopted on final reading on the 20th day of July, A.D. 2021.



Mayor

ATTEST:



City Clerk *Interim*

