

ORDINANCE NO. 22-_____

AN ORDINANCE REPEALING CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, AND ADOPTING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF COLORADO SPRINGS, INCORPORATING VARIOUS BUILDING CODES, OTHER PRIMARY AND SECONDARY CODES, AS INCLUDED, AND PROVIDING FOR THE PENALTIES AND REMEDIES FOR VIOLATION THEREOF

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

Section 1. Chapter 7 (Planning, Development and Building) of the City Code is hereby repealed as of the effective date of this ordinance.

Section 2. In accord with City Charter section 3-150, the Unified Development Code of the City of Colorado Springs (the "UDC") is hereby adopted and incorporated in this ordinance as if fully set forth herein and shall be treated and ordained as Chapter 7 of the Code of the City of Colorado Springs 2001, as amended (the "City Code").

Section 3. Any secondary codes referred to in the UDC are incorporated in the UDC by reference.

Section 4. Nothing in this ordinance shall be construed as repealing or amending any ordinance passed by a vote of the people of the City of Colorado Springs.

Section 5. Nothing contained in this ordinance shall be construed as a limitation on the power of the City Clerk or the City Attorney to change obvious typographical, grammatical, citation, formatting or composition errors in the UDC without change of legal effect.

Section 6. The classification and arrangement by chapter, article, part and numbered sections of the UDC, as well as source notes, legislative history, annotations and other editorial matters included in the UDC form no part of the legislative text hereby adopted and ordained, as these matters are only included for the purpose of convenience, orderly arrangement and information. No implication or presumption of a legislative construction is to be drawn from the inclusion of source notes, legislative history, annotations and other editorial matters.

Section 7. The UDC, as promulgated or published, shall be the sole property of the City of Colorado Springs, a home rule city and Colorado municipal corporation, as owner and at City Council's direction may be copyrighted for and on behalf of the City by the City Attorney.

Section 8. Penalties and Remedies

A. Any person who performs or fails to perform an act where the performance or failure to perform is declared in any provision of the UDC or any promulgated rule or regulation to be unlawful or an offense or misdemeanor, or any person who performs an act which is prohibited or fails to perform an act which is required by any provision of the UDC or any promulgated rule or regulation, or any person who fails to meet a standard of conduct or behavior prescribed in any provision of this Code for which no specific penalty is provided shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00); by imprisonment in jail for a period not exceeding one hundred eighty nine (189) days; by a sentence of probation; or by a combination of fine, imprisonment, and

a sentence of probation; unless a lesser penalty is provided for elsewhere in the UDC or the City Code.

B. As required by Part 2, Article 16, and Title 31 of the Colorado Revised Statutes, the penalties provided for in the UDC are set forth on the following pages A-BB, attached hereto and incorporated herein.

Section 9. For a period of six (6) months after the effective date of this ordinance, it shall not be a defense to a violation of the City Code that the summons and complaint cites a section number from the repealed Chapter 7 of the City Code so long as there exists a parallel provision in the UDC.

Section 10. The repeal of any ordinance or any portion thereof as provided in Section 1 of this ordinance shall not affect or impair nor be applicable:

A. To any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before the effective date of this ordinance. Every act done, or right vested or accrued, or proceeding, suit or prosecution had or commenced as the effective date of this ordinance shall remain in full force and effect for all intents and purposes as if such ordinance or part thereof so repealed remained in force. No offense committed and no liability, penalty or forfeiture, civilly or criminally incurred, prior to the time when any such ordinance or part thereof shall be repealed or in any way altered by the provisions of this ordinance or the UDC shall be discharged or affected by such repeal or alteration, but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

B. To any general or special ordinance, resolution or motion previously passed, adopted and made to validate, ratify or legalize the acts or omissions of any officer, or to validate any ordinance, act or proceedings whatsoever. All validating, ratifying or legalizing acts of and by the City Council of whatever nature and in force as of the effective date of this ordinance are hereby continued in full force and effect.

C. To any ordinance relating to a contract to which the City of Colorado Springs is a party, or to any contract made for its benefit arising out of Chapter 7 (Planning, Development and Building).

D. To any ordinance or resolution granting the privilege of any license, right or revocable permit to any person, firm or corporation so long as the license, right or revocable permit was legally in force and effect on the effective date of this ordinance. It is the express intent and purpose of the City Council of the City of Colorado Springs that every license, right or revocable permit shall expire as originally provided by the ordinance or resolution granting the privilege unless sooner terminated by the City Council or an authorized officer of the City acting under and pursuant to the City Charter, the City Code of the City of Colorado Springs, the UDC or other ordinances of the City of Colorado Springs.

E. To any ordinance or resolution establishing fees for any purpose authorized in the UDC or by uncodified ordinance, including but not limited to fees for the issuance of special licenses and permits; for the rendering of services, application reviews and inspections; and for citywide development impacts fees, parkland dedication, and drainage fees.

F. To any ordinance, resolution or motion annexing territory to the City, any ordinance or ordinances establishing land use zoning districts in the City, regulating the use of land and the use, bulk, height, area and yard spaces of buildings, adopting a map of zoning districts and providing for the adjustment, enforcement and amendment of the zone districts or the map, any ordinance subdividing land in the City, or any ordinance adopting, adjusting or amending any official City plan or map to be used in the regulation of land uses within the City.

G. To any ordinance, resolution or motion naming, renaming, opening, accepting or vacating streets, alleys or rights-of-way in the City.

H. To any ordinance, resolution or motion accepting or recognizing any dedication or other transfer of real or personal property to the City.

I. To any ordinance adopting or amending the Pikes Peak Regional Building Code, 2017 edition, 2nd Printing, as published by the Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910, as amended, to include: National Electrical Code, 2017 Edition, appearing at 3 CCR 710-1 adopted and effective March 17, 2018; and the Federal Emergency Management Agency (FEMA) new Flood Insurance Rate Maps ("FIRM") and Flood Insurance Study ("FIS") adopted and effective December 7, 2018.

Section 11. This ordinance shall be in full force and effect as of May 1, 2023 and after its final adoption and publication as provided by Charter.

Section 12. Council directs that this ordinance be published in full as required by Part 2, Article 16, and Title 31 of the Colorado Revised Statutes

prepared by the City Clerk and that this ordinance together with all secondary codes duly described and incorporated in the UDC be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2023.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk