

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 16

DATE: October 7, 2008

STAFF: Felix Lee

SUBJECT

First Reading of Ordinance No. 121, 2008, Amending Section 2-119 of the City Code Pertaining to the Functions of the Building Review Board.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

This Ordinance will amend Section 2-119 of the City Code to update the functions of the Building Review Board. These provisions include:

- Authorizing the Building Review Board to consider a contractor license applicant's alternative qualifications;
- Adding a new provision to formally authorize the Building Review Board to serve as the "board of appeals" for appeals related to *International Property Maintenance Code (IPMC)* and Supplemental Rental Housing Provisions; and
- Adding a new provision to authorize the Building Review Board to advise City Council on policy matters related to functions of the Board.

BACKGROUND

When the last contractor license regulations were adopted approximately eight years ago, a key provision authorizing the Building Review Board (BRB) to consider a contractor license applicant with alternative qualifications was inadvertently omitted from the Code language in Section 2-119, although the BRB was empowered to consider alternative qualifications under the language contained in Code Section 15-156. This ordinance would reconcile Section 15-156 and 2-119. These alternative qualifications include:

- Specialized training
- Education
- Additional experience

Additionally, a new provision formally authorizes the BRB to serve as the "Board of Appeals" relating to appeals concerning the *International Property Maintenance Code (IPMC)* and Supplemental Rental Housing Provisions. Currently, the BRB serves as the Board of Appeals for

matters relating to the *1976 Uniform Code for the Abatement of Dangerous Buildings*, which is being replaced with the *2006 IPMC* as amended. The adoption of the *IPMC* is designed to be concurrent with the enactment of this item.

Lastly, another new provision is proposed that formally authorizes the BRB to advise City Council on policy matters pertaining to the construction of buildings, contractor licensing, and such other duties and functions provided by the City Council.

ORDINANCE NO. 121, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-119 OF THE CODE OF THE CITY OF FORT COLLINS
PERTAINING TO THE FUNCTIONS OF THE BUILDING REVIEW BOARD

WHEREAS, Sections 2-119 and 15-156 of the City Code establish certain duties and functions of the Building Review Board (the “Board”); and

WHEREAS, pursuant to the provisions of Section 15-156, the Board has historically granted variances from the terms of Chapter 15, Article V, pertaining to the licensing of contractors, when such license applicants can demonstrate that they possess special qualifications to perform in a competent manner; and

WHEREAS, this function of the Board has not been specifically listed in Section 2-119 as a function of the Board; and

WHEREAS, City Council has determined that subsection (4) of Section 2-119 should be amended to authorize the granting of such variances; and

WHEREAS, City Council has also determined that Section 2-119(5) should be amended so as to authorize the Board to serve as the Board of Appeals for the “Housing Standards” contained in the City Code, and that a new subsection should be added to Section 2-119 to authorize the Board to advise City Council on policy matters pertaining to the construction of buildings and licensing of contractors and to perform such other duties as City Council may determine proper by ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 2-119(4) and (5) be amended to read as follows and that a new section (6) be added to read as follows:

Sec. 2-119. Functions.

The Board shall have the following functions:

...

- (4) To, upon appeal in specific cases, grant variances from the terms of Chapter 15, Article V, where the strict application of any provision of said Article would result in peculiar or exceptional practical difficulties to or exceptional or undue hardship upon the person regulated, **or when the applicant can demonstrate to the satisfaction of the Board that the applicant possesses other qualifications not specifically listed in Chapter 15, Article V, 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**, provided that such relief may be granted without substantial detriment to the public good

and without substantially impairing the intent and purposes of said Article;
and

- (5) To serve as the Board of Appeals as required under Section 205 of the Uniform Code for the Abatement of Dangerous Buildings, and “Housing Standards” contained in Chapter 5, Article VI of the Code.
- (6) To advise the City Council on policy matters pertaining to the construction of buildings and the licensing of contractors and the certification of supervisors for all aspects of the construction of buildings, and to perform such other duties and functions and have such other powers as may be provided by ordinance of the City Council.

Introduced, considered favorably on first reading, and ordered published this 7th day of October, A.D. 2008, and to be presented for final passage on the 21st day of October, A.D. 2008.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading on the 21st day of October, A.D. 2008.

Mayor

ATTEST:

City Clerk