

03/18/2020

# Town of Ignacio Land Use Code



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## CHAPTER I: Administration Ordinance 206, 9-9-03

### 1) TOWN SEAL.

#### a) ESTABLISHMENT of TOWN SEAL.

### 2) TERMS of OFFICE.

#### a) TRUSTEES.

The terms of office of members of the Town Board of [Trustees](#) shall be four (4) years. Three (3) members of the six-person Board, shall be elected every two (2) years.

#### b) MAYOR.

The term of office for the Mayor shall be four (4) years.

#### c) VACANCIES.

Vacancies on the Town Board or Mayor position shall be filled in accordance with state law.

##### i) Appointments

The Town Board will appoint volunteer members to the Planning Commission and the Board of Adjustment. Refer to Zoning Chapter for details on roles, responsibilities.

### 3) BOARD of TRUSTEES' MEETING

#### a) REGULAR MEETINGS.

The Town Board of Trustees shall have regular meetings at the Town Hall in Ignacio, as called by the Mayor or Mayor Pro-Tem, with time and date to be posted in advance at the Town Hall.

#### b) SPECIAL MEETINGS.

Special meetings of the Town Board of Trustees may be called by the Mayor by written request signed by at least three (3) members of the Board of Trustees. A notice of such meeting, signed by the Mayor, fixing the time and place of such meeting shall be given to each Board member at least twenty-four (24) hours prior to the time of such meeting.

### 4) SOCIAL SECURITY

#### a) SOCIAL SECURITY COVERAGE.

The Town of Ignacio, Colorado, is authorized under state and federal law to execute and deliver to the Department of Employment Security, State of Colorado, a plan or plans, and agreement to extend coverage to [employees](#) and officers of the Town of Ignacio, Colorado, and do all other necessary things to effectuate coverage of employees and officers under the Old-Age and Survivors Insurance System.

#### b) ESTABLISHMENT of PAYROLL DEDUCTIONS.

The Clerk is authorized to establish a system of payroll deduction to be matched by payments by the Town of Ignacio, Colorado, to be made into the contribution of the Social Security Act through the Department of Employment Security, and to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to [employees](#) of the Town of Ignacio, Colorado. Such payments are to be made in accordance with the provisions of Section 1400 of the Federal Insurance Contribution Act on all services, which constitute employment within the meaning of that Act. Payments made to the Department of Employment Security, State of Colorado, shall be due and payable according to state law.

**c) APPROPRIATION FROM FUNDS.**

The Board of Trustees shall make appropriations to the proper fund or funds of the Town of Ignacio, Colorado, in the necessary amount to pay into the contribution fund as provided in Section 3(c)(1) of House Bill No. 291 and in accordance with the Plan or Plans and Agreement, and in accordance with the state Budget law.

**5) ELECTIONS (Ord 101 7-14-86; Ord. 330, 12-12-17)**

- a)** Municipal elections shall be held and conducted in accordance with the Colorado Municipal Election Code as codified in Article 10 of Title 31 of the Colorado Revised Statutes, except that coordinated elections shall be held and conducted in accordance with the Uniform Election Code of 1992 as codified in Title 1 of the Colorado Revised Statutes.
- b)** No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in by close of business on the sixty-fourth (64th) day before the day of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected.
- c)** If the only matter before the voters is the election of persons to office and if, at the close of business on the sixty-fourth (64th) before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Town Clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election. The Board of Trustees, by resolution, shall declare the candidates elected and the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the Town, and notice of cancellation shall be posted at each polling place and in not less than one (1) other public place.

## CHAPTER II: Land Use and Development Code

### Section 1: General Provisions

#### 1) TITLE and EFFECTIVE DATE

This chapter of the Ignacio Municipal Code shall be officially known as the “Land Use and Development Code,” and is referred to throughout this document as “this Land Use Code.” This Land Use Code shall become effective \_\_\_\_\_, 2020.

#### 2) AUTHORITY

- a) This Land Use Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.), and the Colorado Constitution, Article XX, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, et seq. and Title 31, Article 23, et seq. of the C.R.S., as amended. Additional statutory authority may also exist for specific types of land use regulation.
- b) Whenever a section of the Colorado Revised Statutes that is referred to in this Land Use Code is later amended or superseded, this Land Use Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

#### 3) PURPOSE of THIS LAND USE CODE

This Land Use Code is adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the Town of Ignacio.

#### 4) APPLICABILITY and JURISDICTION

- a) The provisions of this Land Use Code shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.
- b) Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the [zone district](#) in which it is located, nor shall a [yard](#), lot or [open space](#) be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- c) This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development

applications will be reviewed for compliance with any adopted [Comprehensive Plan](#) and with all adopted regulations, policies and other guidelines.

## 5) CONFLICTING PROVISIONS

- a) **CONFLICT WITH OTHER PUBLIC LAWS, ORDINANCES, REGULATIONS, OR PERMITS** – This Land Use Code is intended to complement other local, state, and federal regulations that affect land use. This Land Use Code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Land Use Code are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern.
- b) **CONFLICT WITH PRIVATE AGREEMENTS** – This Land Use Code is not intended to revoke or repeal any [easement](#), covenant, or other private agreement. However, where the regulations of this Land Use Code are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Land Use Code shall govern. Nothing in this Land Use Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Land Use Code. In no case shall the Town be obligated to enforce the provisions of any easements, [covenants](#), or agreements between private parties

## 6) ENFORCEMENT

- a) **ENFORCING OFFICIAL** – The provisions of this Chapter shall be administered and enforced by the officers or departments designated by the Town Manager. For the purposes of this code, the person assigned shall hereafter referred to as “Code Administrator” or “Administrator.”
- b) **ENFORCEMENT PROCEDURE** – All alleged violations of any of the provisions of this Chapter shall be investigated by the Administrator. It is the policy of the Town to work with citizens to obtain compliance in the most neighborly and efficient process possible. If a violation is found to exist it shall be corrected in one or more of the following ways:
  - i. The Administrator will first notify the property owner and any other persons responsible for the violation, in person if possible, and give options for compliance. Should compliance not be obtained, the Administrator will then notify the party in writing and order the necessary correction, complete with a schedule for compliance.
  - ii. The Building Official may issue a stop work order by notice in writing posted on the building or property in or upon which such violation is occurring, as provided by the [Building Code](#) adopted by the Town.
  - iii. Failure to comply with any of the provisions of this Chapter, shall constitute a violation of the Code and subject to citation into the Town Municipal Court.

## 7) FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to [applicants](#) for permits, [plat](#) approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Town Board and is available from the Town.

## 8) SEVERABILITY

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Town Board hereby declares that it would have passed the Code including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

## 9) COMPUTATION of TIME

In computing a period of days, the first day is excluded and the last day is included. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town. References to days are calendar days unless otherwise stated.

## 10) DECISION-MAKING BODIES

### a) TOWN BOARD

The Town Board shall have the Land Use review and decision-making responsibilities listed in Table 2.2-1 and shall exercise their authority in accordance with the terms of this Land Use Code.

### b) PLANNING COMMISSION

The Planning Commission is established pursuant to the authority of CRS 31-23-201 et sec. The Planning Commission shall have all powers granted and shall perform all the duties imposed by statutes of the State of Colorado. The Planning Commission shall have the review and decision-making authorities listed in Table 2.2-1, and in addition shall have the following duties and responsibilities:

- i. Develop and recommend to the Town Board new policies, administrative procedures, and other processes or improvements pertaining to land use;
- ii. Conduct studies and recommend to the Town Board, any other new plans, goals, and objectives relating to growth, development, and redevelopment of the Town;
- iii. Perform any other duties assigned by the Town Board.
- iv. Members and Terms of Office

(1) The Planning Commission shall consist of five (5) members and two (2) alternate members, who shall be appointed by the Town Board by resolution. **All members shall be a Town resident.**

- (2) Members of the Commission shall serve terms of four years and until their successors have been appointed. Terms shall be arranged so that the term of at least one member shall expire each year.
- (3) The members of the Planning Commission shall serve in such capacity without compensation.
- (4) The Town Board shall, by resolution, fill vacancies, designate alternate members, **and may remove members without cause**. The office of any regular member of the Planning Commission shall be deemed vacant if that member misses three consecutive regular meetings, unless the absences are excused by the Chairman. Vacancies may be filled for the unexpired terms only. Members may be reappointed to successive terms without limitation.

**c) BOARD OF ADJUSTMENT**

The Board of Adjustment is established pursuant to the authority of CRS 31-23-307 et. sec. The Board of Adjustment shall have all powers granted and shall perform all the duties imposed by statutes of the State of Colorado. The Board of Adjustment shall have the review and decision-making authorities listed in Table 2.2-1. The Board of Adjustment conducts proceedings in a quasi-judicial manner.

**i. Members and Terms of Office**

- (1) Members of the Board of Adjustment are appointed by the Town by resolution.
- (2) The Board of Adjustment will consist of five regular members and two alternates **all of whom must be residents of the Town**, each to be appointed for a term of four years.
- (3) The Town Board shall, by resolution, fill vacancies, designate alternate members, **and may remove members without cause**. The office of any regular member of the Board of Adjustment shall be deemed vacant if that member misses three consecutive regular meetings, unless the absences are excused by the Chairman. Vacancies may be filled for the unexpired terms only. Members may be reappointed to successive terms without limitation.

**11) MEETINGS and HEARINGS GENERALLY**

This Section shall apply to all boards and commissions established under this Chapter, unless otherwise provided in this Land Use Code:

**a) MEETINGS**

**i) Chairman and Vice Chairman**

Annually, at the first regular meeting of the year, each board and commission shall elect, by majority vote, from its membership a Chairman and Vice-Chairman, with each being eligible for re-election, and each serving a one-year term in such capacity. The Chairman of each board or commission shall preside at all meetings and [public hearings](#) and shall decide all points of order and procedure. The Vice-



Chairman shall assume the duties of the Chairman in the absence of the Chairman and shall act in the capacity of Chairman of all special committees created by the board or commission. Should the Vice-Chairman and the Chairman be absent from a meeting or public hearing, the majority of the board or commission shall appoint a member to be the presiding officer. Any vacancy from the position of Chairman or Vice Chairman shall be filled in the same manner as such positions are established.

**ii) Establishment of Meeting Schedule**

Each board and commission shall establish a meeting schedule that meets frequently and regularly. All meetings shall be open to the public, and the agenda for each meeting shall be made available in advance. In lieu of a meeting schedule, the Board of Adjustment must convene a meeting within 45 days of receipt by the Administrator of a completed variance or appeal application.

**iii) Notice of Meetings**

Town Hall shall be the designated public place for posting meeting notices. A posted meeting agenda may be amended by a majority vote. The agenda of any regular meeting at which a quorum is expected shall be posted no less than 24 hours in advance of the meeting.

**iv) Special Meetings**

Special meetings may be called as necessary by the Chairman or a majority of the board or commission. The agenda of any special meeting at which a quorum is expected shall be posted no less than 24 hours in advance of the meeting.

**b) SUBCOMMITTEES**

Boards and commissions may establish committees as it deems advisable and assign each committee specific duties or functions. The chairperson of each board or commission may designate the members of each committee and may name the chairperson of each committee. The chairperson may fill vacancies on committees as they are created.

**c) ACTIONS BY MEMBERS**

**i) Quorum**

A quorum for each board and commission shall consist of three-fifths of the regular and alternate members present for the properly noticed meeting. A quorum must exist before any board or commission can take official action. In cases where a member may be permitted to withdraw from the meeting without being properly excused, that member shall be counted as present for the purpose of a quorum.

**ii) Use of Alternate Members**

An alternate member shall be seated as a voting member when designated by the Chairman to fill an absence of a regular member. An alternate member shall remain seated as a voting member either for the duration of the meeting, or until the absent member arrives. In the event a regular member arrives late, the alternate member shall remain seated until a new agenda item is taken up. If, in

the course of a meeting where an alternate member is seated, a [public hearing](#) is “continued” to a later meeting, that alternate member shall also be seated for the continuation of the public hearing, but not for any other agenda items unless absences of other regular members necessitate. A regular member who was absent from a public hearing that is continued shall remain unseated at the continued public hearing but shall retain his or her seat for all other business conducted at the meeting.

**d) VOTING**

The requirements for a successful vote vary depending on the board or commission as follows:

**i) Planning Commission**

All actions taken by the Planning Commission will require a majority vote by a quorum of the Board.

**ii) Board of Adjustment**

A concurring vote of four-fifths of the membership is necessary to reverse any order, requirement, decision, or determination by the Administrator, or to decide in favor of any [applicant](#) on any matter that is required to pass under this Land Use Code. All other actions taken by the Board of Adjustment will require a majority vote by a quorum of the Board.

**iii) Withdrawals from Voting**

- (1) A member of any board, commission, or Board of Trustees may be excused from voting on a particular issue only if he or she determines they would have a conflict of interest or he or she would be violating the State Code of Ethics.
- (2) A member of any board, commission, or Town Board may be allowed to withdraw from the remainder of a meeting by receiving a majority vote from the remaining members present. A meeting withdrawal is allowed for any sufficient reason other than the member’s desire to avoid voting on matters to be considered during the meeting. A motion to allow a member to be excused from the remainder of the meeting is proper only if made by or initiated by the member directly affected.

**e) RECORDING OFFICIAL ACTIONS**

The Designated Town Staff shall be responsible for working with the Chairman and Administrator to ensure all required information requiring official action is provided and retained for proper record keeping. Each board and commission shall take action on all of the below items:

- i) Approval of regular and special meeting agendas;
- ii) Approval of regular and special meeting minutes; and
- iii) Detail all actions requiring official recommendations or approvals as dictated by this Chapter.



## CHAPTER II: Land Use and Development Code

### Section 2: Administration

This section outlines the common and specific procedures required for all types of land use review. The Administrator or Planning Commission has the ability to refer any application to the next higher level of decision authority if they deem the project impacts are substantial and necessitate a higher level of review.

#### 1) SUMMARY TABLE of PROCEDURES:

<b>Table 2.1.1 Summary Table of Procedures</b>					
R=Review (Review or Recommend) D=Decision (Responsible for Final Decision)					
H=Public Hearing Required A=Appeal (Appeal Authority)					
PLANNING AND ZONING					
Procedure	Section	Town Board	PC	BOA	Administrator
Comprehensive Plan, Adoption and Amendments		D - H	R - H		
Rezone & Initial Zoning		D - H	R - H		R
Annexation		D - H	R		R
Code Interpretation				A - H	D
Special Use Permits			A - H		D
Conditional Use Permits		A	D - H		R
Variances			R	D - H	R
Site Plan, Major		A - H	D		R
Site Plan, Minor			A		D
Sign Permit			A		D
Sign Program		A - H	D		R
Appeals of Administrative Decisions				D - H	
SUBDIVISION					
Minor Subdivision				A	R-D
Major Subdivision Sketch plan		A	D - H		R
Major Subdivision Prelim. Plat		D	R		R
Major Subdivision Final Plat		A			D
Vacation of ROW		D - H	R		R
Amended Plats/Boundary Adjustments		D - H	R		R
Condominium/Townhouse Plat		D - H			R
Vested Rights		D - H			

## 2) COMMON DEVELOPMENT REVIEW PROCEDURES

### a) PRE-APPLICATION CONFERENCE (OPTIONAL)

#### i) Purpose

The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the [applicant's](#) proposal and to familiarize the applicant and the Administrator with the applicable provisions of this Land Use Code, any Comprehensive or other applicable Town Plans or Policies, [infrastructure](#) requirements, and any other issues that may affect the applicant's proposal.

#### ii) Pre-Application Conference

The potential [applicant](#) shall request a pre-application conference with the Administrator and pay the required fees, if any. With the request for a pre-application conference, the applicant shall provide to the Administrator a description of the [character](#), location, and magnitude of the proposed development and any other available supporting materials, such as maps, drawings, or models. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal for the Administrator to make informal recommendations regarding the proposed project. At the conference, the applicant, the Administrator or designee, and any other persons the Administrator deems appropriate to attend shall discuss the proposed development and the applicable requirements of this Land Use Code, based on the information provided by the applicant. The informal evaluation and comments provided by the Administrator at the conference are not binding upon the applicant or the Town but are intended to guide the applicant through the application and submittal process and advise the applicant in advance of issues that may be relevant to the respective board or commission.

### b) APPLICATION

#### i) Application Requirements

A uniform application is utilized for every process under this Code. However, additional information may be required at each level of a multi-level application such as a [subdivision](#). Each and every application under this Code shall include, or be accompanied by, the following information, unless waived by the Administrator:

(1) **The name, mailing address, street and telephone numbers of the [applicant](#) for the permit**

(a) The owner of the property upon which the improvement or use is to take place.

(b) Any agents authorized to act on behalf of the owner or the applicant.

(c) Any contractor retained or to be retained to accomplish any portion of the improvement.

- (2) [Proof of ownership](#) of the property in question and concurrence in the purpose of the application by the owner.
  - (3) Legal description of the property in question, to include:
    - (a) Survey number, tract number or other recorded identifying [parcel](#) number.
  - (4) Current zoning classification of the parcel.
  - (5) A copy of a certified survey [plat](#) may be required or a sketch plan which shows the relative location of existing and proposed improvements, buildings, structures, roads, [driveways](#), parking, ditches, utilities, fences, and other significant features.
  - (6) A written description of the nature of the improvement planned, if any.
  - (7) Architect's drawings or engineer's drawings, floor plans and diagrams as may be required by the Administrator.
  - (8) Proof that a request for a driveway permit has been submitted to the Colorado Department of Highways, if a new access road or driveway to the property intersects with a state highway.
- c) **CONSOLIDATED DEVELOPMENT APPLICATIONS and REVIEW**  
Multiple development applications for the same development proposal may be consolidated for submittal and review, depending on the complexity of the proposal, as required by the Administrator. Such consolidated applications shall be reviewed, considered, and acted upon using the same required processes that would be required had the applications been considered separately.
- d) **AUTHORITY to FILE APPLICATIONS**  
Unless otherwise specified in this Land Use Code, applications for review and approval may be initiated by the owner of the property that is the subject of the application, the owner's authorized agent. When an authorized agent files an application under this Land Use Code on behalf of a property owner, the agent shall provide the Town with written, notarized documentation that the owner has authorized the filing.
- e) **DEVELOPMENT REVIEW FEES**
  - i) **Recovery of Costs**  
Development review fees are established for the purpose of recovering the costs incurred by the Town in processing, reviewing, and recording development applications submitted pursuant to this Land Use Code. An applicant shall reimburse the Town for all costs incurred in review of an application, including review fees from consultants acting as staff and fees from review agencies. The development review fees imposed pursuant to this Section shall be paid at the time of submittal of any development application and are non-refundable. All final approvals shall be contingent on the applicant reimbursing the Town any additional required fees within 30 days of a decision.
  - ii) **Development Review Fee Schedule**

The Town Board shall establish development review and recording fees. The schedule of fees shall be reviewed annually and shall be adjusted, if necessary, by the Town Board and adopted by resolution.

**iii) Fee Waivers**

A waiver of development review fees may be granted by the Town Board upon written request by an applicant. The waiver will only be granted when, in the opinion of the majority of the Town Board, the public benefit and need of the project warrants such a waiver.

**f) SUBMITTAL REQUIREMENT WAIVER**

The Administrator may waive certain submittal requirements if it is deemed unnecessary for the review of the project and associated development impacts. The Administrator will provide a report detailing the exact waivers and explanation on why they are not necessary, and the report will become part of the application and project file.

**g) ADDITIONAL INFORMATION**

Additional application-specific information, beyond that specified, may be required by the Administrator, Planning Commission, and/or Town Board, as necessary and appropriate to evaluate fully whether an application complies with the requirements of this Land Use Code.

**h) INACTIVE FILES**

If an applicant fails to submit required information or request a hearing date within six months from the application date, the file may become void and the re-submittal of a new application and fees may be required. The Administrator may grant extensions of time to this provision, upon a written request by the applicant.

**i) DETERMINATION OF APPLICATION COMPLETENESS**

The Administrator shall only initiate the review and processing of complete applications. The Administrator will make a determination of application completeness within 15 days of receipt of the application by the Administrator. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Land Use Code. If an application is determined to be incomplete, the Administrator shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal.

- i) An application will be considered complete if it is submitted in the required form, includes all mandatory information, including all supporting materials, and is accompanied by the applicable fee. Information shown must clearly indicate compliance with applicable development standards, or in the case of a request for a variance or modification to certain standards, the degree to which the application will be non-compliant.
- ii) Any supplemental technical reports and special studies that are submitted following the original application must be received at least 30 days prior to the

first hearing to be held on the application. The Town may postpone and reschedule a hearing or approval deadline if such reports and studies are submitted less than 30 days prior to a hearing. Copies of such additional materials shall be delivered to all reviewers who received the original application packet.

**j) ADMINISTRATOR REVIEWS APPLICATION AND PREPARES STAFF REPORT**

Within a reasonable time after determining that a development application is complete, the Administrator shall refer the development application to the appropriate board or commission, ensure all required notices are completed, review the development application, and prepare a Staff Report. The Staff Report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) on the application. The Staff Report shall indicate whether, in the opinion of the Administrator, the development application complies with all applicable standards of this Land Use Code.

**k) NOTICE OF PUBLIC HEARING(S)**

**i) Content of Notices**

Notice of all [public hearings](#) required under this Land Use Code shall: (1) identify the date, time, and place of the public hearing, (2) if applicable, describe the property involved in the application by street address or by legal description; (3) describe the nature, scope, and purpose of the proposed action; (4) indicate that interested parties may appear at the hearing and speak on the matter; and (5) indicate where additional information on the matter may be obtained.

**ii) Summary of Notice Requirements**

Table 2.2.2 lists the notice requirements for all procedures in this Chapter.

**(1) Published Notice**

When Table 2.2.2 requires that notice be published, the Town Clerk shall publish notice of a public hearing in a newspaper of general circulation at least 15 days prior to the scheduled hearing date.

**(2) Written Notice**

When Table 2.2.2 requires that written notice be provided, such notice shall be mailed by the Town no less than 15 days before the public hearing, by first class United States mail, to the applicant, appellant, or [landowners](#) subject to a land use application, subject property, neighboring property owners whose properties are within 200 feet of the lot that is the subject of the application or appeal (based on information found in the La Plata County tax records), and any other person who makes a written request for such notice.

**(3) Posted Notice**

When Table 2.2.2 requires a posted notice, the applicant shall post at least one sign on the lot, [parcel](#), or tract of land, and such sign shall remain on the property for a period of at least 15 days prior to the public hearing. The sign shall be posted in a prominent place, clearly visible from the most heavily traveled [adjacent](#) street or public way. The Administrator may require that

additional signs be posted depending on the access and configuration of the property.

**(4) Notice to Mineral Estate Owners and Lessees**

When Table 2.2.2 requires that notice be provided to mineral estate owners and lessees, the applicant shall provide notice of the application by certified mail, return receipt requested, to all mineral estate owners and lessees on the subject property in accordance with C.R.S. Section 24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. It shall be the applicant's responsibility to conduct the necessary research to determine mineral estate owners and lessees on the subject property.

**(5) Constructive Notice**

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be correctly conveyed. Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Land Use Code

Table 2.2.2 Notice Requirements X - Denotes Required Notice					
PLANNING AND ZONING					
Procedure	Section	Published	Written	Posted	Mineral
Rezone & Initial Zoning		X	X	X	
Annexations		X	X	X	
Code Interpretation		X			
Special Use Permits		X	X	X	
Conditional Use Permits		X	X	X	
Variances		X	X	X	
Site Plan, Major		X	X	X	
Site Plan, Minor					
SUBDIVISIONS					
Minor Subdivision		X	X	X	X
Major Subdivision Sketch Plan		X	X	X	
Major Subdivision Preliminary Plat		X	X	X	X
Major Subdivision Final Plat					
Vacation of ROW		X	X	X	
Amended Plats/Boundary Adjustments					
Condominium/Townhouse Plat					
Vested Rights					

## I) DECISION AND FINDINGS

### i) Approval Criteria

To approve a development application, the respective board, commission or Administrator shall find that the development application has satisfied and



followed the applicable requirements of this section and all of the approval criteria required for the applicable development application.

**ii) Decision**

After consideration of the development application, the Staff Report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the decision-maker designated in Table 2.1.1 shall approve, approve with conditions, or deny the application based on the applicable approval criteria. Written notification of the decision shall be provided by the Administrator to the applicant within seven days after the decision.

**iii) Conditions of Approval**

Unless otherwise specified in this Land Use Code, the respective board or commission may impose such conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of any adopted [Comprehensive Plan](#), other adopted Town plans, and this Land Use Code. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Land Use Code, except where the Land Use Code allows deviations from the express requirements of the Land Use Code.

**iv) Findings**

All decisions shall include at the least the following elements:

- (1) A clear written statement of approval, approval with conditions, or denial, whichever is appropriate; and
- (2) A clear statement of the basis upon which the decision was made, including specific written findings of fact with reference to the relevant standards of this Land Use Code.

**v) Record of Proceedings**

**(1) Recording of Public Hearing**

The respective board or commission conducting the [public hearing](#) shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired by any person upon application to the Administrator, and payment of a fee to cover the cost of duplication of the record.

**(2) The Record**

The record shall consist of the following, all of which shall be kept by the Town for a length of time prescribed in the Town's adopted records retention schedule:

- (a)** All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs, and other tangible items received or viewed during the proceedings;



(b) All minutes of the proceedings; and

(c) If available, a transcript and/or videotape recording of the proceedings.

**vi) Recording of Decisions**

Once approved, and after the appeal period has expired, the decision shall be filed with the Town Clerk.

**m) AMENDMENTS to PERMITS or OTHER FORMS of APPROVAL**

**i) Minor Amendments**

Unless otherwise specified in this Section, minor amendments to any permit or other form of approval issued by the Administrator, the Planning Commission, or the Town Board may be approved, approved with conditions, or denied administratively by the Administrator and may be authorized without additional public hearings. Such minor amendments may be authorized by the Administrator as long as the development approval, as so amended, continues to comply with the standards of this Land Use Code, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Land Use Code by reason of such amendments). Minor amendments shall consist of any of the following:

(1) Any change to any permit or other form of approval that was originally subject only to administrative review and was approved by the Administrator, provided such change would not have disqualified the original application from administrative review had it been requested at that time; and provided that the minor amendment does not result in an increase of more than ten percent in the amount of square footage of a land use or structure and does not result in a change in the types of uses in the project.

(2) Any change to any permit or other form of approval that was originally subject to final review by and was approved by the Planning Commission, provided that:

(a) The minor amendment does not result in an increase in the approved number of [dwelling units](#);

(b) The minor amendment does not result in an increase in the amount of square footage of a non-residential land use or structure;

(c) The minor amendment does not result in a change in the housing mix or use mix ratio;

(d) The minor amendment does not result in a change in the [character](#) of the development;

(e) The minor amendment does not decrease [setbacks](#) or increase height; and

(f) In either (1) or (2) above, the Administrator may refer the amendment to the Planning Commission.

**ii) Major Amendments**

Amendments to any permit or other form of approval that are not determined by the Administrator to be minor amendments under Section 2.2(m) shall be

deemed major amendments. Major amendments shall be reviewed and processed in the same manner as required for the original application for which the amendment is sought.

**n) LAPSE of APPROVAL**

If applicable, the lapse of approval time frames established in Section 2.3. may be extended only when all of the following conditions exist:

- i) The provisions of this Land Use Code must expressly allow the extension;
- ii) An extension request must be filed prior to the applicable lapse-of-approval deadline;
- iii) The extension request must be in writing and include justification; and
- iv) Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval being extended.

**o) SUBSEQUENT APPLICATIONS**

Following denial of an application, the respective board or commission shall not consider the same or substantially the same application within one year of the date of denial. The one year waiting period may be waived by the respective board, commission or Administrator if, after review of a written request, shows good cause. The respective board or commission must approve this waiver by an affirmative vote of the majority of its members.

**p) APPEALS**

**i) Purpose**

This Section sets forth the process for appealing final decisions made under this Land Use Code. Appeals of land use decisions are available at each step of review and decision-making process. Administrative decisions may be appealed to the Board of Adjustment, except for administrative approvals of minor [site plans](#), [temporary use](#) permits, sign permits, and final [subdivision](#) plats. Decisions of the Planning Commission may be appealed to the Town Board, as further set forth in this Section.

**ii) Types of Appeals**

- (1) **Appeals from Final Decisions by the Administrator** A party-in-interest may appeal a final decision made by the Administrator in administering or interpreting this Code. All such appeals shall be taken to the Board of Adjustment, except that appeals from the Administrators decisions on temporary use permits, minor [site plans](#), sign permits and final subdivision plats shall be taken to either the Planning Commission or Town Board, as applicable.
- (2) **Appeals from Final Decisions by the Board of Adjustment.** A party-in-interest may appeal a final decision made by the Board of Adjustment. All such appeals shall be taken to a Colorado court of competent jurisdiction.
- (3) **Appeals from Final Decisions by the Planning Commission.** A party-in-interest may appeal a final decision made by the Planning Commission to the Town Board.

- (4) **Appeals from Final Decisions by the Town Board.** A party-in-interest may appeal a final decision made by the Town Board to a Colorado court of competent jurisdiction.
- (5) **Appeals from Enforcement Actions.** Appeals from issuance of a notice of violation or stop work order shall be taken to a Colorado court of competent jurisdiction

**iii) Grounds for Appeal**

The permissible grounds for appeal shall be limited to allegations that the Approval Authority committed one (1) or more of the following errors:

- (1) Failed to properly interpret and apply relevant provisions of this Code.
- (2) Failed to conduct a fair hearing in that:
  - (a) The Original or Appellate Approval Authority abused its discretion as contained in this Code;
  - (b) The Original or Appellate Approval Authority substantially ignored its formally established rules of procedure resulting in a denial of procedural due process; or
  - (c) The Original or Appellate Approval Authority based its decision on evidence which was substantially false or grossly misleading.

**iv) Notice of Appeal**

Appeals shall be made within ten (10) days of the final decision which is the subject of the appeal. All appeals shall be filed in writing with the Town Clerk and shall include the reasons for the appeal.

**v) Burden of Proof**

Any final decisions of the Approval Authority shall be presumed to be correct. The appellant has the burden of proof to show that a preponderance of the evidence introduced before the Approval Authority supports the conclusion that the decision should be overturned.

**vi) Appeal Hearing**

- (1) The Administrator shall schedule a [public hearing](#) on the appeal no later than sixty (60) days after the date the appeal was filed with the Town Clerk. The appeal hearing may be extended up to ninety (90) days after the filing of the appeal if agreed to by both the Administrator and the appellant.
- (2) Notice of the public hearing shall be published as required for the original decision.

**vii) Appeal Criteria**

The Board of Adjustment or Town Board shall reverse, amend, or remand a decision upon a finding that at least one of the grounds for appeal set forth in **Section 2.2.p.iii)** occurred, and that the final decision being appealed was materially affected thereby.

**viii) Decision**

Following the public hearing, the Board of Adjustment or Town Board may, in whole or in part, affirm, reverse, or amend the decision being appealed based on

the appeal criteria set forth in [Section 2.2.p\).viii\)](#) herein, and to that end the Board of Adjustment or Town Board shall have all the powers of the Approval Authority. The Board of Adjustment or Town Board may also remand the matter back to the Approval Authority, as deemed appropriate, for further proceedings consistent with the Land Use Code. The final decision shall be stated in writing in the body's minutes as well as in a written order to be delivered to the appellant and shall include specific findings of fact with specific reference to relevant standards as set forth in this Land Use Code.

**(1) Notification to [Applicant](#)**

Notification of the final decision shall be provided by the Administrator to the parties in the appeal within ten (10) days of the decision.

**q) VESTED RIGHTS**

**i) Purpose**

The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.

**ii) Definition**

For purposes of Article 68 of Title 24, C.R.S., a [site specific development plan](#) means a document that complies with all requirements of this [Section 2.2.q\).ii\)](#) and consists of one of the following:

- (1) A final [subdivision](#) plat approved pursuant to [Section 2.3.b\).iii\)\(5\)](#); or
- (2) A site plan approved pursuant to [Section 2.3.g\)](#).

**iii) Notice and Hearing**

To obtain a [site specific development plan](#), the developer must seek from the Town Board approval of the project at a public hearing conducted at the request of the [landowner](#), which hearing follows the successful approval of the development at all other required stages of the development review process. The public hearing shall be preceded by written notice of such public hearing pursuant to [Section 2.3.k\)](#). Such notice may, at the Town's option, be combined with the notice required for any other required notice. At such public hearing, interested persons shall have an opportunity to be heard. Failure of the landowner to request such a hearing renders the approval not a "site specific development plan," and no [vested rights](#) shall be deemed to have been created.

**iv) Approval, Effective Date and Amendments**

A [site specific development plan](#) shall be deemed approved upon the effective date of the approved plan. In the event amendments to a site specific development plan are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the Town Board specifically finds to the contrary and incorporates such finding in its approval of the amendment. The Town Board may, by agreement with the [developer](#), designate an approval other than the final development plan or final [plat](#) to serve as the site specific development plan approval for a specific project.

**v) Notice of Approval**

Each map, plat, [site plan](#), or other document constituting a site specific development plan shall contain the following language: “Approval of this Plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S.” Failure of the map, plat, or site plan to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created, shall be published once, not more than 14 days after approval of the site specific development plan, in a newspaper of general circulation within the Town.

**vi) Duration**

A vested property right approved pursuant to this Section shall last a period of three years, unless otherwise agreed upon by the Town and the applicant.

**vii) Payment of Costs**

In addition to any and all other fees and charges imposed by the Town, the applicant for approval of a site specific development plan shall pay all costs incurred by the Town as a result of the site specific development plan review, including publication of notices, public hearing, and review costs.

**viii) Other Provisions Unaffected**

Approval of a site specific development plan shall not constitute an exemption from, or waiver of, any other provisions of the Code pertaining to the development and use of property.

**ix) Limitations**

Nothing in this Section is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S. In the event of the repeal of said state law or a judicial determination that said law is invalid or unconstitutional, this Section shall be deemed to be repealed, and the provisions hereof no longer effective.

**3) SPECIFIC PROCEDURES and APPROVAL CRITERIA**

**a) AMENDMENTS to the OFFICIAL ZONING MAP**

**i) Purpose**

Amendments to the official [zoning map](#) may be made to reflect changes in zoned district boundaries or for creation of new [zone districts](#). Amendments to the zoning map are not intended to relieve particular hardships, nor to confer special privileges or rights to a person or parcel, but instead to make adjustments to the Official Zoning Map that are necessary in light of changed conditions, public policy, annexations, or that are necessary to advance the general welfare of the Town.

**ii) Applicability**

Amendments to the Official Zoning Map may be approved by the Town Board following review and recommendation by the Planning Commission.

### iii) Criteria for General Rezoning

The Town Board may approve rezoning, and the Planning Commission may recommend approval, if the rezoning meets the following criteria:

- (1) The rezoning will promote the public health, safety, and general welfare;
- (2) The rezoning is consistent with any adopted [Comprehensive Plan](#), or other adopted Plan and Policy and the purposes of this Land Use Code;
- (3) The rezoning is consistent with the stated purpose of the proposed zoning district(s);
- (4) Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
- (5) The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and
- (6) The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

### iv) Protests

Any owner of property affected by a proposed amendment to the Official Zoning Map may protest the amendment pursuant to the statutory requirements of C.R.S. Section 31-23-305.

### v) Approval Actions

The Town Board shall approve a [zoning map](#) change by ordinance and the Town Clerk shall prepare a new zoning map to reflect the approved changes. The new official zoning map shall contain the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

## b) SUBDIVISION

### i) General Provisions

#### (1) Purpose

The purpose of the [subdivision](#) review procedures is to ensure compliance with the standards and requirements in Section 6, Subdivision Design and Improvement Standards, and encourage quality development consistent with all adopted Town goals, policies, and objectives.

#### (2) General Applicability

The procedures of this Section, and the standards in Section 6, Subdivision Design and Improvements, shall apply to all subdivisions that result in the portioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions created by an exercise of the power of eminent domain by an agency of the State or Town, unless specifically excluded by state law.

#### (3) Subdivision Approval is Prerequisite to Other Approvals

No building permit or certificate of occupancy may be issued for any building,



structure, or improvement located within a subdivision, and no plat for a subdivision may be recorded, until:

- (a) A plan for the subdivision has been approved and all required [dedications](#) of land have been made, and all required improvements have been installed in accordance with the procedures and requirements of this Section; or
- (b) A plan for the subdivision of land has been approved and a subdivision Development Agreement has been executed that provides for future improvements pursuant to standards adopted by the Town.
- (c) The Town shall not accept or maintain any street and shall not extend or connect any services to any subdivision of land until the plat for the subdivision has been approved and recorded in accordance with the requirements set forth in this Section.

**(4) Restriction on Sale or Transfer of Subdivided Land Without Approved Plat**

No person shall subdivide, transfer, sell, agree to sell, or negotiate to transfer or sell any land by reference to a metes and bounds description or subdivision [plat](#) before such description or plat has been approved pursuant to this Land Use Code and recorded in the Office of the La Plata County Clerk and Recorder.

**(5) Acceptance of [Dedications](#)**

All plans, plats, and plat amendments of land laid out in subdivision or building lots, and that include streets, highways, [sidewalks](#), [alleys](#), [open space](#), or other areas intended to be dedicated to a [public use](#), shall be submitted for review and subsequent approval, conditional approval, or denial, unless this Land Use Code authorizes approval through the Minor Subdivision/Plat Amendment process. No plat shall be recorded that does not bear, by endorsement or otherwise, the approval of the Town Board. Execution of the approved final plat in accordance with this Section shall constitute the Town's acceptance of any public [dedication](#).

**(6) Existing Lots of Record**

No provision of this Section or Section 6 applies to any lot in a subdivision legally created and recorded before the effective date of this Land Use Code.

**ii) Minor Subdivision/Plat Amendment**

**(1) The minor subdivision procedure is allowed for the following:**

- (a) [Subdivisions](#) creating five or fewer lots, provided that parcels are eligible for minor subdivision only once. Further subdivisions of the original or newly created parcels shall be processed instead as major subdivisions;
- (b) Subdivisions that create individual town home lots or individual duplex or [single-family attached](#) lots in a [multi-family](#) or planned development that has already been approved by the Town;
- (c) Consolidation of two or more lots in a previously recorded subdivision plan;

- (d) Boundary/lot line adjustments or other minor amendments to an approved final plat.

**(2) Limitations**

- (a) There shall be no public [right-of-way dedication](#) or [public improvements](#) allowed with a minor subdivision; provided, however, that the Administrator may determine that such an application may still be processed as a minor subdivision if adequate security is provided to ensure that the dedication will be received, and/or the public improvements installed.
- (b) The minor subdivision may not involve any modifications or variances to the subdivision design standards in Section 6, Subdivision Design and Improvements
- (c) If a proposed minor subdivision would result in conditions that do not comply with Section 6, Subdivision Design and Improvement Standards, or any other provision of the Code, or other conditions of the final plat approval imposed by the Town Board, or results in changes affecting parties other than the applicant, the application shall require review and approval through the major subdivision process.

**(3) Approval Criteria – Minor Subdivisions**

The Administrator shall approve the minor subdivision application if it meets the following criteria:

- (a) The minor subdivision is consistent with the any adopted [Comprehensive Plan](#) and other adopted Town plans;
- (b) The minor subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
- (c) As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved development plan;
- (d) The minor subdivision complies with all applicable use, development, and design standards set forth in this Land Use Code; and
- (e) Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development.

**(4) Approval Criteria – Boundary/Lot Line Adjustments or Other Plat Amendments**

The Administrator shall approve the plat amendment application if it meets the following criteria:

- (a) The adjustment does not increase the number of lots or parcels or create new lots or parcels;
- (b) The adjustment does not affect a recorded easement without the prior approval of the easement holder;
- (c) Street locations will not be changed;



- (d) The adjustment will not create any nonconformities or increase the degree of nonconformity of any existing structure or use;
- (e) The adjustment shall comply with all other applicable requirements of this Land Use Code and all other applicable regulations and requirements.

**(5) Appeal**

The applicant can appeal Administrator decisions on minor subdivisions, boundary/lot line adjustments or other plat amendments in accordance with Table 2.1.1. A formal appeal must be submitted in accordance with Section 2.2.p).

**(6) Recording**

Following the approval of a minor subdivision or plat amendment, the minor subdivision shall be signed by the town's authorized representative. The Town Clerk shall then record the minor subdivision in the office of the County Clerk and Recorder. Minor subdivisions shall be recorded within one (1) year of approval.

**iii) Major Subdivision**

**(1) Applicability**

The major subdivision procedure is required for a proposed division of land when any one or more of the following conditions exist:

- (a) Dedication of public right-of-way, other public tracts, or public improvements (unless the Administrator determines it shall be processed as a minor subdivision in accordance with **Section 2.3.b.ii**);
- (b) The resultant subdivision will produce six or more lots; or
- (c) The subdivision is not otherwise eligible for the minor subdivision process.

**(2) Overview of Procedure**

The major subdivision process consists of three steps:

- (a) Sketch plan, requires approval by the Planning Commission and may be submitted concurrently with the Preliminary Plat
- (b) Preliminary plat requires a recommendation by the Planning Commission and approval by the Town Board (**subsection 4. below**).
- (c) Final plat requires approval by the Administrator, unless substantial changes are proposed from the Preliminary Plat, in which case the Final Plat application requires a recommendation by the Planning Commission and approval by the Town Board of Trustees.

**(3) Sketch Plan**

**(a) Purpose**

A sketch plan represents a general land use plan and layout for the area proposed to be included within a subdivision. It allows for an evaluation of a proposed subdivision before detailed planning and engineering work has been undertaken and before substantial expenses have been incurred. Material submitted for a sketch plan may not constitute a complete

application for a preliminary plat, unless it meets the requirements for a preliminary plat application.

**(b) Approval Criteria**

The Planning Commission shall evaluate the applicant's sketch plan application to determine whether:

- (i) The land use mix within the project conforms to the Zoning District Map and any adopted Comprehensive Plan or Policy.
- (ii) The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and any adopted Comprehensive Plan or Policy.
- (iii) The utility and transportation design is adequate, given existing and planned capacities of those systems.
- (iv) Negative impacts on [adjacent](#) land uses have been identified and satisfactorily mitigated.
- (v) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Ignacio.
- (vi) The proposed subdivision complies with all applicable use, [density](#), development, and design standards set forth in this Land Use Code that have not otherwise been modified or waived pursuant to this Chapter and that would affect or influence the layout of lots, [blocks](#), and streets. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
- (vii) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to maximize efficient use of the land, avoid hazard areas, protect sensitive natural resources, and otherwise accomplish the purposes and intent of this Land Use Code.

**(c) Lapse of Approval**

Approval or conditional approval of a sketch plan shall be effective for one year unless otherwise expressly approved by the Planning Commission.

**(4) Preliminary Plat**

**(a) Purpose**

The purpose of the preliminary plat is to provide the Town with an overall development plan for the proposed subdivision.

**(b) Procedure**

The common procedures are described in [Section 2.2](#). Specific additions and modifications to the common review procedures are identified below.

**(c) Submittal Timing**

The application must be submitted no more than one year after approval of the sketch plan unless otherwise approved by the Planning Commission.

**(d) Approval Criteria**

The Planning Commission and Town Board shall evaluate the applicant's request based on whether the application is consistent with the approved sketch plan, conforms to the sketch plan approval criteria of this Land Use Code, and incorporates the Planning Commission's recommendations and conditions of approval on the sketch plan.

- (i) The proposed subdivision complies with all applicable use, [density](#), development, and design standards set forth in this Land Use Code that have not otherwise been modified or waived pursuant to this Chapter and that would affect or influence the layout of lots, [blocks](#), and streets.
- (ii) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to maximize efficient use of the land, avoid hazard areas, protect sensitive natural resources, and otherwise accomplish the purposes and intent of this Land Use Code.
- (iii) The applicant has provided evidence that provision has been made for a public water supply system or, if other methods of water supply are proposed, adequate evidence that the water supply is sufficient in terms of quantity, quality, and dependability for the type of subdivision proposed.
- (iv) The applicant has provided evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations.
- (v) The applicant has provided evidence that the drainage/stormwater system has been designed to meet all requirements of this code and will not adversely affect downstream properties.
- (vi) The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the [subdivider](#) and that the proposed use of these areas are compatible with such conditions.
- (vii) The application provides a clear assumption of responsibility for maintaining all roads, [open spaces](#), and other public and common facilities in the subdivision.
- (viii) As applicable, the proposed phasing for development of the subdivision is rational in terms of available [infrastructure](#) capacity and financing.

- (ix) The subdivision is consistent with any adopted Town policies and plans, including any adopted comprehensive plan, transportation plan or streets/roadway plan.

**(e) Lapse of Approval**

- (i) Approval or conditional approval of a preliminary plat shall be effective for one year. The applicant can request an extension and shall submit an application for “Extension of Preliminary Subdivision Plan” prior to preliminary plan approval expiration date. The Town Board shall consider such extension application.
- (ii) An approved preliminary plat shall lapse and be void if a complete final plat application for the subdivision or a [phase](#) of the subdivision has not been submitted within one year after the preliminary plat approval date or within an alternate time-frame specified by the Town Board. In the case of partial final plat submission, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of one year, up to a maximum number of years specified by the Town Board at the time of approval of the initial phase.

**(5) Final Plat**

**(a) Purpose**

The purpose of the final plat is to complete the subdivision of land consistent with the Town’s adopted technical development standards.

**(b) Procedure**

The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

**(c) Submittal Timing**

The application must be submitted no more than one year after approval of the preliminary plat, unless otherwise approved by the Town Board.

**d) Administrator’s Review and Decision**

The Administrator shall review each proposed final plat application based on the applicable approval criteria listed below. All construction plans for subdivision-related [public improvements](#) shall be referred to the Town Engineer for review and approval. Based on the results of those reviews, the Administrator shall act to approve, approve with conditions, or deny the proposed final plat.

**e) Final Plats Not in Substantial Compliance with Approved Preliminary Plats**

If the final plat is found not to be in substantial compliance with the approved preliminary plat or is submitted more than one year after approval of the preliminary plat, in the Administrator’s sole discretion, the Administrator may deny the application or may refer the application to the Planning Commission. The applicant may appeal the denial of a final plat to the Planning Commission in accordance with [Section 2.2.p\).iii](#).

**f) Approval Criteria**

The Administrator shall approve final plats that comply with all of the following criteria:

- (i) The final plat conforms to the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to the approval of the preliminary plat;
- (ii) The development will substantially comply with all sections of the Code; and
- (iii) All applicable technical standards adopted by the Town have been met.

**(g) Post-Approval Actions**

Upon approval of the final plat, the applicant shall submit the following documentation to the Administrator:

- (i) Documentation that areas designated as [open space](#) shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity;
- (ii) Other payments, certificates, affidavits, enforcements, or deductions, as required by the Planning Commission or Town Board.
- (iii) All [public improvements](#) shall be constructed, or adequate financial guarantee shall be demonstrated prior to recordation of the plat.

**(h) Recording of Plats**

If approved, the Administrator shall request one original Mylar of any final plat ready for signatures as required by the Town to sign and then record. Execution of the approved final plat in accordance with this Section shall constitute the Town's acceptance of any public dedication. The Mylar of the final plat shall be recorded by the Town Clerk in the Office of the La Plata County Clerk and Recorder. A signed copy with the reception number shall be retained by the Town. The recording fee shall be paid by the applicant.

**(6) Condominium Subdivision and Conversion**

**(a) Purpose**

The purpose of this Section is to ensure that [condominium subdivisions](#) and conversions will comply with the adopted [building code](#), C.R.S. 38-33.3-101 et sec and all applicable provisions of this Land Use Code.

**(b) Procedure**

- (i) The procedure and standards for review and approval of a condominium subdivision or conversion shall be the same as that specified for subdivisions within this [Section 2.3.b](#). The applicable review procedures (minor or major subdivision) shall be determined by the number of condominium units created.
- (ii) Conversion of an existing building located on a previously subdivided parcel to condominium ownership without a change in type of use, expansion of use, or increase in intensity of use shall be reviewed as a

minor subdivision regardless of the number of units or size of the parcel proposed for conversion.

- (iii) Subsequent changes in approved use(s) for an existing condominium subdivision require re-approval through the minor subdivision process in [Section 2.3.b.ii](#).
- (iv) Notwithstanding anything in this Section to the contrary, no requirement for [public improvements](#), [dedication](#) of land to public use, or other subdivision requirement shall be imposed as a condition of approval for a condominium subdivision or common interest community that would not be imposed upon a physically-identical development under a different form of ownership. This provision shall not be construed to prevent the Town from imposing the review requirements of this Section upon any change of use, expansion of use, increase in intensity of use, or other change in a condominium or common interest community unrelated to its form of ownership.

**(c) Standards for Condominium Conversion**

Prior to recording a subdivision plat that would convert an existing development to condominium units, the owner of such property shall meet with the Town Building Official regarding the proposed conversion and shall demonstrate that the project complies with the adopted [building code](#) and the following provisions have been met:

- (i) The structure subject to the proposed condominium conversion shall meet current off-street parking requirements for the underlying [zone district](#) found in [Table 5-5-1](#). Each residential condominium unit shall be considered a separate [dwelling unit](#) for purposes of determining parking compliance.
- (ii) A minimum one-hour fire wall may be required between units as a condition of Town approval of any condominium plat involving a condominium conversion.
- (iii) Owners of properties proposed for condominium conversion shall notify all residential tenants in writing of the conversion at least 90 days prior to termination of any residential tenancy in accordance with § 38-33-112, C.R.S., as amended. Copies of the notice shall be filed with the Town Clerk as proof of notification.

**(d) Criteria for Review of Condominium Subdivisions and Conversions**

- (i) Condominium subdivisions and conversions shall comply with the review standards applied to subdivisions as specified in [Section 2.3.b.iii.4.d](#).
- (ii) In addition, condominium subdivisions and conversions may be required to evaluate the traffic impacts of the proposed condominium subdivision and any impacts to the [neighborhood](#) must be mitigated. A



traffic mitigation plan may be submitted and approved by the Administrator prior to approval of the condominium subdivision.

**(e) Condominium Plat Processing**

The Town is primarily concerned with land use, pertaining to the suitable design of the development evidenced by the preliminary condominium plat. Additional drawings, declarations, and documentation not subject to Town review are necessary to comply with State condominium laws. At the developer's request, the final condominium plat may be held for recording until other associated documents are also ready for recording or until the applicant can record an "as-built" plat, but no longer than one year.

**c) VACATION of RIGHT-of-WAY and OTHER PUBLIC EASEMENTS**

**i) Applicability**

This Section shall apply to all requests to vacate all rights, interests, or title of the Town in and to any [right-of-way](#) (street, road, [alley](#), or other public way), access easement, or other easement located within the Town. Title to vacated roadways shall vest in accordance with C.R.S. Section 43-2-302, as may be amended from time to time.

**ii) Procedure**

The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

**(1) Planning Commission Hearing, Review, and Recommendation**

The Planning Commission shall conduct a [public hearing](#) and consider the comments and evidence presented at the hearing along with the Administrators recommendations and recommend that the Town Board approve, conditionally approve, or deny the vacation, based on the approval criteria below.

**(2) Town Board Public Hearing, Review, and Decision**

The Town Board shall conduct a public hearing and consider the comments and evidence presented at the hearing along with recommendations from the Planning Commission and the Administrator, and approve, conditionally approve, or deny the vacation, based on the approval criteria below. The Town Board shall have the right to vacate all or a portion of the total area requested for vacation. Rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and [appurtenances](#), for ditches and canals and similar appurtenances, and for electric, telephone, and similar lines and appurtenances.

**iii) Approval Criteria**

The Town Board may approve a [right-of-way](#) or public [easement](#) vacation if it finds that all of the following have been met:

- (1) The vacation is consistent with any Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan;

- (2) The land to be vacated is no longer necessary for the public use and convenience;
- (3) The vacation will not leave any land-locked parcels; and
- (4) The vacation will not adversely impact the health, safety and/or welfare of the general community, or reduce the quality of [public facilities](#) or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service.

**iv) Approval and Recording**

The Town Board shall approve vacations by ordinance and the ordinance shall be recorded in the Office of the La Plata County Clerk and Recorder.

**d) CONDITIONAL USE PERMITS**

**i) Purpose**

This Section provides a discretionary approval process for conditional uses, which is a use that is not guaranteed (or as-right use). The procedure encourages public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that proposed conditional uses will not have an adverse impact on surrounding uses or on the community-at-large. Specific conditional uses allowed in each [zone district](#) are listed in [Table 4-1](#), Table of Allowed Uses.

**ii) Approval Criteria**

The Planning Commission may approve a proposed conditional use that meets all of the following criteria:

- (1) The proposed use is consistent with all applicable provisions of this Land Use Code and applicable state and federal regulations;
- (2) The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards of this Land Use Code;
- (3) The proposed use is compatible with [adjacent](#) uses in terms of scale, site design, and operating characteristics such as hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts;
- (4) Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
- (5) Facilities and services (including sewer, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development; and
- (6) Adequate assurances of continuing maintenance have been provided.

**iii) Subsequent Ownership**

Successors and/or assigns of issued conditional use permits may continue the conditional use permit and must abide by all the terms and conditions of the permits, unless otherwise stipulated in the approval process.

**(1) Lapse of Approval**



- (a) A conditional use permit shall lapse and have no further effect one year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:
  - (i) A building permit has been issued and construction diligently pursued;
  - (ii) A certificate of occupancy has been issued;
  - (iii) The use has been established and in continuous operation; or
  - (iv) The conditional use permit is renewed.
- (b) A conditional use permit shall lapse upon termination of a project or expiration of a building permit.
- (c) A conditional use permit shall lapse if the rights granted by it are discontinued for 180 consecutive days or other period of time as specified in the original approval.

**e) SPECIAL USE PERMITS**

**i) Purpose**

This Section provides a discretionary approval process for special uses, which have unique or widely varying operating characteristics or unusual site development features that are generally considered compatible but may need additional discretion before approval. Specific special uses allowed in each zone district are listed in **Table 4-1**, Table of Allowed Uses.

**ii) Approval Criteria**

The Administrator may approve a proposed special use or may choose to forward the proposed use to the Planning Commission for review and approval. Below is the criteria that shall be met by all proposed uses:

- (1) The proposed use is consistent with all applicable provisions of this Land Use Code and applicable state and federal regulations;
- (2) The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards of this Land Use Code;
- (3) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- (4) Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
- (5) Facilities and services (including sewer, water, gas, electricity, police and fire protection, emergency service and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development; and
- (6) Adequate assurances of continuing maintenance have been provided.

**iii) Subsequent Ownership**

Successors and/or assigns of issued special use permits may continue the special use permit and must abide by all the terms and conditions of the permits, unless otherwise stipulated in the approval process.

**(1) Lapse of Approval**

- (a) A special use permit shall lapse and have no further effect one year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:
  - (i) A building permit has been issued and construction diligently pursued;
  - (ii) A certificate of occupancy has been issued;
  - (iii) The use has been established and in continuous operation; or
  - (iv) The special use permit is renewed.
- (b) A special use permit shall lapse upon termination of a project or expiration of a building permit.
- (c) A special use permit shall lapse if the rights granted by it are discontinued for 180 consecutive days or other period of time as specified in the original approval.

**f) SITE PLAN (MINOR)**

**i) Purpose**

The purpose of the Minor [Site Plan](#) process is to ensure compliance with the development and design standards of this Land Use Code prior to the issuance of a building permit or concurrent with other required permits, and to encourage quality development that is reflective of the goals and objectives of this Land Use Code.

**ii) Applicability**

Review is required for any development requiring a building permit that does not meet the criteria for a Major Site Plan process.

**iii) Approval Criteria**

The Administrator will review and approve the site plan and ensure compliance with this Land Use Code. The Administrator will provide necessary guidance to the applicant during the minor site plan review process and work to achieve Land Use Code compliance.

**g) SITE PLAN (MAJOR)**

**i) Purpose**

The purpose of the Major [Site Plan](#) process is to ensure compliance with the development and design standards of this Land Use Code prior to the issuance of a building permit or concurrent with other required permits, and to encourage quality development that is reflective of the goals and objectives of this Land Use Code.

**ii) Applicability**

Review is required for:

- (1) All new commercial and [mixed use](#) development;

- (2) All new [multi-family](#) residential development including condominiums, townhomes, and apartments;
- (3) Any change of use from one primary use classification to another (for example, residential use to commercial use);
- (4) Any expansion of existing development, not including [single-family](#), that results in an increase to a building footprint of more than 5,000 square feet;
- (5) All publicly owned and operated buildings.

### iii) Administrative Review

The Administrator may review projects that include any expansion of existing development that results in a change to a building footprint of less than 5,000 square feet.

#### (1) Procedure for Administrative Review

The common procedures are described in [Section 2.2](#). Specific additions and modifications to the common review procedures are identified below.

##### (a) Administrator's Review and Decision, or Referral to Planning Commission

The Administrator shall review each Administrative Review application based on the approval criteria listed below and shall act to approve, approve with conditions, or deny the application. The Administrator also may refer the decision to the Planning Commission to be processed under the Major Review procedure.

##### (b) Approval Criteria

The Administrator shall approve an Administrative Review application if all of the following criteria are met:

- (i) The site plan complies with all applicable development and design standards set forth in this Land Use Code.
- (ii) The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable; and
- (iii) The site plan is consistent with other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.

##### (c) Lapse of Approval

The site plan shall be effective for a period of three years from the date of approval, unless stated otherwise in such approval. Building permits shall not be issued based on site plans that have an approval date more than three years old.

### iv) Procedure for Planning Commission Review

The common procedures are described in [Section 2.2](#). Specific additions and modifications to the common review procedures are identified below.

#### (1) Planning Commission Review and Decision

The Planning Commission shall consider the application and the recommendation from the Administrator, and approve, conditionally approve, or deny the application, based on the criteria below.

**(2) Approval Criteria**

The Planning Commission may approve a Major Review application if all of the following criteria are met:

- (a) The site plan is consistent with the intent of all adopted Town plans;
- (b) The site plan complies with all applicable development and design standards set forth in this Land Use Code,
- (c) The site plan will not substantially alter the basic [character](#) of the surrounding area or jeopardize the development or redevelopment potential of the area; and
- (d) The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable.

**(3) Post Approval**

After review and approval by the Planning Commission, the applicant shall submit a revised set of final site plans based on any conditions of approval.

**(4) Lapse of Approval**

The site plan shall be effective for a period of three years from the date of approval, unless stated otherwise in such approval. Building permits shall not be issued based on site plans that have an approval date more than three years old. For [multi-phased](#) site plans, building permits shall not be issued based on an approval date more than three years from the date of Phase I approval.

**h) VARIANCES**

**i) Purpose**

The Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Land Use Code, unless otherwise provided in this Section. The variance process is intended to provide limited relief from the requirements of this Land Use Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Land Use Code. It is not intended that variances be granted to (1) allow a use in a [zone district](#) where it is not permitted by this Land Use Code; or (2) merely remove inconveniences or financial burdens that the requirements of this Land Use Code may impose on property owners in general. Variances are intended to provide limited relief where the requirements of this Land Use Code render the land difficult or impossible to use due to unique physical attribute of the property or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the Town.

**ii) Applicability**

A variance may be initiated only by the property owner or the designated representative. The application must state with particularity the relief sought and

must specify the facts or circumstances that are alleged to show that the application meets the approval criteria below.

**iii) Approval Criteria**

The Board of Adjustment may approve a variance only upon finding that all of the criteria below have been met:

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the property.
- (2) That such a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, and denied to the property in question.
- (3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property improvements in the vicinity.

**iv) Lapse of Approval**

Within one year from the approval of the variance, the property owner shall have commenced development and/or obtained the necessary permits to fulfill the approved variance. The variance shall be considered null and void if the property owner has not taken any actions.

**v) Variance to Sign Regulations**

When a sign owner seeks a variance from the standards contained in the sign regulations in **Section 8.14**, such request shall be heard and acted upon by the Planning Commission only after all other administrative procedures required for issuance of a sign permit have been completed. The Planning Commission is authorized to grant a variance when it finds that unique situations require a deviation from the provisions and that the purpose and intent of the sign regulations of **Section 8.1** have not been violated. A request for an increase in sign size shall not be subject to the procedures in this subsection but shall be processed as a standard variance as set forth in **Section 2.2.h** of this Chapter.

## **CHAPTER II: Land Use and Development Code**

### **Section 3: Zoning Districts**

#### **1) ZONING MAP**

- a) The boundaries and classifications of defined zoning districts are detailed on a map entitled Town of Ignacio Zoning District Map which shall be revised, updated or redrafted when Town Board approved changes occur. The official Zoning District Map shall bear the most recent date of revision and has been signed by the Chair of the Planning Commission and the Mayor.

- b) Upon approval of any ordinance annexing and establishing zoning or modifying existing zoning for any property, the prior existing official Zoning District Map shall be amended to reflect the changes denoted in the adopting ordinance. The official Zoning District Map shall contain in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.
- c) The official Zoning District Map shall be available and on display at the Town Hall during normal business hours and on the Town's website.

## 2) DISTRICTS ESTABLISHED

This Section establishes the zoning districts and contains basic information pertaining to the districts, including statements of purpose. Section 4, Use Regulations, and Section 5, Dimensional Standards, identify the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively. Section 6, Development Standards, identifies any district-specific development standards applying to development in the districts. The following zoning districts are established:

Zoning Districts	
District	Abbreviation
Single Family Residential District	R-1
Multi-Family Residential District	R-2
Manufactured Home Residential District	R-3
Mixed Use District	MU
Industrial District	I
Agricultural District	AG
Community/Public District	CP

## 3) PURPOSE and INTENT of EACH ZONING DISTRICT

### a) SINGLE FAMILY RESIDENTIAL DISTRICT - R1

The intent of this district is to provide an area in which only single-family homes are permitted.

**b) MULTI-FAMILY RESIDENTIAL DISTRICT - R2**

The intent of this district is to provide an area in which multi-family [dwelling units](#) are permitted as well as single-family homes.

**c) MANUFACTURED/MOBILE HOME RESIDENTIAL - R3**

The intent of this district is to provide an area where manufactured/[mobile homes](#) are permitted in a subdivision or in a mobile home park. Single-family homes are allowed in this district.

**d) MIXED USE DISTRICT - MU**

The intent of this district is to provide an area with a mixture of complimentary land uses that includes existing single family residential, retail, offices, commercial and civic uses, which collectively create economic and social vitality.

i) Residential uses are permitted on upper stories and on ground floors when placed behind a commercial use.

ii) Residential uses shall not exceed 30% of the ground floor building area per lot.

**e) INDUSTRIAL DISTRICT – I**

The intent of this district is to provide an area for [industrial](#) and distribution uses which can be accommodated inside a structure without odor, smoke or glare.

**f) AGRICULTURAL DISTRICT – AG**

The intent of this district is to provide an area with [agricultural uses](#) excluding feed lots and dairies. Also permitted in this district are single family residential homes on large lots.

**g) COMMUNITY/PUBLIC DISTRICT - CP**

The intent of this district is to provide an area with designated uses for community and [public facilities](#), parks and other venues serving public functions and needs. These include government buildings, nonprofit and quasi-governmental uses, schools, libraries and parks.

## CHAPTER II: Land Use and Development Code

### Section 4: Use Regulations

#### 1) USE CHARTS BY DISTRICT

The tables below identify common uses and associate allowances. The tables do not identify all uses and the Administrator shall utilize a similar use and allowance for uses not identified in the table.

**Use Legend:** P = Permitted; N = Not Permitted; S = Special Use; C = Conditional Use



Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
<b>RESIDENTIAL USES</b>									
Household Living	Dwelling, duplex		P		C				
	Dwelling, <a href="#">live/work</a>				P				
	Dwelling, <a href="#">manufactured/modular/mobile home</a> installed on a temporary foundation			P					
	Dwelling, <a href="#">manufactured/modular/mobile home</a> installed on a permanent foundation	P	P	P				P	
	Dwelling, multi-family		P		C				
	Dwelling, single-family attached		P	P					
	Dwelling, single-family detached	P	P	P				P	
	Vacation Rental Home	S	S	S	P				
	Mobile home park								
Group Living	Adult day care	C	C	C				C	
	Assisted living facility	C	C	C				C	
	Group home	C	C	C				C	
	Nursing home	C	C	C				C	

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
<b>COMMERCIAL USES</b>									
Agriculture and Animal-related Services	Animal husbandry							P	
	Apiaries	P	P	P	P	P	P	P	
	Commercial farming, plant husbandry, commercial greenhouse				C		C	P	
	Community garden	P	P	P	P	P	P	P	
	Kennel							P	
	Sale of produce and plants raised on premises	P	P	P	P	P	P	P	
	Veterinary Clinic				P			C	

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
<b>COMMERCIAL USES</b>									
Retail Sales	Building materials, feed, supply store					P	P	C	
	Convenience store, without fuel					P			
	Handicraft Shops with On-Premise Sales				P	P	P		
	Food and Beverage Production with On-Premise Consumption				P	C	P		
	Grocery store				P				
	Liquor store				P				
	LPG storage or sale - less than 2000 gallons				C		C	C	
	Retail, general				P				
	Wholesale material sales				C		P	P	
Arts	Art gallery with associated retail				P	P			
	Instructional or performing arts studio				P	P			
Parking Lots	Commercial parking lot (surface or structured)				P	P			
Food and Beverage Services	Bar, tavern, or lounge				P				
	Microbrewery, distillery, and/or tasting room				P		P		
	Restaurant				P	P			
	Restaurant, with outdoor dining facility				P	P			
Funeral Services	All uses		C		P		P		
Lodging facilities	Bed and breakfast	C	C	C				C	
	Vacation rental	C	C	C	P			C	
	Boardinghouse		C		P			C	
	Hotel/Motel				P		P		
	Hostel				P		P		
Offices, Business, Professional Services	Bank, financial institution				P	P			
	Mail or package delivery service				P	P			
	Printing shop, blueprinting, and copies				P	P			
	Professional, government, or administrative office				P	P			

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
<b>COMMERCIAL USES</b>									
Hemp	Hemp/CBD center				P		C		
	Hemp infused product manufacturer				C				
	Hemp cultivation premises				P				
	Hemp cultivation facility				C		C	P	
	Hemp products manufacturing facility				C				
	Retail hemp/CBD store				P		C		
	Hemp testing facility				C		P		
	Mail or package delivery service				P				
Maintenance and Repair Services	Repair establishment				P		P		
Adult Entertainment	Adult Entertainment Establishments								
Personal Services	Commercial laundry and dry cleaning				P		P		
	Dry cleaning pick-up				P		P		
	Personal service, general				P		P		
	Self-service laundromat				P		P		
Recreation and Entertainment, Indoor	Health club				P	P	P		
	Indoor recreational facility				P	P	P		
	Theater				P	P	P		
Recreation and Entertainment, Outdoor	Campground and RV park				C	C			
	Commercial outdoor facility				C	C	C		
Vehicles and Equipment	Automotive fuel sales				C	P	P		
	Automotive parts and accessory sales				P	P	P		
	Automotive repair shop				P	P	P		
	Automotive sales or leasing				P	P	P		
	Auto wash				P		P		
	Equipment sales and leasing				P		P	P	
	Small engine repair				C		P	P	

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
<b>PUBLIC, INSTITUTIONAL, AND CIVIC USES</b>									
Community and Cultural Facilities Hemp	Business Incubator				P	P			
	Civic building				P	P			
	Club or lodge				P	P			
	Community center					P			
	Convention hall					P			
	Police Station/Fire Station				P	P	P	C	
	Library				P	P			
	Museum				P	P			
	Religious use				P	P		C	
Transit Uses	Transit Stop	P	P	P	P	P	P		
	Transit terminal or station		P		P	P	P		
Child Care Facilities	Day care - fewer than seven children	P	P	P	P	P		P	
	Day care - seven children or more	C	C	C	C	P		C	
Health Care Facilities	Hospital				P	P			
	Medical or dental clinic				P	P			
Educational Facilities	School, public or private	C	C			P			
	Vocation School or training center		P		P	P	P		
Parks and Open Space	Park, playground, open space	P	P	P	P	P	P		

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
<b>INDUSTRIAL USES</b>									
Industrial Services	Asphalt and concrete batch plant operation				C		C		
	Bulk storage of LPG - 2,000 gallons or more						P		
	Contractor construction yard or facility								
	Gravel and mineral extraction and processing				P		P	c	
	Motor or railroad freight depot				C		P		
	Printing and publishing facility				P		C		
Manufacturing and Production	Assembly, fabrication, manufacturing, testing						P		
	Brewery, bottling plant				C		C		
	Food processing plant - over 2500 sf building				C		P		
	Food processing plant - up to 2500 sf building						P		
Storage and Warehousing	Outdoor storage						P	C	
	Self-storage facility (mini-storage)						P		
	Shipping, receiving, and distribution facility				C		P		
	Warehousing				C		P		
Waste and Salvage	Automotive salvage yard								
	Construction waste recycling and compacting facility								
	Recycling of metals, paper, plastic or automotive oil								
Utilities	Radio or television tower	C	C	C	C	C	C	C	
	Solar energy production, primary use					C	C	C	
	Substation, receiving station, or switching station	C	C	C	C	C	P	C	
	Water and wastewater treatment facility					C	C	C	
	Water reservoir					C		C	
	Water storage tank	C	C	C	C	C	C	C	

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
ACCESSORY USES									
	Accessory dwelling unit	S	S	S	P			S	
	Automatic teller machine (ATM)				P	P	P		
	Garage, carport, or utility shed	A	A	A	A	A	A	A	
	Home occupation (commercial)	S	S	S	P		P	S	
	Home occupation, no employees or customers	A	A	A	A		A	A	
	Outdoor storage, accessory storage container	C	C	C	C	C	P	C	
	Solar energy device, accessory use	P	P	P	P	P	P	P	
	Wind energy conversion system (WECS)						C		
	Other accessory uses determined by the Administrator to comply with associated code sections	A	A	A	A	A	A	A	

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
TEMPORARY USES									
	Mobile vendor		S		S	S	S		
	Regularly operated open-air and/or farmer's market				S	S	S	S	
	Temporary office space and equipment storage				S	S	S		
	Temporary special event	S	S	S	S	S	S	S	
	Tent structure for single-vehicle parking	A	A	A	A		A	A	

## 2) USE SPECIFIC STANDARDS

### a) **ACCESSORY DWELLING UNITS**

- i) An accessory dwelling unit may be allowed by Special Use Permit in any single-family dwelling, regardless of zone, provided the following requirements are met:
  - (1) The home is conforming to all code requirements including setbacks, density, height and lot size.
  - (2) Off-Street Parking is provided for both units in compliance with this code.
  - (3) Either the principal residence or the accessory dwelling unit is owner-occupied.
  - (4) Only one accessory dwelling unit is allowed per lot.
  - (5) The accessory dwelling may not exceed 800 sq. ft.
  - (6) The accessory dwelling shall not involve design modifications to the exterior of the principal building that make their presence obvious. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a single-family building (e.g., side doors, French doors, etc.). External stairs are not allowed to provide access to a second-story ADU. If a building is expanded to accommodate an attached or integrated ADU, the expansion shall be designed in a manner that is comparable to the principal building.

### b) **HOME BUSINESSES**

#### i) **Generally**

The use of a dwelling unit for business purposes is allowed pursuant to the standards of this Section. These regulations do not apply to the use of workspaces in live/work units or to a residential structure that has been legally converted to a commercial use.

#### ii) **Requirements and Limitations**

These requirements are intended to protect the residential function and physical character of the [neighborhood](#) in which the use is located, including, but not limited to, the quiet enjoyment of nearby residential property by its occupants.

**(1) Physical Features and Building [Character](#).** The following are not allowed:

- (a) The posting or installation of signs larger than 1 sq. ft. to advertise the business.
- (b) Modifications to the principal building that alter its residential character.
- (c) Construction of [accessory buildings](#) or structures that alter the residential character of the lot.
- (d) New, separate entrances to the building that provide access only to the area used for the business.
- (e) [Outdoor storage](#) of business merchandise or equipment that would not normally be stored on a residential property.



- (f) Outdoor displays or business merchandise or equipment.
- (2) Limitations on Business Operations.** The following are not allowed:
- (a) Solicitation, advertising, or promotion of the business in a manner that generates commercial traffic, either vehicular or pedestrian, that is inconsistent with the residential character of the [neighborhood](#).
  - (b) Parking demands that are inconsistent with the residential use of the neighborhood.
  - (c) Use of areas outside of the principal or [accessory buildings](#) for business purposes, except parking.
  - (d) Business use of a garage in a manner that reduces available parking on the lot to less than that required by this code.
  - (e) Pick-up or delivery of products or machinery by commercial vehicles or heavy trucks other than parcel pick-up and delivery services.
  - (f) Production of noise, vibration, light, dust, odor, fumes, smoke, or other comparable effects that are detectable outside the dwelling unit.
  - (g) Storage of hazardous, combustible, or volatile materials in amounts that are greater than typically stored for home use.
  - (h) Storage of motor fuels in amounts that are greater than typically stored for home use. Storage of more than five gallons of gasoline or diesel fuel on site, or storage of more than 15 gallons of biodiesel on site, shall be presumed to be in violation of this requirement if related to a home-based business.
  - (i) No vehicles associated with the business, other than a personal vehicle (car, pickup or van) shall be stored at the home location.
  - (j) No vehicles associated with the business may be parked on residential streets.
  - (k) Professional services, instruction, or counseling to more than one person at one time unless it meets [Section 4.1.b.ii.\(4\)](#).
- (3) Employees**
- (a) A business use of the home may employ any resident of the dwelling unit, plus one additional employee who does not reside in the dwelling unit.
  - (b) Employees who work off-site shall not regularly gather at the dwelling unit for transportation to off-site locations.
- (4) Small Groups**
- (a) Professional services, instruction, or counseling to small groups of up to four persons may be allowed if the following are met:
    - (i) The total number of small groups' gatherings shall not exceed two times per week.
    - (ii) The small groups shall not be scheduled on the same day of the week.
- (5) Building and Fire Code Compliance**
- The principal building within which the home business is located shall comply with all applicable building and fire codes, as amended from time to time.

**iii) Business License Required**

The use of a dwelling unit for business purposes requires a business license from the Town.

**iv) Continuation of Established Business Use of the Home**

Any lawful business use of the home which is operating on the effective date, which has a current, valid business license, shall be permitted to continue notwithstanding the provisions of this Section; provided, however, that such use is not expanded or modified in a manner that creates a greater impact on the [neighborhood](#). Future expansions or modification of the principal building or use, or change in the business license shall thereafter comply with all applicable provisions of this code.

**v) Home Businesses Use Requiring a Conditional Use Permit**

The intent of these regulations is to minimize impact on residential neighborhoods while allowing Ignacio residents to establish and grow new businesses from their homes. Should one or more of the above standards be exceeded by any proposed home business, the business may seek a conditional use permit in accordance with [Section 2.3.d](#). The applicant must demonstrate that the home business can be operated in a manner that preserves the residential character of the existing dwelling and neighborhood. In all cases, the business owner/operator must reside in the dwelling.

**c) VACATION RENTALS**

Vacation rental homes may be allowed with the issuance of a special use permit in the AG, R-1, R-2 and R-3 zones.

**i) Purpose**

The provisions of this subsection are necessary to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by vacation rental homes. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of Ignacio's existing residential neighborhoods is essential to its continued economic strength. It is the intent of this subsection to minimize the impact of vacation rentals on adjacent residences, and to minimize the impact of the commercial character of vacation rentals.

**ii) Occupancy**

- (1) A dwelling unit for which a vacation rental home use is approved may alternatively be used as a full-time residence for the owner or a lessee. However, during vacation rental tenancies, the building shall not be used for any other purpose (e.g., [home occupation](#) or temporary event).
- (2) The Administrator shall specify the maximum number of occupants allowed in each individual vacation rental. The maximum number of occupants allowed in a vacation rental home shall not exceed the lesser of:
  - (a) Three persons per parking space; or

(b) Two persons, plus two persons per bedroom.

**iii) Appearance and Visibility**

The vacation rental home use shall not change the residential character of the outside of a dwelling unit, either by the use of colors, materials, signage, lighting or by the construction of accessory structures or garages that are visible off-site and not of the same architectural character as the residence. Vacation rental homes shall not emit noise, glare, flashing lights, vibrations, or odors not commonly experienced in residential areas.

**iv) Parking**

(1) All parking associated with a vacation rental home shall be entirely on the same lot as the vacation rental home (e.g. in the garage or driveway).

(2) Vacation rental homes with three or more bedrooms may reduce the required parking by one space as long as the following conditions are met:

(a) The number of vehicles allowed by the occupants of the vacation rental home is restricted to the number of spaces provided.

(b) All advertising for the vacation rental home will clearly display the restriction in the number of vehicles allowed.

**v) Local Contact Person / Property Manager**

(1) A designated property manager, who may be the owner of the vacation rental home or the owner's agent, shall reside in Ignacio or La Plata County.

(2) The property manager shall be available 24 hours per day to ensure that the property is maintained and operated as required by this Code, including but not limited to:

(a) Ensuring that the number of tenants does not exceed the limitations of subsection above.

(b) Ensuring that the number of vehicles parked by tenants does not exceed the number of parking spaces on the lot; and

(c) Ensuring that tenants do not violate noise restrictions.

(3) The name, address, and telephone number(s) of the property manager shall be submitted to the Administrator. Any change in the local contact person's address or telephone number(s) shall be promptly furnished.

(4) If the local contact person is unavailable or fails to respond to a call from a tenant or the Administrator, then the police department will be contacted. The police will attempt to contact the property manager at the phone numbers on file. If the police are unable to contact the property manager, the owner shall be subject to the applicable penalties set out in **Section 1.6**, Enforcement.

**vi) Facilities.** All bedrooms must have a [floor area](#) of at least 70 sf.

**vii) Outdoor Storage.** Storage of [recreational vehicles](#), motorcycles, snowmobiles, boats, jet skis, vehicles such as modified jeeps that may not be legally operated on public streets, and other similar vehicles, machines, or recreational devices, is allowed on off-street paved parking surfaces on the same lot as the vacation rental home, in the same manner as allowed for other dwelling units in the same

zone. These items may not be stored within the public [right-of-way](#). If there is not enough legal on-site parking for the storage or parking of recreational vehicles, the rental tenants or owner must provide alternative arrangements for their storage. The determination of what constitutes a vehicle or device, as described above, shall be determined by the Administrator.

viii) **Trash and Recycling.** All vacation rental homes must have trash containers and curbside recycling containers on site in a convenient and discrete location.

ix) **Fire Extinguishers.** A fire extinguisher that is in good working order shall be maintained at all times on the premises of all vacation rental homes.

x) **Required Notices**

(1) The following notices shall be posted in a conspicuous location inside the rental unit:

(a) A copy of the vacation rental home permit;

(b) The name, address, and telephone number(s) of the property manager;

(c) The location of the fire extinguisher; and

(d) Information on the trash and curbside recycling programs including:

(i) Pickup schedules;

(ii) A notice that trash and recycling containers must not be stored outside or placed at the curb (or in the [alley](#)), except between 6:00 AM and 6:00 PM on the day of scheduled trash or recycling pickup.

(2) The vacation rental home permit number is required to be clearly displayed on all advertisements and listings of the unit including online advertisements.

xi) **Non-Transferability.** Vacation rental home special use permits shall be granted solely to the Applicant and shall not be transferable to any other person or legal entity. The use shall be terminated automatically upon the sale or change of ownership of the property for which a special use permit has been issued.

xii) **Relationship to Other Ordinances**

(1) Each vacation rental home, including those in existence on the effective date of this code, shall obtain a sales tax license, business license, and fulfill all stipulations of this subsection.

(2) The owner of the vacation rental home shall apply for licenses within 60 days of the effective date of this code.

(3) If the business license has not been requested within the time frames set forth in this subsection, then fines and penalties may apply.

(4) Vacation rental homes must meet the standards of the Town's adopted residential building codes, as amended from time to time.

(5) Vacation rental homes are subject to the same safety and health inspections that apply to other licensed places of accommodation.

d) **OCCUPYING RECREATIONAL VEHICLES or TRAVEL TRAILERS**

No travel trailer or [recreational vehicle](#) shall be occupied or used for overnight accommodations for more than seven consecutive days, and a total of 21 days per

year. No overnight parking of travel trailers or recreational vehicles for the purpose of overnight accommodations shall occur on Goddard Avenue.

**e) TRAILER or RECREATIONAL VEHICLE PARK and CAMPGROUND STANDARDS**

Travel trailer or [recreational vehicle parks](#) and campgrounds shall conform to the following standards.

**i) Maximum [density](#)**

- (1) Travel trailer parks or recreational vehicle parks, 15 [dwelling units](#) per acre (gross).
- (2) Campground, 30 [dwelling units](#) per acre (gross).

**ii) Set Backs**

- (1) Along perimeter.
- (2) Abutting public right-of-way, twenty-five feet (25');
- (3) Abutting state or federal highway, city arterial, fifty feet (50');
- (4) Abutting exterior boundaries other than the above, fifteen feet (15');
- (5) Separation between camp units/travel trailer or recreational vehicle spaces.
- (6) Minimum between travel trailer or recreational vehicles, fifteen feet (15');
- (7) Minimum from lot line (dividing spaces) eight feet (8').
- (8) Travel trailers or recreational vehicles or other camping units must be parked so as not to obstruct roadways or [walkways](#) and must be parked on a camp unit space.

**iii) Circulation**

- (1) All access roads shall meet Town road standards. (ACCORDING TO CONTRACTED ENGINEER)
- (2) One way interior roads shall have a minimum width of twenty feet (20').
- (3) Two way interior roads shall have a minimum width of thirty-two feet (32'), twenty-four feet (24') of which shall be paved.
- (4) Access roads to each camp unit space shall be provided.
- (5) Walkways shall be provided when necessary to assure safe pedestrian circulation.
- (6) Major walkways and roadways shall be lighted at night to assure safe access.

**iv) Parking**

- (1) Number of spaces - one space per camping unit.
- (2) Size of spaces - 10 feet by 20 feet (minimum).

**v) Open space allocation**

- (1) All travel trailer parks, [recreational vehicle parks](#) or campgrounds shall have a minimum of twenty percent (20%) of the gross area which is landscaped and left as open space.

**vi) Service buildings**

- (1) A minimum of one [service building](#) adequately equipped with flush toilets, lavatories, showers and laundry facilities is required. This must meet the minimum state health department standards.

- (2) Service buildings shall be well lighted and well ventilated (with screened openings) at all times.
- (3) Service buildings shall be subject to approval by the state health department.
- vii) **Sewage disposal.** The San Juan Basin Health Unit and the Colorado Department of Health must approve any public and private system prior to development and such system shall not function so as to create a nuisance or health hazard.
- viii) **Refuse disposal**
  - (1) Type of containers: fly tight, water tight, rodent proof.
  - (2) There shall be common refuse collection points adequate to serve all of the users of the park or campground.
- ix) **A minimum of 110 volts or 100/220 volts shall be provided by an electrical outlet to each camping space.** Installations shall comply with all state and local and electrical regulations. All utilities, except major power transmission lines, shall be underground.

**f) MOBILE (or Manufactured) HOME PARK STANDARDS**

The restrictions, requirements and standards as set forth in this Code shall not apply to any mobile home parks established prior to the adoption of this Code or to any mobile homes in place and hooked up to utilities prior to September 1, 1983. It shall be unlawful for any person to use or occupy a mobile home for human habitation within the limits of the Town, except in a licensed mobile home park, without first obtaining a permit therefore from the Town Clerk. No permit shall be issued unless the following requirements are met:

- i) The proposed location shall be in compliance with all ordinances of the Town now in effect or hereafter adopted. No more than one mobile home shall be located on any one lot, tract, or parcel of land, except in a licensed mobile home park.
- ii) No mobile home shall be located closer than five (5) feet to any building and shall also be located as to comply with all requirements as of setback lines and side and rear yards, as now or hereinafter provided for buildings by the ordinances of the Town.

iii) The plumbing and electrical connections shall be in accordance with the ordinances of the Town.

iv) The mobile home park shall conform to the following standards:

(1) Setbacks: Along perimeter (all to be landscaped)

- |  |         |
|--|---------|
| (a) Abutting public right-of-way                     | 25 feet |
| (b) Abutting state or federal highway, city arterial | 50 feet |
| (c) Abutting exterior boundaries other than above    | 15 feet |

(2) Separation between mobile homes (enclosed additions shall be considered part of the mobile home)

- |                                  |         |
|----------------------------------|---------|
| (a) Minimum between homes        | 10 feet |
| (b) Minimum if parked end-to-end | 20 feet |
| (c) Minimum from lot line        | 8 feet  |



- (3) Mobile homes must be parked so as not to obstruct roadways or walkways and must be parked on a mobile home space. All mobile home spaces and accessory buildings must abut an interior roadway.
- (4) Minimum mobile home space: 4,000 square feet. The dimensions of the space shall be such that the width is at least 1/3 the depth. Space requirements exclude guest parking, allocated open space and similar features.
- (5) Circulation
- (a) Access roads to mobile home parks shall meet Town road standards.
  - (b) Internal roadways of 24 feet minimum width shall be provided to each mobile home space, those interior roadways shall have a minimum paved width of 24 feet when the mobile home park has more than five units.
  - (c) Walkways shall be provided as necessary to assure safe pedestrian circulation.
  - (d) All roadways and walkways shall be well lighted at night with dark sky compliant lighting.
  - (e) Walkways shall be hard surfaces.
- (6) Parking (A combination of off and on-street parking may be allowed.)
- (a) Off-Street
    - (i) Number of spaces - 2 spaces/mobile home (minimum)
    - (ii) Size of spaces - 10 feet x 20 feet (minimum)
  - (b) On-Street (May be permitted in place of off-street parking by widening the roadways.)
    - (i) Number of spaces - 2 spaces/mobile home (minimum)
    - (ii) Size of spaces - must equal the minimum area required for an equal number of off-street spaces.
- (7) Storage areas: (Excluding space beneath mobile homes)
- (a) Outdoor, surfaced area for boats, boat trailers, camping units and horse trailers; 50 sq. ft./mobile home space shall be provided within the park.
  - (b) Enclosed personal storage area: 50 sq. ft./mobile home space shall be provided either individual or in common, within the park.
  - (c) Storage areas shall be lighted as necessary to permit night use.
- (8) Five percent (5%) of the twenty-five percent (25%) open space of the gross mobile home park area is required for common contiguous recreation space. The area allocated shall not include roadways, storage areas, mobile home spaces, setbacks, required parking spaces and other similar features.
- (9) Drainage conditions shall be such that downstream users do not experience detrimental run-off.
- (10) Mobile home parks must be equipped with adequate working fire extinguishing equipment as specifically required by the local fire prevention authority or to satisfy fire regulations.



- (11) The San Juan Basin Health Unit and Colorado Department of Health must approve any public and private system prior to development and such system shall not function so as to create a nuisance or health hazard.
- (12) Refuse Disposal :
  - (a) Type of containers: flytight, water-tight, animal and rodent proof.
  - (b) There shall be common refuse collection points adequate to serve all mobile home users.
- (13) A minimum of 110 volts or 100/220 volts shall be provided by electrical outlet to each mobile home space. Installation shall comply with all state and local electrical regulations.
- (14) All utilities, except major power transmission lines (outlet supplying a minimum of 100 volts or 100/220 volts) shall be underground unless specifically exempted by the Town of Ignacio.
- (15) Twenty-five percent (25%) of the gross mobile home park area shall be open space. Landscaping and/or some other type of screening shall be provided around the perimeter or mobile home parks, sufficient enough to act as a buffer between adjacent uses (including public streets) and the mobile home park. When necessary, other methods of screening may be required to provide sufficient noise and visual buffers. Of the twenty-five percent (25%) open space, five percent (5%) shall be a contiguous open space.

**g) STORAGE USES**

- i) In single family zones storage is allowed in a garage, enclosed shed, or behind a visual barrier, such as a fence, not a tarp, as long as storage items are screened from public view.
- ii) Shipping or Storage containers.
  - (1) Business district restrictions:
    - (a) Placement must comply with any applicable design code requirements.
    - (b) Shipping containers on a permanent foundation become a building addition and must meet all other codes for its purpose and the design codes.
    - (c) Conditional Use permits are required for shipping container storage use provided that the use complies with [Section 2.4.d.ii.](#)
  - (2) Residential districts restrictions
    - (a) Conditional Use permits are required and placement must meet all setback and other code requirements. Screening, painting or other mitigation measures may be required to mitigate impacts on neighboring properties.

## CHAPTER II: Land Use and Development Code

### Section 5: Dimensional Requirements

#### 1) TABLE of DIMENSIONAL STANDARDS

All primary and accessory structures are subject to the dimensional standards set forth in table 5-1-1. These general standards may be further limited or modified by other applicable sections of this Land Use Code. General rules for measurement and exceptions are in [Section 5.2](#).

**TABLE 5.1.1: DIMENSIONAL STANDARDS**

DIMENSION TYPE	R-1	R-2	R-3 (MH)	MU	I	AG
Minimum Land	6000 sf	5000 sf	6000 sf	6000 sf	6000 sf	2 ac
Minimum Width	60'	50'	50'	50'	60'	150'
Minimum Depth	100'	100'	100'	100'	100'	150'
Minimum Front Yard Setback (depth to garage face)	20'	20'	20'	0'	10'	25'
Minimum Front Setback (excluding garage)	15'	15'	15'	0'	10'	20'
Minimum Rear Yard Setback (5' in Candelaria and Heights Second Additions)	10'	10'	10'	10'	10'	100'
Minimum Side Yard Setback	5'	5'	5'	0'	5'	25'
Minimum Lot Street Frontage	60'	50'	50'	50'	60'	150'
Minimum Parking Spaces Per Dwelling	2	2	2	n/a	2	2
Minimum Distance Between Units on Single Lot or Parcel (where permitted)	10'	10'	10'	n/a	n/a	10'
Maximum Height	30'	30'	30'	35'	35'	30'
Maximum Lot Coverage by Structure	50%	50%	50%	90%	60%	10%
Minimum Landscaped Area	10%	10%	10%	10%	5%	n/a

## 2) DENSITY/LOT SIZE

### a) UNIT DENSITY

Unit density is the number of units allowed for each gross acre of land and is determined by dividing the number of units on a site by the gross acreage of the site, including dedicated rights-of-way. In the determination of the number of units to be allowed on a specific parcel of land, a fractional unit equal to or greater than one-half of a unit shall be rounded up to equal a full unit.

#### i) Units Allowed

The number of dwelling units allowed on a site is based on the presumption that all other applicable standards of this Land Use Code shall be met.

#### ii) Minimum Lot Dimensions

Any lot that is created, developed, used, or occupied shall meet the minimum lot size and frontage requirements in [Table 5.1-1](#) for the zoning district in which it is located, except as otherwise established in this Land Use Code for particular uses. New lots shall also meet the development standards set forth in [Section 6.3.c](#), Lots and Blocks. Any lot or building site shall be deemed to meet the minimum area requirements of the zone in which it is located when:

- (1) It existed as an entire lot, or as an entire parcel, for which either a deed was of record in the office of the County Clerk or a bona fide contract of sale was in full force and effect prior to the effective date of this Ordinance.
- (2) It is not the result of a division of land in violation of any State land law or Town Ordinance.

#### iii) Number of Principal Buildings or Uses Per Lot

- (1) Only one main building for single-family or duplex use, with permitted [accessory buildings](#), may be located upon a lot or unplatted tract. Every dwelling shall face or front upon and have legal means of access to a street or officially approved place.
- (2) Where a lot or tract of land is used for multiple-family, [mixed use](#), commercial, or [industrial](#) purposes, more than one main building may be located upon the lot but only when such buildings conform to all requirements of this Land Use Code applicable to the uses and district, and when all main buildings face upon a street or otherwise approved place.
- (3) Lots located in agricultural zoned districts may exhibit a density no greater than one residential unit per lot. Accessory buildings may be permitted.
- (4) R-3 zoning districts allow for densities greater than 1 unit per lot. The dimensions of such lots are subject to the Mobile Home Park Standards outlined in [Section 4.1.f](#).

## 3) SETBACKS

Except as provided in this Land Use Code, every required front, side, and rear set back space shall be open and unobstructed from the ground to the sky.

### a) SETBACKS on CORNER LOTS

A corner lot abutting upon two (2) streets in a residential zone shall have a minimum [setback](#) of ten (10) feet from the side lot line [adjacent](#) to the side street to all buildings.

**b) SETBACKS MEASURED from PROPERTY LINES**

Verification of boundaries is the responsibility of the owner. In all zones, which require front, side, and/or rear yards, the required depth of said yards shall be measured from the [property line](#) along a line perpendicular to the property line.

**c) IRREGULARLY SHAPED LOTS**

- i) In the case of lots having more than four lot lines or lots which vary considerably from a rectilinear or trapezoidal shape, the rear lot line shall be considered as the line most nearly opposite from and parallel with the street line on which the lot abuts.
- ii) In the case of a triangular shaped lot, the rear lot line shall be considered as a straight line fifteen feet (15) in length which:
  - (1) Is parallel to the front lot line or its chord; and
  - (2) Intersect the two side lot lines at points most distant from the front lot line.

**d) PERMISSIBLE COVERAGE of REQUIRED REAR YARD**

[Accessory buildings](#), canopies or roofs in any combination in a required rear yard shall in no case occupy more than forty percent (40%) of the required rear yard area.

**e) STRUCTURES PERMITTED to INTRUDE INTO REQUIRED YARD SETBACK AREA**

The following structures may intrude into any required yard which is five (5) feet or greater in width or depth, provided however, that no such structure shall intrude into the required yard a distance greater than is permitted in this Section:

- i) [Cornices](#), [eaves](#), [vigas](#), sills, buttresses, or other similar architectural features – one and one-half feet (1 1/2).
- ii) Fireplace structures not wider than eight (8) feet measured in the general direction of the wall of which it is part – one and one-half feet (1 1/2).
- iii) Open stairways, balconies, and fire escapes – one and one-half feet (1 1/2).
- iv) Uncovered porches and platforms which do not extend above the floor level of the first floor – one and one-half (1 1/2) feet into required side and rear yards and six feet (6) into required front yards.
- v) Permanent planters not exceeding forty-two inches in height – one and one-half feet (1 1/2).
- vi) Portable sheds or small storage units 120 sq. ft. or less in size and not on a permanent foundation are allowed to encroach on rear and side [setbacks](#). They may not be located in the front setback or create snow shed, drainage or other issues for neighbors.
- vii) Little free libraries, other similar free boxes, and [temporary uses](#) such as lemonade stands are permitted in the front setback area as long as they do not obstruct the public right of way.

**f) FRONT YARD REQUIREMENTS DEEMED MET**

Any front yard requirement shall be deemed to be met when the depth of the front yard provided at least equals the average of that established by existing buildings which occupy fifty (50%) percent or more of the lots within the same block or zone.

**g) SEPARATE YARDS**

No yard or other open space provided about any building or structure for the purpose of complying with these regulations shall be considered as providing a yard or open space for any other building or structure on the same property or on contiguous properties.

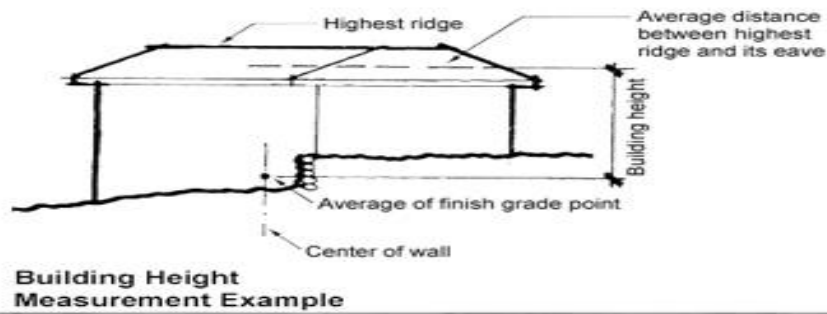
**h) PUBLIC UTILITY LINES**

This Land Use Code is not intended to limit or interfere with the installation, maintenance and operation of any [public utility](#) lines providing water, irrigation, sewage disposal, electric, gas, telephone, internet or cable services to the public, provided such lines are installed, maintained, and/or operated in accordance with all other applicable laws.

**4) [BUILDING HEIGHT](#)**

No building shall be erected or altered that will exceed the height limit for the respective zoning district, unless otherwise provided for below or elsewhere in this Land Use Code.

- a) The following building elements and [appurtenances](#) may exceed the height limits, but only to the minimum degree necessary to achieve compliance with applicable [building codes](#), or if not regulated by building codes, to provide for appropriate function:
  - i) Chimneys, vents, attic fans, cupola vents, plumbing vents;
  - ii) Solar panels; and
  - iii) Light collection domes for daylighting systems.
- b) The following may extend up to 10 feet above the height plane, provided that, collectively, they do not occupy more than 10 percent of the area of the roof (measured horizontally):
  - i) Non-habitable towers, spires, belfries, and domes;
  - ii) Screened mechanical equipment;
  - iii) Green Roof vegetation;
  - iv) Roof access, elevator, and stair towers; and
  - v) Clock towers or other similar structures.
- c) Barns and silos in the AG zone are not subject to building height limits, provided that the buildings are set back at least one foot for each two feet of building height.



## 5) OFF-STREET PARKING

Off-street parking shall be provided in compliance with [Section 5.5](#) of this Land Use Code and applicable provisions of the Ignacio Construction Standards, whenever any building is erected, altered, remodeled, enlarged, converted, or with any change of use within the building or any portion thereof. Parking spaces shall be in accordance with [Section 5.5](#).

### a) Required Parking

The number of off-street parking spaces required shall be based on the particular use or occupancy within the building(s), and shall not be less than the quantities set forth in [Table 5.5.1](#). Uses not specifically identified in table 5.5.1 shall be classified within the USE group which most nearly resembles the actual use.

**Table 5-5-1**

USE	NUMBER OF PARKING SPACES REQUIRED
ASSEMBLY	1 per 200 square feet of gross floor area
BUSINESS/OFFICE	1 per 600 square feet of gross floor area
MEDICAL OFFICE	1 per 300 square feet of gross floor area
EDUCATIONAL	1 per faculty member, 1 per full time employee, 1 per 3.5 seats in assembly rooms
FACTORY & INDUSTRIAL	1 per 800 square feet of gross floor area
INSTITUTIONAL	1 per 3 beds
MERCANTILE	1 per 400 square feet of gross floor area
RESIDENTIAL-Single-family	2 per dwelling unit
RESIDENTIAL- Multi-family	1 bedroom/studio – 1 per dwelling unit 2 bedrooms and up – 1.5 per dwelling unit
WAREHOUSE	1 per 800 square feet of gross floor area
GYM/HEALTH CLUB	1 per 400 square feet of gross floor area
HOTEL/MOTEL	1 per sleeping room, 1 per full time employee

- i) Each business shall be divided into the specific uses/occupancy type (as described in the building code), and associated [gross square footage](#) within the occupied space.

- ii) Cross reference with **Table 5.5.1** for required parking spaces for each specific use. Add the required number of parking spaces together resulting in the total required parking for the business. See below example for parking space calculation:

**Example:** John's Barbeque occupies 3,000 gross square feet of the floor. The 3,000 square feet comprises: 1,000 sq. ft. of dining area (assembly occupancy), 1,000 sq. ft. storage area (warehouse/storage occupancy), and 1,000 sq. ft. of kitchen/office/dishwashing areas (business occupancy). Assembly occupancy requires 1:200 equating to 5 parking spaces; warehouse/storage occupancy requires 1:800 equating to 1.25 parking spaces; and the business occupancy requires 1:600 equating to 1.66 parking spaces. Total parking required is 8 parking spaces.

**b) Location of Lot.**

The required parking spaces shall be provided on the same lot as the associated use, or on a shared lot not more than 500 feet away from the main entry point into the building as measured from the nearest point of the parking facility.

**c) Accessible Spaces.**

Accessible parking spaces and passenger loading zones shall be provided and constructed in accordance with the Town's building code requirements and with ANSI 117.1.

**d) Parking Facility Design.**

Parking facilities shall be designed in accordance with the following requirements:

**i) Stall Width.**

Each parking stall shall have a minimum width of nine (9) feet.

**(1) Exceptions:**

- (a) Compact parking stalls shall be permitted to be eight (8) feet wide.
- (b) Parallel parking stalls shall be permitted to be eight (8) feet wide.
- (c) Accessible parking spaces shall be designed in accordance with ANSI 117.1.

**ii) Stall Length.**

Each parking stall shall have a minimum length of twenty (20) feet.

**(1) Exceptions:**

- (a) Compact parking stalls shall be permitted to be eighteen (18) feet in length.
- (b) Parallel parking stalls shall be a minimum of twenty-two (22) feet in length.

**iii) Driveway Width.**

Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:

- (1) Private driveways shall be at least ten (10) feet wide.
- (2) Commercial driveways and drive lanes:
  - (a) Minimum of fourteen (14) feet driveway for one-way enter/exit.
  - (b) Minimum of twenty-four (24) feet driveway for two-way enter/exit.



- (c) For parallel parking - 12 feet wide drive lane.
  - (d) For 30 and 45 angled parking - 15 feet wide drive lane.
  - (e) For 60 angled parking - 18 feet wide drive lane.
  - (f) For 90 angled parking - 24 feet wide drive lane.
- iv) **Driveway and Ramp Slopes.**

The maximum slope of any driveway or ramp shall not exceed 12 percent.
- v) **Stall Access.**

Circulation aisles within required [off-street parking areas](#) shall be so designed as to eliminate any necessity of vehicles entering a public right-of-way when passing from one aisle to another. Each required stall shall be individually and easily accessed.
- vi) **Compact-to-standard Stall Ratio.**

The maximum percentage of compact stalls to standard stalls in any parking area shall not exceed 50%. Compact spaces shall be marked for compact cars.
- vii) **Screening.**

A 3-foot-high screening buffer at the public way shall be provided for all parking areas of five or more parking spaces.
- viii) **Striping.**

All parking stalls shall be striped.

(1) **Exception:** A private garage or parking area for the exclusive use of a single-family dwelling.
- ix) **Lighting.**

All lights illuminating a parking area shall be “dark sky compliant”, and designed and located so as to direct light downward and away from any street and adjacent property.
- x) **Surfacing.**

[Off-street parking areas](#) shall be paved or otherwise surfaced and maintained so as to eliminate dust and/or mud from being transferred onto adjacent roadways. Proper drainage is required to convey all surface water into proper drainage channels or containment facilities as required by the Town. Surface material shall be approved by the Town. Driveways shall be offset from the [property line](#) by 3 feet to allow for adequate drainage and snow storage unless waived by the Administrator.
- xi) **Wheel or Bumper Guards**

In commercial or [multi-family](#) developments, wheel or bumper guards shall be located so that no part of a vehicle extends beyond a parking area boundary line and intrudes on a pedestrian way, or contacts any wall, fence, or planting. A vehicular overhang may, however, intrude into a private pedestrian way located on the perimeter of a [parking lot](#) if the pedestrian way is not less than six feet in width.
- xii) **Joint Use.**

In the case of [mixed uses](#) in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

(1) The Planning Commission may, upon application, authorize the joint use of parking facilities for the following uses or activities:

- (a) Fifty percent (50%) of the parking facilities required by this Section may be facilities of a use considered to be a night-time or off-peak use provided such reciprocal parking area shall be subject to conditions set forth below.
- (b) Conditions required for joint use:
  - (i) Parties participating in the joint use of an off-street parking facility shall provide signed agreements for such joint use and included shared maintenance provisions.
  - (ii) The applicant(s) shall show that there is no substantial conflict in the proposed uses of the off-street parking facility.

## 6) LANDSCAPING REQUIREMENTS

- a) **INTENT.** It is the intent of these regulations to provide minimum requirements for landscaping of new development. While the requirements are minimal, developers and owners are strongly encouraged to provide landscaping to provide an attractive street frontage, preserve existing mature vegetation whenever possible, to use water conservation techniques, plant native species and soften the appearance of development with landscape features. Landscape guidelines are provided by the Town to assist owners and developers in improving their properties.
- b) **GENERAL PROVISIONS.** All land development applications shall be accompanied by an appropriate landscape plan. Building permit applications for individual single-family residences will not require landscape plans. However, all [landscaping](#) within the community shall comply with the intent of these regulations.
- c) **PLANT MATERIALS**
  - i) The minimum planting sizes on all required landscaping shall be two (2) inch [caliper](#) deciduous trees, one and one-half (1½) inch caliper ornamental trees, six (6) foot tall evergreen trees and five (5) gallon shrubs.
  - ii) Plant materials shall be chosen from native species. No invasive or noxious plants shall be used. See **Chapter 7 (Health), Section 6 (Undesirable Plants)**
- d) **IRRIGATION.** All required landscaping shall be irrigated as required for plant establishment and maintenance. Irrigation shall be appropriate to the type and scope of the improvements.
  - i) Use of non-treated water for irrigation is encouraged if available.
  - ii) Temporary irrigation may be used to establish native grasses and vegetation.
- e) **GUARANTEE OF INSTALLATION.** Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy (C.O.) for all improvements. If weather conditions prevent installation, the developer shall either post a financial guarantee for the improvements or receive a temporary Certificate of Occupancy. The guarantee

shall be released upon completion of the installation of the landscaping and the issuance of a Certificate of Occupancy.

- f) **MAINTENANCE.** In order to provide for the ongoing health and appearance of landscape improvements, all landscaping shall be maintained and replaced by the landowner/occupant as necessary. All property owners/occupants shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property.

## 7) LANDSCAPING DESIGN STANDARDS

### a) MULTI-FAMILY and MIXED-USE RESIDENTIAL LANDSCAPING STANDARDS

- i) In addition to right-of-way landscaping, the developer or assigns shall provide:
- (1) Site trees – a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.
  - (2) Shrubs – a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half ( $\frac{1}{2}$ ) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.
  - (3) Groundcover – irrigated turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five (75) percent live materials between the front of the house and the curb unless approved otherwise by the Town.

### b) COMMERCIAL/MIXED USE and INDUSTRIAL LANDSCAPING STANDARDS

- i) Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and into the surrounding neighborhood. All improvements shall consider the people who will use the site, travel through or by the site and adjacent land uses. A minimum of ten (10) percent of the site (gross) shall be landscaped area.
- ii) The developer or assigns shall provide:
- (1) Site Trees – plant a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.
  - (2) Shrubs – plant a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half ( $\frac{1}{2}$ ) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.
  - (3) Groundcover – establish irrigated grass turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed free and maintained at a maximum height of eight (8) inches.
  - (4) Screen Load Areas – screen loading areas (including vehicle being loaded), service and storage areas visible from the public right-of-way or adjacent property with an opaque screen that is an integral part of the building

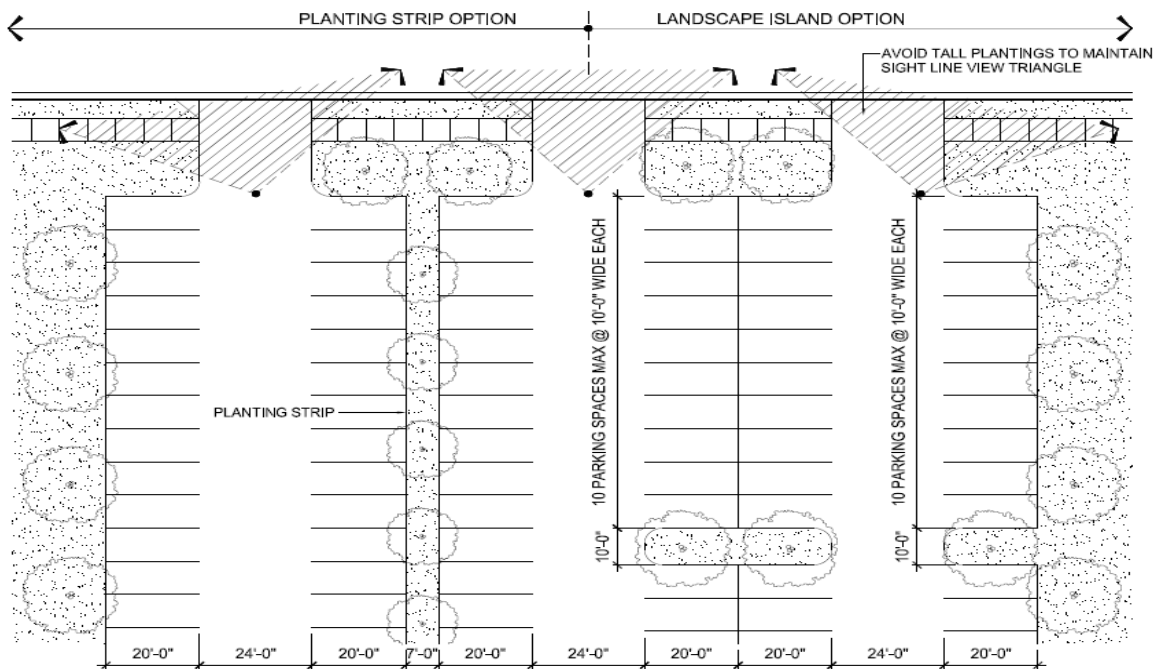
architecture or by landscaping. Chain link fencing with slats, tires or used building materials are not acceptable screening materials. Screening must be approved by the Administrator.

- (5) Compatibility – [integrate](#) activities on the subject property with adjacent land uses by utilizing a combination of landscaping, building orientation and appropriate architectural elements.
- iii) The building owner or occupant shall maintain the yard and landscaping within the adjacent road right-of-way.

## 8) DOWNTOWN OVERLAY DISTRICT LANDSCAPING STANDARDS

Downtown landscaping is intended to provide an attractive environment for people to walk and shop. The developer or assigns shall provide:

- a) **STREETSCAPE** – a combination of window boxes, awnings, planters, trees, benches, etc. as appropriate to enhance building entries and the streetscape.
- b) **PARKING LOT LANDSCAPING STANDARDS** – [Parking lot](#) landscaping is intended to break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and projects and enhance the appearance of each project.
  - i) **Applicability** – All parking lots with ten (10) spaces or more shall be subject to these requirements.
  - ii) The developer or assigns shall provide:
    - (1) **Site trees** – a minimum of one (1) tree per ten (10) parkingspaces. Group trees together in islands which are a minimum of ten (10) feet wide. Use the landscaping to break up large expanses of pavement and to create a tree canopy for summer shade. See the below diagram:
    - (2) **Shrubs** – a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group plantings in landscape islands.
    - (3) **Groundcover** – limit areas of irrigated turf. Grass is discouraged in areas less than ten (10) feet wide. Install a grass buffer (native grass where possible) around the perimeter to filter runoff and improve water quality.
    - (4) **Provide a mechanism for long-term maintenance of landscaping** – all landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.



## CHAPTER II: Land Use and Development Code

### Section 6: Subdivision Design and Improvements Standards

#### 1) GENERAL

The provisions of this Section shall apply to all development of land within the Town of Ignacio. No development shall commence without prior and proper approval or authorization pursuant to the terms of this Land Use Code. This Section establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with any adopted Comprehensive Plan and with adopted regulations, policies and other guidelines.

#### 2) PURPOSE

The requirements contained in this Section shall be the minimum requirements enacted to promote the health, safety and general welfare of the Town of Ignacio. To these ends, such regulations are intended to assure efficient circulation, adequate improvements, sufficient [open space](#) and basic order in subdivision design by providing for the proper arrangement of lots and blocks, new and existing streets, utilities, emergency access, pedestrian movement and recreation, lighting (natural and artificial) and air movement.

### 3) SUBDIVISION DESIGN

#### a) APPLICABILITY

All subdivisions (major, minor, [condominium](#), and plat amendments) shall comply with all applicable provisions in this Land Use Code. Subdivisions shall be designed per all applicable standards unless a standard is modified or varied pursuant to this Land Use Code. No minor modification or variance may be granted for areas of special flood hazard or geologic hazard, nor shall a minor modification or variance be granted for utility construction specifications. To the extent not already addressed in other provisions of this Land Use Code, the additional design criteria in this Section shall apply to all subdivisions.

#### b) GENERAL DESIGNS STANDARDS

##### i) Compliance with Zoning Requirements

The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within all proposed subdivisions shall be designed to maximize efficient use of the land, avoid hazard areas, protect sensitive natural resources, and otherwise accomplish the purposes and intent of this Land Use Code and of the zone district in which the subdivision is located. Applicants shall refer to the general development standards in Section 5 and shall apply them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

##### ii) Suitability for Subdivision

Land subject to hazardous conditions such as floods, mud flows, rock falls, shallow water table, shall be identified and shall not be subdivided until the hazards have been mitigated or will be mitigated by the subdivision and construction plans.

##### iii) Minimal Standards

The design standards in this Section are minimum standards. The Town may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this Land Use Code.

#### c) LOTS and BLOCK

##### i) Lots

Lot size, width, depth, shape, and orientation and minimum building [setback](#) lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.

- (1) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading areas required by the type of use and development contemplated.
- (2) Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages.
- (3) Each lot shall be provided with satisfactory access to a public street.



**d) ARRANGEMENTS of STREETS**

- i) The arrangement, extent, width, type and location of all streets shall be considered in their relation to existing or planned streets, to topographic conditions, to public convenience and safety and in their appropriate relation to the proposed use of land to be served.
- ii) Local streets shall be arranged so their use by through traffic will be discouraged.
- iii) Streets shall be extended to the boundaries of the property, except where such extension is prevented by topography or other physical conditions or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties.
- iv) Where future extension of a street is anticipated, a temporary turnaround having a minimum outside diameter of 90 feet shall be provided.

**e) CUL-de-SACS, DEAD-ENDS and TURNAROUNDS**

- i) The maximum allowable length of [cul-de-sac](#) streets in single-family residential and multi-family residential developments shall be 600 feet per the Model Traffic Code and the International Fire Code requires special approval over 750 feet.
- ii) Cul-de-sac streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of 106 feet and a minimum pavement of 90 feet.

**f) INTERSECTIONS**

- i) Streets shall intersect as nearly as possible at right angles. Intersecting street center lines shall be within 20 degrees of the perpendicular for a distance extending at least 100 feet in each direction from a street intersection.
- ii) Right-angle street intersections shall be rounded with a minimum radius of 20 feet at all intersections of streets.
- iii) If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the Town Engineer.

**g) RIGHT-of-WAY, PAVEMENT and SIDEWALK WIDTHS**

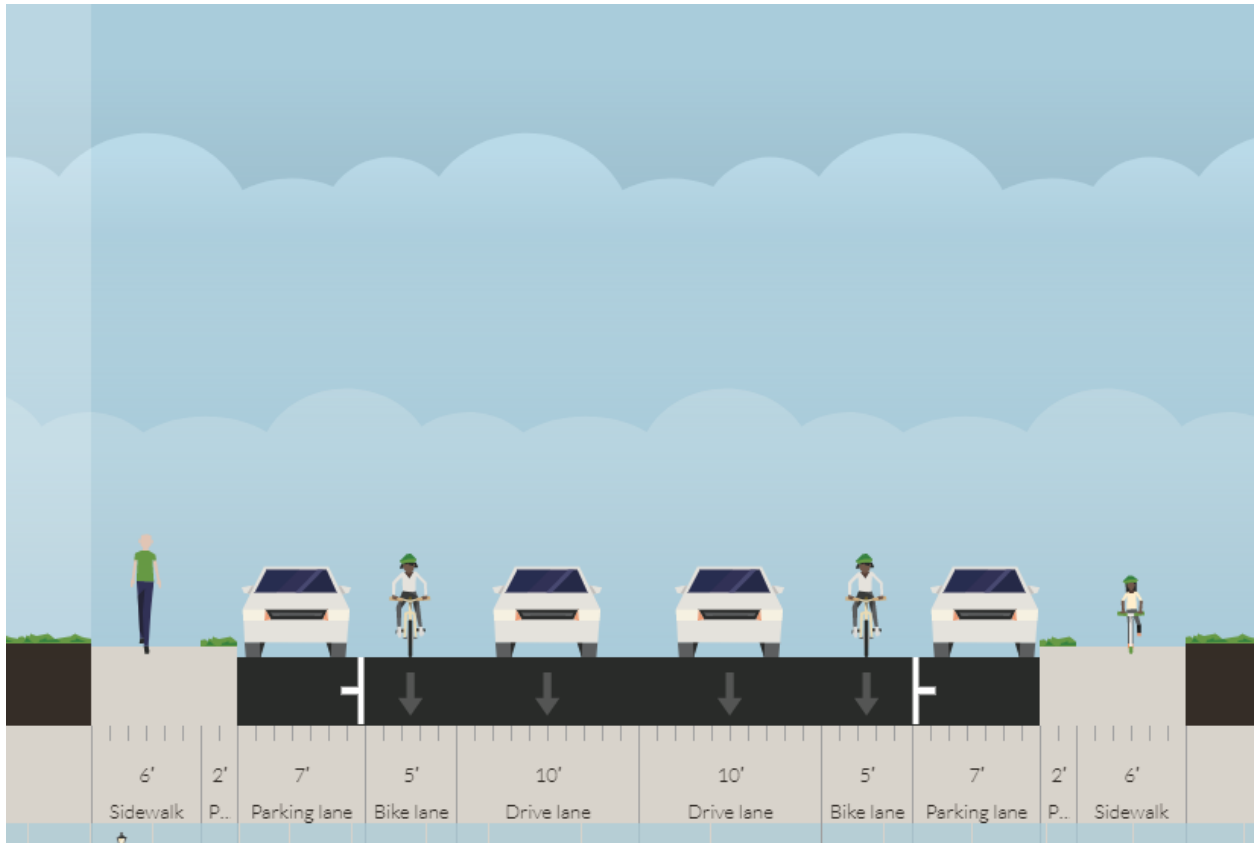
**Minimum ROW Widths by Street Type**

Type	Right-of-Way	Travel* F/F
Collector	60'	40'
Local**	50'	34'
Alley	25'	18'/20'

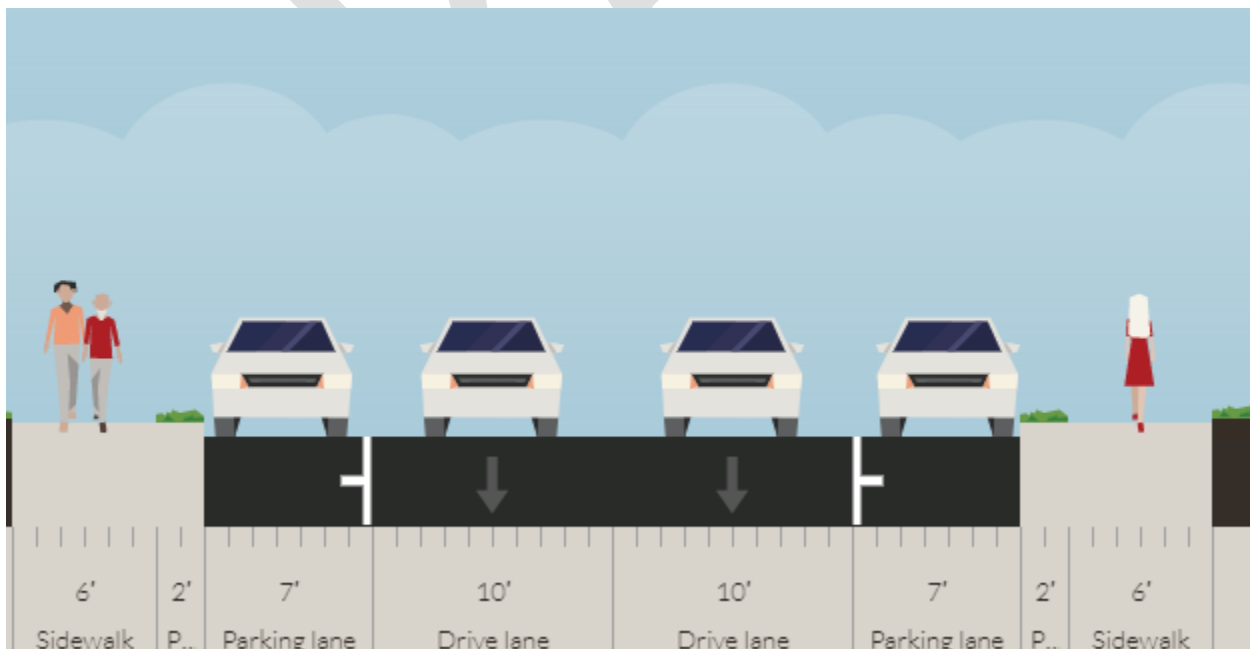
\* Measured from flow line of gutter to flow line of gutter.

\*\* Local streets without alleys shall utilize collector street criteria.





**Sample Collector Street**



**Sample Local Street**

**h) VERTICAL ALIGNMENT**

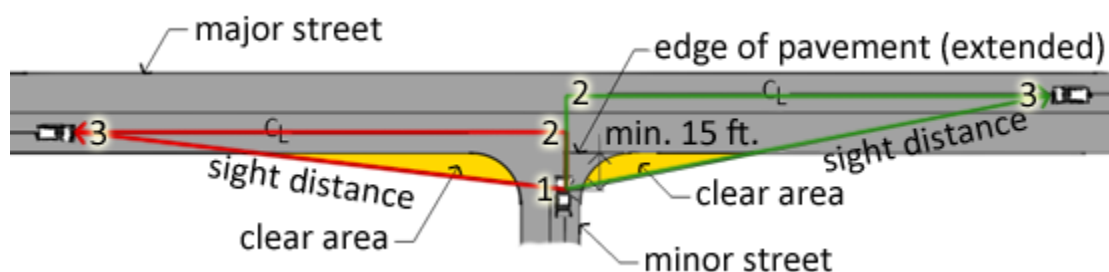
- i) No vertical grade shall be less than five-tenths percent (0.50%) in order to facilitate adequate drainage. Vertical curves excepted.
- ii) Maximum percent of street grade, except as provided in subsection F below:
  - (1) Alleys, ten percent (10%)
  - (2) Local Streets, eight percent (8%)
  - (3) Collector streets, seven percent (7%)
  - (4) Arterial streets, five percent (5%)
  - (5) Where a horizontal curve occurs on a grade of over five percent (5%), the maximum allowable percent of grade on the curve shall be reduced by five-tenths percent (0.5%) for each 50 feet that the curve radius is less than 400 feet.

**i) VISIBILITY REQUIREMENTS**

Corner Sight Distance: Generally. Intersections shall be designed and maintained with adequate corner sight distance, pursuant to this Section. No obstructions shall be constructed, placed, or installed in the area where the horizontal clear area defined in Subsection, ii below, and the vertical clear area defined in Subsection iii, below, overlap (pedestrians, bicyclists, and operating motor vehicles are not obstructions).

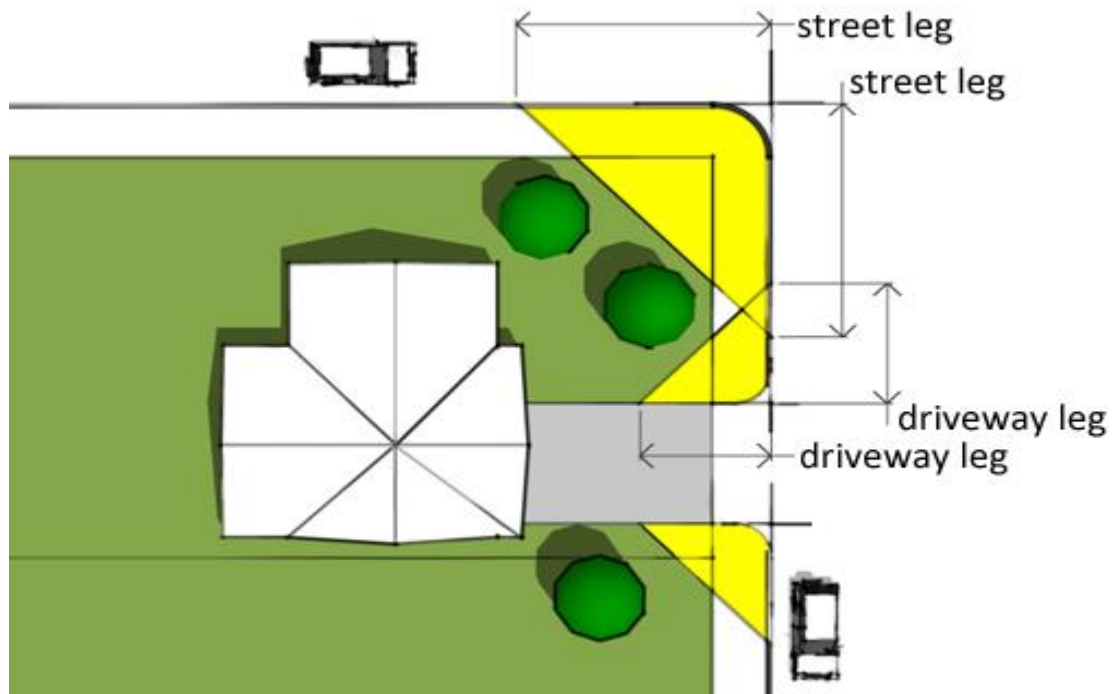
- i) Clear Areas. Clear areas are required at each corner of street intersections, with the following dimensions:
- ii) Horizontal Clear Area. Right triangles are defined in the horizontal plane by the following points detailed in the below diagram, Illustrative Horizontal Clear Area:
  - (1) Point 1 is on the centerline of the right-hand travel lane of the lower classification street, 15 feet back from the extension of the face of the curb of the major street.
  - (2) Point 2 is on the centerline of the nearest travel lane (one in each travel direction) of the intersecting major street.
  - (3) Point 3 is on the centerline of the nearest travel lane (one in each travel direction) of the intersecting major street, the required sight distance from Point 1.

**Illustrative Horizontal Clear Area**



- iii) Vertical Clear Area. Within the horizontal plane defined by Subsection ii, above, a clear area must be maintained from a height of 3.75 feet on the local street to a height of 4.5 feet on the centerline of the travel lanes of the major street.
- j) Sight Distances.
  - i) Generally. Sight distances (measured from Point 1 to Point 3) shall be as follows:
    - (1) Local and Collector Streets: 200 ft.
    - (2) Arterial Streets: 350 ft.
    - (3) Engineering Discretion. The Town may require greater sight distances where necessary to ensure safety given topography and/or street curvature.
- k) Visibility Triangles for Minor Streets and Driveways
  - i) Generally, in addition to any corner sight distance required by Section i), Corner Sight Distance, visibility triangles are required at street intersections and intersections of streets and driveways, as provided in this Section.
  - ii) Obstructions. Visibility triangles shall be maintained free of visual obstructions, including structures and vegetation, from a height of 30 inches to a height of seven feet above the centerlines of the abutting intersecting streets. The Town Engineer may waive this requirement if it is determined that:
    - (1) The requirement would result in the destruction of a healthy, mature, non-invasive tree, either by removal or by pruning that would result in structural harm to the tree, and the marginal impact of the removal or pruning of the tree on public safety is slight and may be addressed through other means, such as signage; or
    - (2) The encroachment into the sight triangle is by a healthy, mature, non-invasive tree; is slight; and results in a de minimus impact on public safety.
  - iii) Visibility Triangle Dimensions. The legs of visibility triangles are measured from the point of intersection of lines that extend along the face of the curb at street intersections and driveway-street intersections. The measurements are detailed below and illustrated in the below diagram, Illustrative Horizontal Clear Area:
    - (1) All Street Intersections (shown as "street leg" in Figure: 35 ft.
    - (2) Driveways or Alleys and Local Streets (shown as "driveway leg" in Figure: 18 ft.
    - (3) Driveways and Collector Streets: 23 ft. (both "driveway leg" and "street leg")
    - (4) Driveways and Arterial Streets: 28 ft. (both "driveway leg" and "street leg")
    - (5) Exceptions: Visibility triangles may be modified in cases where:
      - (a) Engineering standards indicate that a greater clear area is necessary, as determined by the Town Engineer; or
      - (b) The clear area does not contribute to the safe operation of the street, intersection, or driveway.

### Visibility Triangle Measurement



#### **l) STREET NAMES**

Names of new streets shall not duplicate names of existing streets provided that new streets which are extensions of, or which are in alignment with existing streets shall bear the names of such streets.

#### **m) STREET LIGHTS**

Street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be 2,500 lumen lamps at a maximum spacing of 400 feet, with lighting at each intersection. The street lighting plan specifying the number, line and approximate location of street lights must be included on the final construction plans. All lighting shall be dark sky compliant.

#### **n) SIDEWALKS**

Sidewalks shall be provided where necessary or appropriate for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in the Development Standards for Public Improvements. Sidewalks shall be durably constructed with all-weather surfacing and maintained for the use contemplated. Sidewalks shall be designed to discourage parking conflicts.

#### **o) UTILITY EASEMENTS**

Utility easements shall be provided on at least one lot line or as otherwise determined by the Town or associated utility. Easements shall be a minimum of 10 feet in total width and usually 5 feet on either side of the lot line

## CHAPTER II: Land Use and Development Code

### Section 7: Overlay District Standards

#### 1) GENERAL

The organization and association between individual buildings help to define and create the Town's identity and has direct impacts on the levels of pedestrian and vehicular activity, as well as economic vitality. When architectural features (i.e., entrance location and spacing, window lines, signage and other architectural elements) of commercial buildings are proportionally balanced, the [streetscape](#) becomes more inviting for human interaction. Building facades can impact visual continuity, cohesiveness, legibility and aesthetic pride. The design of the facade can encourage shopping, increase a sense of security and safety, and generate pedestrian interaction. In [Mixed Use](#) zoned areas, where commercial and residential buildings exist, thoughtful consideration of scale, detailing, and material finishes, is necessary for achieving the desired streetscape setting and character.

#### 2) PURPOSE

The objectives of these standards are to preserve business and property values, encourage new business start-up, and create a pedestrian friendly [Downtown](#) by defining Architectural styles and design standards that promote a harmonious, coordinated streetscape within the Central Business District. Community residents are proud of their Southwest heritage and wish to promote excellent and harmonious design with new construction and significant remodels. **While not required, the following styles shall be considered:**

#### 3) BUILDING STANDARDS APPLICABLE TO ALL STRUCTURES IN DOWNTOWN OVERLAY DISTRICT

The following standards are applicable to all new and remodeled structures regardless of Architectural Style:

- a) All new buildings to be constructed along in the Downtown Overlay District shall be erected on a **permanent foundation system** as approved by the Administrator.
- b) Building massing and proportions shall be sensitive to the [human scale](#). New or remodeled structures shall design areas of building/human interaction, i.e., near ground level on large buildings, along street facades, entryways, etc. with sensitivity to building elements and human proportions.
- c) Allowed exterior finish materials for all new and remodeled commercial buildings:
  - i) Cementitious Stucco
  - ii) Synthetic Stucco
  - iii) [Adobe](#) or Adobe brick
  - iv) Earth Plaster
  - v) Stone – real or cultured Drystack, Fieldstone, or River rock.

**NOTE:** Aluminum, vinyl siding, mirrored glass, exposed concrete block or Concrete are prohibited exterior finish materials unless an applicant requested **design deviation** is approved by the Planning Commission.

#### 4) BUILDING DETAILS

- a) Window and door space combined shall not exceed 40 percent of any publicly viewable [elevation](#).
- b) Doors on street fronting elevations of buildings and structures are recommended to have divided lights not exceeding 30 inches in any dimension. Snap-in or applied [mullions](#) are permitted.

#### 5) BUILDING SCALE and MASSING

Design consideration of building scale and massing help to establish the unique character and define the setting for the Central Business District. Smaller-scale buildings, or buildings perceived to be of a smaller scale, are more likely to create the atmosphere of a pedestrian friendly [streetscape](#). Human-scaled buildings generally feel more comfortable and can create an experience that enhances the marketability and social interaction necessary for the success of commercial businesses. Buildings, and their associated architectural elements, should convey a sense of [human scale](#) and create a reinforcing relationship with the [sidewalk](#), street, and pedestrians.

The height and scale of infill development and [alterations](#) to existing structures within the District should relate to and complement existing neighboring structures. New and remodeled structures should provide storefront windows, doors, entries, transoms, [awnings](#), [cornice](#) treatments and other architectural features designed to complement existing and surrounding structures.

Buildings that extend greater than 50 feet along the street-side(s) shall utilize appropriate techniques to break-up the plane of the continuous building line. For example, these techniques may include, but are not limited to architectural elements, i.e., windows, doorways, staggered walls, [pilasters](#) change in materials, etc.

#### 6) SETBACKS

Newly constructed buildings in the Downtown District, shall be **encouraged** to construct up to the [property line](#) with allowance for minimal [setback](#) at intervals appropriate to the scale, proportions, and design of the new structure. Niches or pockets for seating are encouraged for long expansive wall frontage. Refer to **Section 5.3** for setback requirements.

#### 7) ARCHITECTURAL STYLES and BUILDING ELEMENTS

The following design standards are based on local and regional vernacular architecture applicable to building construction and remodeling. It is desired that all new construction and exterior remodeling, incorporate one, or a mix, of the architectural

styles and building elements outlined below into the design submitted to the Town Planning Commission for approval:

**a) NAME: TERRITORIAL SOUTHWEST**

i) Characteristics:

- (1) Appearance of stucco, earth plaster or [adobe](#) exterior walls.
- (2) Square [parapets](#).
- (3) Framed windows, Victorian style.
- (4) Brick or decorative coping or parapet trim.
- (5) Square beam supports, instead of round.

**b) NAME: PUEBLO**

i) Characteristics:

- (1) Appearance of stucco, adobe or earth plaster on exterior walls.
- (2) Rounded parapets.
- (3) Windows and doors inset a minimum of two (2) inches, plaster covers the frame of the windows, located within three (3) feet from the corner of the building, unless within an enclosed porch.
- (4) Edges and corners shall be rounded.
- (5) Primary [elevation](#)s shall be flat, varied by inset portals, projecting portals, projecting [vigas](#) or rafter tails, scuppers, flying buttresses and wooden lintels, and/or architraves and [cornices](#).
- (6) Vertical posts are round.
- (7) Carved ornamentation.
- (8) Flat or slightly pitched roofs concealed behind parapets.

**c) NAME: MISSION STYLE**

i) Characteristics:

- (1) Simple, smooth stucco or plaster siding.
- (2) Broad, overhanging [eaves](#)
- (3) Exposed rafters
- (4) Hipped or [gabled](#) tile roof
- (5) Roof [parapets](#)
- (6) Large square pillars
- (7) Twisted columns
- (8) Arched entry and windows
- (9) Covered walkways or arcades
- (10) Round or quatrefoil window
- (11) Restrained decorative elements consisting of tile, iron, and wood

**d) NAME: IGNACIO**

i) Characteristics:

- (1) Adaptations of local existing built architectural elements.

**8) SCREENING WALLS, FENCES and LANDSCAPING**

Screening walls shall be predominantly constructed of the same materials and in the same style as the building. Styles may be approved if they are complementary to the building's style. Chain link and wire fencing is not acceptable for street facing fences.



The height of the wall or fence shall not obscure the building facade on street-side(s). Generally, this would be considered as *no higher* than five (5) feet as measured from the bottom visible portion. All fences must follow Town code with intersections requiring special considerations.

- a) The appearance of the wall shall change every 50 feet by six to eight inches (6-8 inches) to avoid an uninteresting plane.
- b) Landscaping on top of, or over a wall is encouraged.
- c) Landscaping may be used as an alternative to a wall where a barrier or mitigation is required. The owner of the property shall be responsible to maintain installed landscaping in a manner that conforms to the purpose for which it was approved. As an example, a hedge may serve as a barrier but must not grow taller than six (6) feet, which is the highest fence height allowed by Town code.

#### 9) **SCREENING of EQUIPMENT and APPURTENANCES**

Equipment and appurtenances should be architecturally screened or integrated into the structure, color and design of the building. Equipment includes but is not limited to: Mechanical, electrical, telephone, satellite dish, solar and other energy-collecting equipment, chimneys, flues, vents, and skylights. Glare from any equipment must not cause a safety hazard to drivers passing by the building.

#### 10) **MURALS and SIGNS**

Murals and Signs are governed by **Section 8**

#### 11) **EXTERIOR LIGHTING**

All exterior lighting shall utilize dark sky compliant light fixtures and shall be designed to direct light downward. Lighting is not permitted to spill beyond the project [property lines](#) more than 1 foot candle within 12 inches of the property line. Light fixture specifications and/or photometric studies may be required.

#### 12) **EXTERIOR BUILDING COLORS**

Exterior building colors shall be limited to a palette of southwest colors and as approved by the Planning Commission. Earth tones with a non-glossy finish and a relatively smooth texture are recommended. Building trim may be of complementary accent colors and glossy.

#### 13) **PARKING**

Parking shall be provided behind or along-side all newly constructed or remodeled commercial buildings. Parking in front of the building is strongly discouraged but the applicant may request a design deviation approved by the Planning Commission.

**Exception:** Existing, non-conforming buildings shall construct walls or fences as described in **Section 7.8**.

#### 14) MINIMUM MAINTENANCE REQUIREMENTS

All properties shall be regularly and properly maintained by the property owner or other persons who may have legal custody and/or control of the property. Maintenance is necessary to prevent decay and deterioration and to keep the property free from structural defects.

#### 15) DESIGN DEVIATIONS

A design deviation to the standards in this Section must meet the following additional requirements:

- a) The deviation will not damage the character of the district as outlined within these regulations, including their intent, which is to preserve property and business values through harmonious outward appearance.
- b) The deviation will strengthen the unique character of the town by providing a full range of design options that are appropriate to the downtown business zoned district and fulfill the land use goals.
- c) The deviation is unique to special conditions and circumstances that are peculiar to the land or property involved and are not motivated by economic considerations.

## CHAPTER II: Land Use and Development Code

### Section 8: Signs

#### 1) PURPOSE and INTENT

- a) **PURPOSE** – These sign regulations and procedures have been developed to ensure the safety, welfare and convenience of all Ignacio residents. The Town recognizes the value of signs as a means of providing the public with necessary information. Signs can help advertise for events, provide wayfinding, and identify businesses. Too little signage can be detrimental to serving the public, while too much signage can result in hazardous or confusing conditions. The purpose of this sign code is to provide a balance for signage in the Town and encourage signs of a high utility and aesthetically pleasing variety.
- b) **INTENT** - The intent of these sign regulations is to provide proper control of signs that is in accordance with the First Amendment guarantee of free speech. It is not the intent of these regulations to regulate signs based on their content. Rather, these regulations will provide a framework for signs that is narrowly tailored to serve compelling government interests.
  - i) The Town has a compelling interest to regulate signs in order to ensure public safety and wellbeing. Signs that cause hazardous traffic conditions, or signs that communicate certain types of speech that are not constitutionally protected, or signs that contribute to blight or degrade the aesthetic or historic character of the

- Town, are signs that may negatively impact public safety and wellbeing, and will therefore be regulated by this code.
- c) In general, these regulations will apply to the:
    - i) Size of signs
    - ii) The location of signs
    - iii) The building material of signs
    - iv) The lighting of signs
    - v) The portability of signs
    - vi) The total number of signs
    - vii) The time restrictions of signs
  - d) **COMPLIANCE (Businesses)** – Compliance of new signs will be reviewed at the time of a new or annual renewal of the business license. Business owners that have non-permitted signs will be required to provide information on sign(s) prior to the approval of the business license. The Administrator will review all signs for compliance with this Code. A sign is categorized as non-conforming if not approved by Administrator and has been erected for over one (1) year without the proper permitting from the Town on the sign characteristics and permit requirements.
  - e) **APPROVAL of NEW SIGNAGE**  
All new signs must obtain approval in accordance with this Section and will be reviewed and approved by the Administrator. Denied sign requests may be appealed to **the Planning Commission** by detailing the appeal in writing and providing a copy of the appeal to the Administrator one (1) week in advance of the next **Planning Commission** meeting.
  - f) **APPROVAL of TEMPORARY SIGNAGE**
    - i) Temporary signage is any type of signage which is not permanently affixed or erected and, unless stated elsewhere in this code, may not be located upon the same property for more than 7 days out of 30.
    - ii) Special event signage and hunting season signage may be displayed for the duration of the event season and two weeks prior. It does not require approval so long as it meets the requirements of this Section.
  - g) **SIGN APPLICATION**  
Sign applications shall be provided by the Administrator and will include the following information:
    - i) Owner of the proposed sign and contact information.
    - ii) Proposed location for the sign.
    - iii) Type of sign (for example, freestanding, mural, affixed, etc.).
    - iv) Type of lighting (for example, internal, external, none, etc.).
    - v) Size of sign(s) and size of frontage.
    - vi) An accurate illustration, rendering or photograph of the proposed signage that includes fabrication and material details, colors, lettering and art elements. Engineered sign details prepared by a licensed engineer may be required by the Administrator.

- vii) Incomplete information may delay your sign approval.
- h) **SIGN MAINTENANCE**
  - i) An existing sign that is being significantly altered or moved or voluntarily replaced shall be considered as a new sign and requires Administrator review and approval.
  - ii) Signage must be maintained. Burned out lights on illuminated signs shall be replaced promptly. Existing signs shall be repaired in order to maintain a professional appearance and do not require a new sign permit.

## 2) PROHIBITED SIGNAGE

- a) **THE FOLLOWING SIGNS and ELEMENTS of SIGNS are PROHIBITED:**
  - i) Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with, or construed as, a traffic-control device.
  - ii) Signs that advertise unlawful activity.
  - iii) Signs that block the public right-of-way or other traffic control signs or signals.
  - iv) Any off-site signs.
  - v) Signs or elements of signs which have animation effects that flash, blink, change color, or move in ways that may create hazardous traffic conditions. (Time and temperature signs and signs for national, state, tribal and religious holidays may be exempt). Specific regulations for electronic message center signs and digital display signs are explained in Section 8.7.
  - vi) Temporary signage that has exceeded the timeframes permitted by this Code, or more than 3 days beyond the dates of the event which it promoted.
  - vii) Signage for a business or occupation that no longer exists. Historic or Artistic signs may be exempt, see Section 8.13.
  - viii) Signs or elements which are animated by moving parts, or which feature unsecured materials or illumination.
  - ix) Signs that are placed on public property or on public rights-of-way.
- b) **PROHIBITED SIGNS NOTICE**– The property owner or subject business displaying prohibited signage shall be given 30 days-notice in writing via certified USPS mail to rectify the deficiency. After 45 days, the sign will be removed at the owners' expense, plus a citation may be issued and fines assessed by the Municipal Court.

## 3) NON-CONFORMING SIGNAGE

Non-conforming signs are those that were lawful at the time erected but no longer meet this code. Non-conforming signs must be brought into conformance when:

- a) There is a change in ownership of the business.
- b) There is a change in the business name.
- c) Sign changes occur that are compliant with this code and reduce the level of non-conformance.
- d) The sign is destroyed by accident or event, or damaged beyond 50% of the value required to restore the condition of the sign.

#### 4) SIGN MEASUREMENT

- a) **CLASSIFICATIONS** - Freestanding and [projecting signs](#) are measured on one face only. [Awnings](#) with signing are measured as projecting signs on the sides of the awnings and wall signs on the front of the awning. V-shaped signs with an angle greater than 30 degrees between the two faces are measured as two signs. Signs on a canopy are all wall signs.
- b) **SIGN AREA** - Sign area is the entire surface area of a sign and includes non-structural or decorative trim. It does not include structural non-decorative trim or support. In the case of an [awning](#) sign, the sign size is calculated by measuring the dimensions of a rectangle enclosing the signage. When a mural includes identification of an establishment, product or service, that part of the mural shall be considered as a sign, and the size will be calculated by measuring the affected area.
- c) **AGGREGATE SIGN SIZE CALCULATION:**
  - i) Frontage is defined as the distance from one corner of a property to the next corner along a public street. The [alley](#) frontage may be considered for aggregate area calculations only if there is an established and code compliant access from the rear of the building and approved signage is displayed on the rear of the building.
  - ii) Total signage area allowed for a property is computed by multiplying the property frontage by two (2) square feet thus establishing a total allowable square footage area for all signs, however the maximum aggregate sign area is 200 square feet. This includes free standing, wall signs, and permitted art.
  - iii) An individual sign on any frontage may not exceed 50 square feet.
  - iv) [Shopping centers](#) or office buildings containing multiple tenants or uses requiring signage shall adhere to the Master Sign Program in [see Section 8.10](#).
- d) **INDIVIDUAL SIGN SIZE in the BUSINESS ZONE**
  - i) Projecting sign: Projecting sign area is calculated by multiply the building frontage by .5 feet to determine the maximum area for any one sign, however the maximum sign area shall not exceed 50 square feet. Building frontages less than 25 feet may have a projecting sign measuring up to 12 square feet.
  - ii) Bulletin board: May not exceed 16 square feet.
- e) **INDIVIDUAL SIGN SIZE in RESIDENTIAL ZONES**
  - i) Individual signs are permitted up to a maximum of 24 square feet for the maximum size sign for any sign in a Residential Zone.
  - ii) Residence or [Home occupation](#) sign: Any sign for a home occupation is permitted up to a maximum of 4 square feet.

#### 5) SIGN PLACEMENT

- a) **MEASUREMENT of FREESTANDING SIGNS** - Freestanding signs may measure up to 24 feet to the top of the sign. [Freestanding signs in residential zones may measure up to 5 feet to the top of the sign and must be of the monument variety, as opposed](#)

to the pole type. Pole signs and monument signs are both considered free standing signs by this code.

- b) **BUILDING MOUNTED SIGNS** - No sign may extend above the roofline of any building. [Projecting signs](#) in the Goddard Business District may be approved by the Administrator if they meet other parts of this sign code.
- c) **WINDOW SIGNS** - Window signs are placed within an individual window casement and must not cover more than 30% of any window.
- d) **GROUND CLEARANCE** - Freestanding or projecting building mounted signs must maintain 8 1/2 feet of clearance from their overhang to the ground.
- e) **HOME OCCUPATION SIGNS** cannot be of the **FREESTANDING** sign variety.
- f) **STREET CLEARANCE** - Permitted signs may not extend over streets or alleys.

## 6) SIGN ILLUMINATION

- a) **WITHIN RESIDENTIAL ZONES** - All internally illuminated signs must have an opaque background when lit.
- b) **WITHIN BUSINESS ZONES** - Internally illuminated signs under 100 square feet size must have a background that is darker than the copy. Signs 100 square feet or larger must have an opaque background.
- c) **MENU SIGNS** - Menu signs for drive-in or [drive-through restaurants](#) may have dark letters on a light background if designed and installed so as not to be read from the public right-of-way or attract attention to the business.
- d) **LIGHT DEFLECTION** - All sign illumination must be designed to minimize light from emitting skyward or off-site. External lighting must be designed such that the light is shining down, not up. Spotlights may include deflectors to meet this requirement.
- e) **ELECTRONIC MESSAGE CENTER SIGNS (EMCS)** - See Section 7 below.

## 7) ELECTRONIC MESSAGE CENTER SIGNS AND DIGITAL DISPLAYS

- a) **GENERALLY** – On-site permanent signs that feature digital displays that can illuminate advertisements, time and temperature, and messages are permissible on properties zoned MU, CP and I. EMCS and digital displays that constitute a traffic hazard or are a detriment to traffic safety by reason of their animation, illumination, or brightness are prohibited.
- b) **DESIGN:**
  - i) **ILLUMINATION** – A single message or a message segment must have a static display time of at least two seconds with all segments of the total message to be displayed within 10 seconds. A one-segment message may remain static on the display or message center with no duration limit. Displays shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, blinking, chasing lights, bounce, rotate, spin or twist.
  - ii) **HOURS OF OPERATION** - All digital signage may be illuminated during business hours only. Businesses operating 24 hours a day are not required to turn off their



signs. Digital signage on institutional property are exempt from these time constraints.

- iii) **BRIGHTNESS** – Illuminated electronic message center signs shall not operate at a luminance over .1 foot candles above ambient conditions.
- iv) **SENSORS** - All electronic message center signs shall include a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions.
- v) **SIGN MALFUNCTION** – All digital signage is required to contain a default design to freeze the sign message in a static position of acceptable brightness if a malfunction occurs.
- c) **PUBLIC SERVICE ANNOUNCEMENTS** – Owners of electronic message center signs and digital displays are required to coordinate with local authorities to display emergency information to the travelling public when deemed appropriate. This includes, but is not limited to, Amber Alerts, Silver Alerts, and weather or other emergency information.

## 8) CONSTRUCTION DETAILS

- a) **CONSTRUCTION and INSTALLATION** - Signs and associated supports may be constructed from different types of materials including wood, plastics, metal and ceramics. Construction and installation must be of a professional nature, free from public hazards and aesthetically pleasing. Mounting, supports and lighting must meet all applicable building and electrical codes.
- b) **ENGINEERED PLANS** – The Administrator may require engineer developed and stamped plans if the sign has unique or detailed construction and/or installation requirements.

## 9) MURALS

Murals, designed for decorative and artistic value, must be approved by the Planning Commission. Murals do not count towards the total permitted signage or sign size except as stated otherwise in this Land Use Code.

## 10) MASTER SIGN PROGRAM

The purpose of the Master Sign Program (MSP) is to define design standards and criteria for all signs to be placed within a building or development that has multiple signs. A MSP ensures that signs have a consistent design theme that coordinates colors, materials, graphics and textures. An MSP can also define signs for tenants within the development area.

- a) An MSP shall specify the number, size, and location of all signs to be included in the MSP. The materials, illumination method and style, and the graphic standards must also be defined in the MSP.



- b) The Administrator will assist the applicant with the development of the MSP and enforce all conditions and requirements associated with an approved MSP. The Planning Commission will review and approve a MSP.
- c) All minor amendments to an approved MSP must be submitted to the Administrator for review and approval.
- d) All major amendments to an approved Master Sign Program must be submitted to the Planning Commission for review and approval.

## 11) SIGN EXEMPTIONS

**The following signs do not require a permit and are not in sign area calculations:**

- a) Public Signs: A sign of non-commercial nature and in the public interest, erected by a public officer in the performance of duty.
- b) Temporary political signs displayed for no more than 30 days before the election.
- c) Except where specifically prohibited, banners, pennants, streamers, sale flags and posters displayed for no more than seven (7) days out of 30.
- d) One (1) Grand Opening banner per street frontage which may be displayed for 14 days total.
- e) Real Estate signs not exceeding six (6) square feet and five (5) feet in height.
- f) Apartments and motels may have one vacancy/no vacancy sign up to 4 square feet. If lighted, lighting must meet requirements contained in this Code.
- g) Construction signs up to six (6) square feet and only one (1) per job site.
- h) No Trespassing, No Hunting/Fishing, No Parking, etc. type signs up to 2 square feet.
- i) Governmental flags (i.e. U.S., Colorado, Southern Ute) flown in accordance with flag protocol. Only one (1) flag for each designation is allowed per frontage or building.
- j) A building sign indicating the building name, dates of erection, etc., which is an integral part of the building and permanently affixed to the building and does not exceed 6 square feet.
- k) The changeable lettering on permitted changeable copy signs, (as long as such speech is constitutionally protected and not at odds with public safety or wellbeing).
- l) Decorations customary to a national or religious holiday are exempt and must not be displayed for more than 30 days per year.
- m) Yard or Garage Sale sign placed on premises that does not exceed 10 square feet nor extend higher than 3 feet and must not be displayed for more than 14 days annually or 3 days in a row.
- n) Temporary window sign meeting other requirements of this ordinance.
- o) Sign painted or attached directly to a vehicle that is routinely used as transportation by the business.
- p) Signs required by this Land Use Code.
- q) Signage required by government regulation or laws (i.e. Handicapped Accessible signs).

## 12) SIGN REGULATION VARIANCES

When a sign owner seeks a variance from the requirements contained in this Section, such request shall be heard and acted upon by the Planning Commission only after all other administrative procedures required for issuance of a sign permit have been completed. The Planning Commission is authorized to grant a variance when it finds that unique situations allow a deviation from the requirements and that the purpose and intent of the sign regulations have not been violated. A request for an increase in sign size shall not be subject to the procedures in this subsection but shall be processed as a standard variance as set forth in [Section 2.3.h](#) of this Code.

# CHAPTER II: Land Use and Development Code

## Section 9: Nonconformities

### 1) NONCONFORMING USES and STRUCTURES

The lawful use of any building or structure or the lawful use of any land, as existing and lawful at the time of adoption of this Land Use Code, or, in the case of an amendment to this Land Use Code, at the time of such amendment, may be continued, subject to the limitations set forth in the following paragraphs. Dwellings, which exist at the time of passage of this Ordinance are conforming uses. The following provisions of this Land Use Code shall apply to buildings, structures, land and uses which are now non-conforming and those which hereafter become non-conforming due to any reclassification of zones or land under this Land Use Code:

- a) **EXPANSION OR ENLARGEMENT.** The expansion or enlargement of a nonconforming structure shall be considered a structural [alteration](#) and shall be required to conform with the provisions of this Land Use Code. A nonconforming use may be extended throughout any part of a structure, which was arranged or designed for such activity at the time of enactment of this Land Use Code.
- b) **REPAIRS AND MAINTENANCE:** The following changes or [alterations](#) may be made to a nonconforming structure or to a conforming structure with a [nonconforming use](#):
  - i) Maintenance repairs that are needed to maintain the structure, except that if a structure has been officially condemned, it may not be restored under this provision.
  - ii) Any structural [alteration](#) that would reduce the degree of nonconformance or change the use to a conforming use.
  - iii) The addition of a solar energy device to such structure.
- c) **RESTORATION OR REPLACEMENT:** If a structure having a [nonconforming use](#) is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence exceeds fifty (50) percent of the cost of reconstructing the entire structure, it may be restored only if any future use housed

within the structure complies with the requirements of this Land Use Code. Where a conforming structure with a nonconforming use is damaged less than fifty (50) percent of the cost of reconstructing the entire structure; or where a nonconforming structure is damaged less than seventy-five (75) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to nonconforming use.

- d) **DISCONTINUANCE:** Whenever a nonconforming use has been discontinued for a period of six (6) months, it shall not thereafter be re-established, and any future use shall be in conformance with the provisions of this Land Use Code.
- e) **NONCONFORMING LOTS:** Nonconforming lots of record at the time of passage of this Land Use Code may be built upon providing that all other relevant requirements are met.
- f) **NONCONFORMING USES:** A **non-conforming use** of a structure or lot may not be changed to another nonconforming use. A nonconforming use of a structure or lot may only be changed if the element of non-conformance is reduced and approved by the Administrator or other applicable requirements in this Land Use Code.

## CHAPTER II: Land Use and Development Code

### Section 10: Impact Fees (Reserved)

## CHAPTER II: Land Use and Development Code

### Section 11: Floodplain and Stormwater Criteria (Reserved)

## CHAPTER II: Land Use and Development Code

### Section 12: Annexation

#### 1) ANNEXATION PURPOSE

The purpose of this Section is to define the annexation process for annexation of land into the Town in accordance with the Colorado Municipal Annexation Act of 1965, as amended, and this Land Use Code.

##### a) RESPONSIBILITIES of APPLICANT

In addition to other duties imposed upon all applicants by this Code and the Colorado Municipal Annexation Act of 1965, all applicants shall have the following responsibilities:

- i) The applicant is responsible for having a representative at all meetings where the request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.
- b) The applicant shall consult with the Administrator to discuss any special conditions pertaining to the annexation and to obtain an annexation petition.

#### 2) ANNEXATION PROCESS

- a) At least 15 days prior to the presentation of any annexation petition to the Town Board, the applicant shall submit to the Town an annexation petition, the annexation fee as set forth on the Town's Fee Schedule, an annexation map and plan, and all required supportive information defined by the Administrator.
- b) The Administrator shall review all documents submitted for completeness and accuracy. If all documents are complete and accurate, the Administrator shall submit the annexation petition to the Town Clerk.
- c) The Town Clerk shall present the annexation petition and a resolution initiating annexation proceedings to the Town Board, which shall establish a date for a public hearing. Upon the establishment of a public hearing date, the Town Clerk shall give appropriate public notice in accordance with the Colorado Municipal Annexation Act of 1965, as amended. The Administrator shall forward copies of the annexation petition and the resolution initiating the annexation procedure by certified mail to the Clerk of the Board of County Commissioners and to the County Attorney. Copies of the annexation petition and the resolution initiating the annexation procedure shall also be sent by certified mail to any school district or special district having territory within the annexed area. These copies shall be sent at least 25 days prior to the public hearing.
- d) Upon acceptance of the annexation petition by the Town Board, the Administrator shall furnish to the entities listed below copies of the annexation map and plan. The Administrator may also submit copies of the annexation map and plan to additional interested entities or agencies as deemed necessary. All notified entities shall be

advised of the scheduled hearing date and details that define the date in which any objections to the annexation map and plan must be submitted to the Town in writing.

- i) Telephone companies.
  - ii) Franchise utility companies.
  - iii) Town Engineer.
  - iv) Fire Department.
  - v) Town Public Works Water and Sewer Department.
  - vi) State Highway Department.
- e) The Planning Commission shall review the annexation map and plan, and zoning request at a public hearing and shall submit a written recommendation to the Town Board following their review.
- f) **ANNEXATION MAP.** All annexation maps shall have an engineer's scale (minimum scale to be one inch represents 100 feet) and shall be on a reproducible medium with outer dimensions of 24 inches by 36 inches. The annexation map shall contain the following information:
- i) The date of preparation, the scale and a symbol designating true north.
  - ii) The name of the annexation.
  - iii) The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
  - iv) The legal description.
  - v) Distinction of the boundary that is contiguous to the Town and the length of the same.
  - vi) Lot and block numbers if the area is already platted.
  - vii) Existing and proposed easements and rights-of-way.
  - viii) Existing and requested zoning and acreage of each requested zone.
  - ix) Ownership of all parcels within and adjacent to the annexation.
  - x) Appropriate certification blocks as directed by the Administrator.
- g) **ANNEXATION PLAN.** All annexation plans shall have an engineer's scale (minimum scale to be one inch represents 100 feet) and shall be on a reproducible medium with outer dimensions of 24 inches by 36 inches. The annexation plan shall contain the following information:
- i) The date or preparation, the scale and a symbol designating true north.
  - ii) The name or the annexation.
  - iii) The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation plan.
  - iv) Existing and proposed easements and rights-of-way.
  - v) Existing and proposed block numbers and lot numbers with dimensions.
  - vi) Proposed gross and net lot density.
  - vii) Existing watercourses with adequate casements for flood control.
  - viii) Designation of all public sites to be reserved and dedicated.
  - ix) Existing two-foot contours.
  - x) Appropriate certification blocks as directed by the Administrator.

- xi) Supporting Information: The following supportive information shall be submitted with the annexation map and plan:
  - a) Soils description and limitation.
  - b) Preliminary utility plan.
  - c) Mailing addresses of all property owners within 300 feet of the annexation.
  - d) Affidavits concerning the amount and historical use of all water rights owned.
  - e) Vicinity map with a radius of one and one-half miles, at a minimum scale of one inch represents 2,000 feet.
  - f) Statement of community need for the proposed annexation and zoning.
  - g) For all annexations in excess of ten acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.

### 3) ANNEXATION IMPACT REPORT

- a) For all annexations in excess of ten acres, the Town shall require the applicant to prepare an impact report regarding the proposed annexation not less than 25 days before the date of the annexation hearing. One copy of the impact report shall be filed with the Board of County Commissioners within five days thereafter. The preparation and filing of the annexation impact report may be waived upon approval of the Board of County Commissioners.
- b) The annexation impact report shall include the following:
  - i) A map or maps of the Town and adjacent territory showing the following information:
    - (1) The present and proposed boundaries of the Town in the vicinity of the proposed annexation.
    - (2) The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.
    - (3) The existing and proposed land use pattern in the areas to be annexed.
- c) A copy of any draft or final pre- annexation agreement, if available.
- d) A statement of the Town's plans for extending or providing for municipal services within the area to be annexed.
- e) A statement of the Town's plans for the financing of municipal services to be extended into the area to be annexed.
- f) A statement identifying all existing districts within the area to be annexed.  
A statement of the effect of the annexation upon the school district governing the area to be annexed, as more fully set forth above.

#### **4) ANNEXATION AGREEMENT**

The Town and the annexation petitioner shall complete a detailed annexation agreement that stipulates all agreements. The Town will utilize an annexation agreement template which will guide the discussion and define specific criteria. The final annexation agreement becomes an exhibit in the annexation ordinance defined in Section 5.

#### **5) ANNEXATION ORDINANCE**

Upon the submission of documentation in accordance with this Section and upon compliance with the notice and hearing requirements as set forth in the Colorado Municipal Annexation Act of 1965, as amended, the Town Board may consider the approval of an ordinance annexing the subject property to the Town. In the event the Board of Trustees considers and disapproves such ordinance, a similar request may not be heard for a period of one year from the date of denial.

#### **6) FINAL SUBMISSION and FILING**

In the event the Town Board approves an annexation ordinance, the annexation petitioner shall submit to the Administrator two Mylar of the final annexation map and plan within ten days of the effective date of the annexation ordinance. Additionally, a signed annexation agreement shall be submitted to the Administrator. The adopting ordinance, annexation map and plan and the annexation agreement are then recorded by the Town Clerk in the La Plata County Clerk and Records office.



## CHAPTER II: Land Use and Development Code

### Section 13: Definitions

- 1) **Accessory building** means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.
- 2) **Accessory dwelling** means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half (½) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.
- 3) **Accessory use** means a subordinate use, clearly incidental and related to the main structure, building, or use of land, and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building, or use.
- 4) **Adjacent** means meeting or touching at some point, or separated from a lot or parcel by one of the following: a street, alley, or other right-of-way, lake, stream or open space.
- 5) **Adjacent property owner** is an owner of record of any estate, right or interest in real property abutting and within three hundred (300) feet of the subject property.
- 6) **Adobe** means dried block or coursing of dirt, clay, cement-modified earth, or other natural materials.
- 7) **Agricultural activity** shall mean farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.
- 8) **Agricultural land** means land that is being used for agricultural activities.
- 9) **Alley** means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
- 10) **Alteration** means any change/addition to a building, structure, site, object, or landscape that modifies its features. Such changes include the removal of parts or features and reconstruction.
- 11) **Applicant** is the owner of land, the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees.
- 12) **Appurtenances** are the visible, functional, or ornamental objects accessory to and part of a building.
- 13) **Arcade** is a series of arches supported on piers or columns.

- 14) **Awning** means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.
- 15) **Awning sign** means a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.
- 16) **Block** means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.
- 17) **Board of Trustees (Board)** means the governing board of the Town.
- 18) **Building** means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:
- i) Is permanently affixed to the land.
  - ii) Has one (1) or more floors and a roof.
- 19) **Building code** means the set of Town adopted building codes that must be followed in the construction and remodeling of buildings and structures.
- 20) **Building height** is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.
- 21) **Caliper** means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.
- 22) **Character** means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.
- 23) **Clinic** means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
- 24) **Compatibility** means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.
- 25) **Comprehensive Plan** means the plan, which was adopted by the Planning Commission and Board of Trustees in accordance with C.R.S. § 31-23-206, to guide the future growth, protection and development of the Town, affording adequate facilities for

housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

- 26) **Condominium** means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.
- 27) **Cornice** means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.
- 28) **Cottage Industries** means an industry with a manufacturing connotation that produces goods that have export quality and are shipped to be further sold off-premises.
- 29) **Covenants** means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the Town. In the event of conflict between the covenants and this Code, this Code controls.
- 30) **Cul-de-sac** means a local street with only one outlet and having the other end for the reversal of traffic movement.
- 31) **Dark Sky Compliant** is a term used for exterior lighting used on homes, buildings and on light fixtures, and requires the orientation of all light downward and confined on the site or premises where the light is located. Shielding can be used on lighting to meet the confinement requirements.
- 32) **Dedication** means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights, and an acceptance of the dedicated property by the appropriate public agency.
- 33) **Density** means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].
- 34) **Developer** means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
- i) **Development** shall also include:
1. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
  2. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
  3. Any change in use of land or a structure;
  4. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
  5. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
  6. The demolition of a structure;

7. The clearing of land as an adjunct of construction;
  8. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
  9. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
  10. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.
- ii) **Development** shall not include:
1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
  2. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
  3. The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
  4. The use of any land for an agricultural activity (refer to 1.15.A.10);
  5. A change in the ownership or form of ownership of any parcel or structure; or
  6. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
- 35) **Downtown** means the original business district of Town. The boundary of downtown may change as Town continues to grow.
- 36) **Driveway** means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.
- 37) **Dwelling, multi-family** means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
- 38) **Dwelling, single-family** means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.
- 39) **Dwelling, single-family attached** means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.
- 40) **Dwelling, two-family** means a building occupied by two (2) families living independently of each other.
- 41) **Dwelling unit** means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.

- 42) **Easement** means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.
- 43) **Eave** means the overhanging lower edge of a roof.
- 44) **Elevation** means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression.
- 45) **Employees** means the total number of persons to be employed in a building during normal periods of use.
- 46) **Environmentally sensitive areas** means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.
- 47) **Façade** means the face of a building, especially the principal front that is oriented towards a street or open space.
- 48) **FEMA** means Federal Emergency Management Agency.
- 49) **FHA** means Federal Housing Administration.
- 50) **Floodplain or flood hazard area** means areas which have been designated by the Board of Trustees, the Colorado Water Conservation Board or FEMA as susceptible to flooding.
- 51) **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- 52) **Floor area**, also called **gross floor area**, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (½) of all storage and display areas for durable goods.
- 53) **Floor Area Ratio (FAR)** means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.
- 54) **Footprint**, also called **ground level footprint**, means the outline of the total area which is covered by a building's perimeter at ground level.
- 55) **Freestanding sign** means a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.
- 56) **Functional open space** means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeologic or historical significance and shall exclude areas used for off-street



parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

- 57) **Gable** means the triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.
- 58) **Grade** means:
- i) The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
  - ii) The degree of rise or descent of a sloping surface.
- 59) **Grade, finished** means the final elevation of the ground surface after development.
- 60) **Grade, natural** means the elevation of the ground surface in its natural state, before man-made alterations.
- 61) **Gross square footage (GSF)** means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.
- 62) **Handicraft Shops** means a shop that has a retail component that provides custom crafted goods and/or services for sale directly to the customer, and includes fine arts and artisan crafted uses such as specialty stonemasonry, woodworking, pottery and ceramics. Shops may have on-premises consumption and occasional classes are allowed.
- 63) **Home occupation** means an occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit, and is subordinate to the residential use of the dwelling unit.
- 64) **Homeowners association** means the association set up to enforce the covenants and maintain all common areas and buildings for a development. Also known as "Owners Association."
- 65) **Human scale (pedestrian scale)** means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
- 66) **Industrial, heavy** means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industrial shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yard, container storage).
- 67) **Industrial, light** means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing,

fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries.

- 68) **Infrastructure** means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.
- 69) **Integrate** means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping), so as to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.
- 70) **Landowner** means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assign of such ownership interests.
- 71) **Landscaping** means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.
- 72) **Live/Work** means a residential dwelling unit that is part of a mixed-use building situated either above or below commercial uses, or a building or portion of a building that combines a dwelling unit with an integrated workspace that is principally used by one or more of the residents of the dwelling unit. The workspace is secondary or accessory to the primary residential use.
- 73) **Lot** means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.
- 74) **Lot depth** means the average distance between the front lot line and the rear lot line.
- 75) **Lot, double frontage** means lots which front on one (1) public street and back on another.
- 76) **Lot, flag** means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.
- 77) **Lot line, front** means the property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.
- 78) **Lot line, rear** means the line opposite the front lot line.



- 79) **Lot, reverse corner** means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.
- 80) **Lot line, side** means any lot lines other than the front lot line or rear lot line.
- 81) **Lot size** means the total horizontal area within the lot lines of a lot; synonymous with area of lot.
- 82) **Lot width** means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.
- 83) **Manufactured home** means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and which has certification required by the United States Secretary of Housing and Urban Development and was constructed in compliance with the requirements of 42 U.S.C. § 5401, *et seq.*, *Manufactured Home Construction and Safety Standards*, and the regulations of the Department of Housing and Urban Development that are promulgated thereunder. The phrase "manufactured home" does not include a recreational vehicle, nor does it include a mobile home.
- 84) **Mixed use** shall mean the development of a lot tract or parcel of land, building or structure with two (2) or more different uses including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
- 85) **Mixed use building** means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses including, but not limited to, office, retail, public uses, personal service or entertainment uses.
- 86) **Mixed use dwelling unit** means the dwelling unit in a mixed use building. For purposes of calculating residential density, each dwelling unit shall count as one-half ( $\frac{1}{2}$ ) dwelling unit.
- 87) **Mobile Home** means structure designed to be transported after fabrication and exceeding eight (8) feet in body width or thirty-two (32) feet in body length. Such a structure is built on a chassis and retains the chassis on which it was built, whether or not such structure is placed on a permanent foundation. Such a structure is suitable for human habitation on a year round basis when provided with the required plumbing, heating and electrical facilities. Mobile homes are different from manufactured homes in that they were either constructed before the adoption of 42 U.S.C. § 5401, *et seq.*, *Manufactured Home Construction and Safety Standards*, or are otherwise not in compliance with said federal law and its implementing regulations. The phrase "mobile home" does not include "recreational vehicle."
- 88) **Modular Home** means a form of housing that is constructed off-site and built to adopted or accepted local and state building codes. Modular homes are transported from construction facilities to the site in sections or in completed assemblies.

- 89) **Mullion** means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects, or also, a vertical member between the lights of a window.
- 90) **Municipality** means an incorporated city or town.
- 91) **Muntin** means a rabbeted member for holding the edges of windowpanes within a sash.
- 92) **Neighborhood** means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.
- 93) **Nonconforming use** means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.
- 94) **Off-street parking area** means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a “recreational vehicle, boat or truck storage” use, storage areas for landscaping and other bulk items or public streets and rights-of-way.
- 95) **Oil or gas well** means a well, the principal production of which at the mouth of the well is oil or gas.
- 96) **Open space** means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeologic or historical significance. Open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off- street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.
- 97) **Outdoor storage** means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi -trailers may not be used for residential or storage uses except on construction sites.
- 98) **Parapet** means a low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.
- 99) **Parcel** means a tract or plot of land.
- 100) **Park** means an area open to the general public and reserved for recreational, educational or scenic purposes.
- 101) **Parking lot** means off-street parking area or vehicular use area.
- 102) **Party-in-interest** means the property owner, applicant, or an adjacent landowner in regards to the purposes of an appeal of a land use decision.

- 103) **Permanent foundation** means a foundation that is constructed of durable materials (i.e. concrete, mortared masonry, or treated wood) and is site-built. Permanent foundations shall have attachment points to anchor and stabilize a mobile, manufactured, modular or site built home, and transfer all loads to the under-lying soil or rock. Permanent foundations for mobile or manufactured homes shall be constructed in accordance with the US Department of Housing and Urban Development guide for manufactured housing. Permanent foundations for modular or site-built homes shall be constructed to adopted or accepted local and state building codes.
- 104) **Phase** means a portion of property that is being platted and engineered for development at the same time.
- 105) **Pilaster** means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.
- 106) **Plan** means the map(s) and supporting documentation for a development which includes but is not limited to, lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas in accordance with the requirements of this Code.
- 107) **Planned Unit Development (PUD)** means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.
- 108) **Plat** means a map of certain described land prepared in accordance with the requirements of this Code, and C.R.S. § 38-51-106 as an instrument for recording of real estate interests with the County Clerk and Recorder.
- 109) **Proof of ownership** means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the state of Colorado.
- 110) **Property** means all real property subject to land use regulation by the Town.
- 111) **Property line** means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.
- 112) **Public facilities** means those constructed facilities, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or

facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

- 113) **Public hearing** means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.
- 114) **Public improvement** means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.
- 115) **Public open space** means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses. Public opens spaces are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.
- 116) **Public school** means a free, tax supported school that is controlled and operated by the Ignacio School District.
- 117) **Public use** means uses which are owned by and operated for the public by the Town, County, state or federal governments or by school districts.
- 118) **Public utility** means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.
- 119) **Pueblo Style** means stucco walls with rounded parapets, usually with roofs and vigas extending through the exterior.
- 120) **Recreational vehicle (RV)** means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle:
1. Camping trailer or tent trailer means a folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.
  2. Motorized camper, motor home, recreational conversion van or bus means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
  3. Pick-up camper means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.
  4. Tent means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.
  5. Travel trailer means a towed vehicle designed as a temporary dwelling for travel and recreation.
  6. Travel trailer, self-contained means a trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed

toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

- 121) **Recreational vehicle park** means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.
- 122) **Restaurant, drive-through** means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.
- 123) **Restaurant, standard** means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:
1. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
  2. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.
- 124) **Right-of-way** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.
- 125) **Service building** means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.
- 126) **Setback** means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.
- 127) **Setback, front yard** means the distance a building or structure must be placed from
- 128) **Setback, rear yard** means the distance a building or structure must be placed from the rear lot line.
- 129) **Setback, side yard** means the distance a building or structure must be placed from the side lot line.
- 130) **Shopping center** means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.
- 131) **Sidewalk** means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.



- 132) **Sight distance triangle** means the area at the four corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:
1. At the intersection of any two streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
  2. At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
- 133) **Sign, projecting** means any sign supported by a building wall and projecting therefrom.
- 134) **Sign, wall** means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.
- 135) **Sign, window** is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.
- 136) **Site plan** means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.
- 137) **Site specific development plan** means the final plat of a subdivision or Final Development Plan of a PUD (Planned Unit Development) when approved by the Board of Trustees pursuant to Chapter 2 Section 6 of this Code.
- 138) **Streetscape** means the distinguishing character of a particular street, within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street including landscaping, sidewalks, medians, lighting, street furniture, and signage.
- 139) **Subdivider or developer** means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
- 140) **Subdivision** means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.
- 141) **Temporary use** means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.
- 142) **Vacation home** means a dwelling unit that is rented for the purpose of lodging for terms of not less than one (1) day and not more than 29 days.
- 143) **Vegetation** means plants growing in a place, including, but not limited to trees, shrubs, vines, grasses and groundcover.

- 144) **Vested property right** means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.
- 145) **Victorian-style window moldings** means the portal usually has square beam supports rather than viga supports.
- 146) **Vigas** means logs used for ceiling support or appearing as ceiling support. A rafter or roof beam, especially a trimmed and peeled tree trunk whose end projects from an outside adobe wall.
- 147) **Walkway** means:
1. A right-of-way dedicated to public use that is not within a street right-of- way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.
  2. Any portion of a parking area restricted to the exclusive use of pedestrian travel.
- 148) **Yard** means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.
- 149) **Zone district** means a zone district of the Town as established in Article 3 of this Code, unless the term is used in a context that clearly indicates that the term is meant to include both the zone district(s) of the Town and the zone district(s) of an adjoining governmental jurisdiction. Also referred to as “zoning district.”
- 150) **Zoning map** means the official zoning map adopted by the Town by ordinance, as amended.



## CHAPTER III: Reserved

## CHAPTER IV: Utilities Ordinance 218 3-9-04

### 1) WATER

#### a) Compliance with Article

It is unlawful for any person not authorized by the Article to make any connection with any water pipe or main of the waterworks or for any authorized person to get a tap or connection contrary to the provisions of the Article. No one except an employee approved by the Public Works Manager may open or shut off valves to the utility.

#### b) Permit

- i) **REQUIRED.** It is unlawful for any person to make any connection with the pipeline or waterline forming a part of the waterworks without having first obtained a tap permit therefore.
- ii) **Application.** The Public Works Manager shall supervise and Office Staff shall administer the issuance of all applications for water services, which shall be a permit to get a tap to the mains of the waterworks in accordance with the provisions of this Article. All application for permits to tap shall be on a form provided by the Town and shall be in writing to the Office Staff.
- iii) **Issuance.** All permits to tap, as required by this Article, shall be issued and signed by the Office Staff and shall set forth the requirements specified in subsection B.
- iv) **Transfer.** Any permit to tap issued under the provisions of this Article shall be for a specific lot or parcel of land and shall not be transferable to another lot or parcel, unless no actual connection has been made and the lot or parcel has not been sold or transferred and only with specific approval of the Board of Trustees.

#### c) Plant Investment Fee

Any applicant desiring to take and use water from the water utility of the Town shall pay to the Town through the Office Staff, a plant investment fee pursuant to the schedule of plant investment fees then in effect pursuant to resolution duly adopted by the Board of Trustees. No water connection shall be made to the Town water utility

until such time as the plant investment fee, material or other connection charges have been paid and a tap permit issued.

**d) Extension of Existing Service**

All building permit applications shall be reviewed by the Public Works Manager, and a determination shall be made by the Public Works Manager whether any proposed enlargement, addition or expansion of water using facilities can adequately be served by the existing water connection. Such determination shall be made by applying the standards of the American Water Works Association and with consultation with Tribal staff. If the Public Works Manager determines that a larger service is required, the person proposing such expansion shall be required to have the enlarged connection and meter installed by the Town, at the property owner's expense.

After December 1, 1998, a physical structure containing more than one business or residential unit may be served by one meter only under extraordinary circumstances with the specific written permission of the Tribe (from Agreement SUIT and Town, 1998). Multiple units on one lot, which are not in the same structure, shall require an individual meter for each unit. Any extension of service which occurs after July 1, 1998 (whether or not a larger service is required or additional meters are required) shall include the installation of individual shut off valves on each use. Any new meter installation shall be done in accordance with Section 4-1, provided that the person making an expanded tap connection shall pay the then established plant investment fee for that connection, less credit for the existing tap at the current PIF rate. Any determination made by the Public Works Manager hereunder shall be subject to review by the Board of Trustees upon written request by the person seeking review of the decision.

**e) Assessment of Costs**

All connections to the Town's distribution system shall be metered. Each meter shall be of adequate size determined by the standards of the American Water Works Association. On all connections with the main, the owner of the premises on which the connection is sought shall pay for the cost of the meter and the installation of the tap and meter through tap fees and pay separately for necessary pipe. All necessary trenching and backfilling shall be at the expense of the applicant under the supervision of the Public Works Manager and in accordance with the specifications set forth in this Article and the specifications in the Town's line from the main to the meter, including the meter.

The property owner shall own and maintain the service line from the meter to the premises served; provided, however, that in the event the meter is more than ten (10) feet inside the owner's property line, the Town shall own the meter and riser and maintain the service line from the main to the property line, and the property owner shall own and maintain the service line from the property line to the premises. All work upon service lines shall be supervised by the Public Works Manager. Any

digging requires a call for locates to UNCC and a permit from Town Hall if any inspection is needed in order to use the utility after installation or repair.

**f) Disconnection of Service; Removal of Town Property**

In case any owner of premises on which water is used ceases to use water and desires to disconnect his premises, he shall not be permitted to remove the meter, meter pit or any appurtenances. Such devices are the property of the Town and shall be removed only by the order of the Public Works HahaManager.

**g) Water Use – Rates**

i) **Schedule--In-Town.** The monthly charges to consumers for water within the corporate limits of the Town shall be established by resolution of the Board of Trustees and a copy of such rates shall be available at the Town Hall. Each unit in a multi-unit structure shall be billed monthly for an established minimum monthly charge.

ii) **Stand By Fee.** The Owner of any property, which is connected to the Town's water system by an active tap, but is not currently using water shall be deemed to be an inactive service and shall pay a monthly Readiness to Serve fee in accordance with the fee schedule adopted by the Board of Trustees by Resolution. The Owner of any property may avoid the Readiness to Serve fee by abandoning or otherwise relinquishing the water service tap for that parcel of property. Abandonment must be done in writing and notarized. Water service for any relinquished property may be reactivated only upon application for a new connection and payment of the full current Plant Investment fee and Tap fee.

**h) Water Conservation. (Ordinance 179, 7-11-00, Ordinance 258, November 14, 2007)**

i) Any property owner or their tenant found to be allowing water (treated or raw) to continuously run into the town street drainage system from their yard or lawn shall be in violation of this ordinance.

ii) Any property owner or their tenant that has been informed by town staff that water is running and being wasted into the street drainage system and continues to allow the water to be wasted shall be in violation of this ordinance.

iii) Any property owner or their tenant that is informed that a treated water meter is continually allowing water to run without any apparent use of water downstream of the meter shall be in violation of this ordinance.

iv) Any property owner or their tenant that has been informed by an adjacent property owner that water is wasting into the adjacent property and the adjacent property owner has also informed town staff of that water wasting into the adjacent property, but continue to allow the water to run is in violation of this ordinance.

v) A tiered rate structure will be put in place and adjusted annually as needed. Determination of the tier will be based on annual usage; however, if a leak causes a higher rate tier to be assigned to a customer the following analysis will be made. Once the customer is notified, if the leak is repaired within 60 days and

usage defaults to previous averages, no higher rate tier will be assigned to that same customer.

- vi) The hours of use for irrigation water, to include a complete ban if necessary, will be determined according to drought conditions and communicated to the public by the Town Manager. Violations will be cited into court, with a maximum fine of \$1,000. Exceptions to this law must be sought through the Town Manager.  
(Ordinance 204, 7-8-03)

## 2) GAS

### a) Compliance with Article

It is unlawful for any person not authorized by the town to make any connection with any gas pipe or main of the gas distribution system or for any authorized person to put in any tap or connection contrary to the provisions of the town. No one except an employee approved by the Public Works Manager or the Fire Department may turn on or off the gas at the meter.

### b) Tap Fee

- i) Any applicant desiring to use gas from the distribution system of the Town for a new structure shall pay to the Town through the Office Staff, a tap fee pursuant to the schedule of plant investment fees then in effect pursuant to resolution duly adopted by the Board of Trustees. No gas connection shall be made to the Town gas system until such time as the tap fee, material or other connection charges have been paid and a tap permit issued.
- ii) Transfer. Any taps shall be for a specific lot or parcel of land and shall not be transferable to another lot or parcel, unless no actual connection has been made and the lot or parcel has not been sold or transferred and only with specific approval of the Board of Trustees.
- iii) If an existing gas tap is kept active on gas standby status, whether or not anyone is living in the structure, new owners of previously developed gas taps do not pay a new plant investment fee or a utility deposit to the town, but are billed for usage monthly.

### c) Extension of Existing Service

All building permit applications shall be reviewed by the Building Inspector or Public Works Manager, and a determination shall be made by the Building Inspector or Public Works Manager whether any proposed enlargement, addition or expansion of gas facilities can adequately be served by the existing gas connection. Such determination shall be made by application of the adopted codes. If the Building Inspector or Public Works Manager determines that a larger service is required, the person proposing such expansion shall be required to have the enlarged connection and meter installed by the Town at the property owner's expense.

Multiple units within a structure, such as an apartment house, shall require an individual meter for each unit. Single Family lots shall require an individual meter but

may be connected to one gas riser serving two lots. The same owner with side-by-side lots who wishes to consolidate his property may use the same meter and simply add service lines to the second structure. The owner who has a meter to his home may make a service line connection to a garage and is required to only have one meter.

Any extension of service shall include the installation of individual shut off valves on each use. Any determination made by the Public Works Manager hereunder shall be subject to review by the Board of Trustees upon written request by the person seeking review of the decision.

**d) Assessment of Costs.**

All connections to the Town's distribution system shall be metered. Each meter shall be of adequate size determined by the standards of town, state and federal regulations. On all connections with the main, the owner of the property on which the connection is sought shall furnish and pay for the all necessary trenching after the meter to the premises and backfilling shall be at the expense of the applicant under the supervision of the Public Works Manager and in accordance with the Town specifications.

The property owner shall own and maintain the service line from the meter to the premises served; provided, however, that in the event the meter is more than ten (10) feet inside the owner's property line, the Town shall own and maintain the service line from the main to the property line, and the property owner shall own and maintain the service line from the property line to the premises. All work upon service lines shall be supervised by the Public Works Manager. Any digging requires a call for locates to UNCC and a permit from Town Hall if any inspection is needed in order to use the utility after installation or repair.

**e) Disconnection of Service; Removal of Town Property**

In case any owner of premises on which gas is used ceases to use gas and desires to disconnect his premises, he shall not be permitted to remove the meter, meter pit or any appurtenances. Such devices are the property of the Town and shall be removed only by the order of the Public Works Manager.

**f) Gas Use – Rates**

- i) **Schedule-In-Town.** The monthly charges to consumers for gas within the corporate limits of the Town shall be established by resolution of the Board of Trustees and a copy of such rates shall be available at the Town Hall. Each unit in a multi-unit structure shall be billed monthly for an established minimum monthly charge and usage according to rates established by the Board of Trustees.
- ii) **Stand By Fee.** The Owner of any property, which is connected to the Town's gas system by an active tap, but is not currently using gas shall be deemed to be an inactive service and shall pay a monthly fee in accordance with the fee schedule adopted by the Board of Trustees by resolution. The Owner of any property may

avoid the gas standby fee by abandoning or otherwise relinquishing the gas service tap for that parcel of property. Gas service for any relinquished property may be reactivated only upon application for a new connection and payment of the full current Plant Investment fee and Tap fee.

### **3) IRRIGATION (raw) WATER**

#### **a) Compliance with Article**

It is unlawful for any person not authorized by the Article to make any connection with any pipe or main or for an unauthorized person to put in any tap or connection to the raw water irrigation system. No one except town maintenance crew or their assigned may turn on or off prior to the property owner's 1" valve.

#### **b) Tap Fee**

A one-time fee shall be paid to connect to the raw water irrigation system and a fee is charged monthly for six (6) months of the year. These fees are determined as needed by the Town Board of Trustees.

#### **c) Any property owner or their tenant that allows the use of the irrigation water for the purpose of a commercial use or transports it out of the city limits without Town Board approval or for a purpose other than yard clean-up or lawn and garden irrigation shall be in violation of this ordinance.**

### **4) BILLS COLLECTION, PENALTIES, LIEN, FORFEITURE**

#### **a) Bills – Collection**

The Town Clerk shall be responsible for billing for water, gas and irrigation services, and collection of the same and deposit of the proceeds collected to the credit of the appropriate fund of the Town. Statements for all charges shall be rendered monthly to the owner of the property served, provided, however, the Board of Trustees may at any time change the monthly billing cycle, if necessary or desirable. All charges shall be billed to and shall be the responsibility of the owner of the property being served regardless of whether the property is occupied by the owner or is rented to a third party.

#### **b) Penalties**

Accounts not paid in full by the due date will fall into a past due status. Accounts with a balance greater than \$20.00 will be assessed a flat \$5.00 late fee on the sixth day after the due date.

#### **c) Delinquent Accounts**

- i) In the event that a bill for any utility uses is not paid when due, then the Town Clerk shall issue a notice by regular first class mail which informs the owner of the property that the account is delinquent. If the account is a rental, the Disconnect Notice will be mailed to the landlord.
- ii) The past due amount must be paid prior to the last business day of the month to avoid shut off. Shut off will be the last business day of the month. Any accounts that are disconnected must have all past due amounts paid in full and a



reconnect fee will be charged during regular working hours and after hours, weekends and holidays according to a fee schedule approved by the Town Board of Trustees.

If the person to whom such a notice is sent owes amounts for other utilities provided or collected by the Town, the Clerk may include a demand for those amounts in the demand for payment of the specified utility bills.

**d) Lien**

- i) Until the past due amount is paid in full, all rates, fees and other charges provided for in this Article shall constitute a lien pursuant to C.R.S. 31-15-302 on or against the property being served. At the time service is disconnected in accordance with Section 4) – c) – i), or any time thereafter, the Town may notify the owner of the property being served of the Town's intent to file a lien as provided herein. A collection fee of one hundred dollars (\$100.00) shall be added to any account for which a notice of intent to file a lien is given. (Ordinance 168, 11-10-98)
- ii) The Town may, as provided by law, commence foreclosure proceedings on any lot or parcel of property on which a lien has been filed pursuant to this Article. An additional charge for attorney fees in a reasonable amount to be determined by the Court shall be added to the amount due on any account once a complaint in foreclosure of a lien has been filed. In addition, actual costs, such as filing fees and recording costs, shall also be charged to said account. In the event foreclosure proceedings result in judgment, additional attorney fees and expenses may be added as permitted by the court.

**e) Forfeiture of Plant Investment Fee**

In the event an account remains delinquent for a period of 5 billing months, then the Town shall send notice by Certified Mail to the Owner that if all charges are not paid by the 6th month according to the disconnect policy, the plant investment or tap fee on that property shall be deemed to be forfeited. No service shall be reconnected to on a property after such forfeiture until a new application is approved and the appropriate fees have been paid.

**5) OTHER SERVICES**

**a) Compliance with Article**

It is unlawful for any person not authorized by the town to provide or receive trash, sewer or other services. Sewer and trash services are provided to properties in accordance with contracts the town makes with those providers. All billing and collection for these contracted services are completed through town office staff for the monthly utility billing that goes to each parcel owner. Bills will be collected in the same manner described in **Section 4.a)** AND **Section 4.b)**, as applicable.



DRAFT

## CHAPTER V: Building and Excavation Regulations

### Ordinance 222 9-14-2003

#### Section 1

##### 1) BUILDING CODE

(Adopted by Ordinance 176, March 14, 2000, Amended by Ordinance 205, August 12, 2003; Amended by Ordinance 222, September 14, 2004, Amended by Ordinance 243, March 14, 2007, Amended by Ordinance 268, July 14, 2009, Amended by Ordinance 273, October 13, 2009, Amended by Ordinance 289, February 8, 2011)

- a) The following describe documents and codes are hereby adopted as the Code of the Town of Ignacio, Colorado for the purpose of regulating the erection, construction, enlargement, alteration, repair, occupancy and maintenance of all buildings and structures in the Town of Ignacio, Colorado and establishing fees and permits therefore and each of the following are hereby referred to, adopted and made part hereof as if fully set forth in this ordinance (Ordinance 222, September 14, 2004):
- i) The chapters and appendices of the International Building Code, 2003 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Exhibit A.
  - ii) The chapters and appendices of the International Residential Code, 2003 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Exhibit B.
  - iii) The chapters and appendices of the International Mechanical Code, 2003 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Exhibit C.
  - iv) The chapters and appendices of the International Plumbing Code, 2003 edition, as published by the International Code Council, together with Amendments and Deletions as set forth in Exhibit D.
  - v) The chapters and appendices of the International Fuel Gas Code, 2003 edition as published by the International Code Council, together with Amendments and Deletions as set forth in Exhibit E.
  - vi) The chapters and appendices of the International Energy Code, 2003 edition as published by the International Code Council.
- b) **Revision to Code**  
The following sections of the International Code Section are hereby revised: See Exhibits A through E attached hereto.
- c) **Conflicting Ordinance Repealed**  
All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- d) **Validity**  
That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason, held to be unconstitutional; such decision shall not affect the validity of

the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**e) Effect on Existing Rights**

i) That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1) – c) of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

(1) Any other references in the Town Code to the “Uniform Building Code” shall be amended to read “International Building Code.”

(2) The Town Clerk is hereby ordered and directed to cause this ordinance to be published in compliance with the law.

(3) This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage, adoption and publication.

f) Notwithstanding the adoption of the Town of Ignacio Building Code specified herein, the creation of a Building Department and appointment of a Building Official and other personnel, the enumeration in said Town of Ignacio Building Code of certain duties and responsibilities of said official and personnel, nothing in the Town of Ignacio Building Code, the activities of such Department, or the enforcement or failure to enforce the Town of Ignacio Building Code shall be construed to relieve any person owning or constructing a building governed by said Town of Ignacio Building Code from full responsibility and liability for any violations of said Town of Ignacio Building Code or defects in said building, nor shall said adoption, enforcement or failure to enforce be deemed to create any liability on the part of the Town of Ignacio, Colorado, or its officers, agents, servants and employees. Nothing contained herein or in the Building Code is intended to create a private remedy or benefit for particular individuals or class thereof.

**2) ORGANIZATION and ENFORCEMENT**

**a) Building Department – Office Created**

The Building Department is created, and the official in charge shall be known as the Building Official.

**b) Building Official**

The Building Official shall be appointed by the Board of Trustees. His appointment shall continue during good behavior and satisfactory service.

**c) Building Inspector – Acting**

During temporary absence or disability of the Building Official qualified to inspect, the appointing authority shall designate an Acting Inspector.

**d) Building Inspector – Duties**

- i) The Building Official shall receive application required by the building code, issue permits and furnish the prescribed certificates. The Building Official shall examine the premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. The Building Official shall enforce all provisions of the building code. The Official shall, when requested by a proper authority, or when the public interest so required, make investigations in connection with matters referred to in the building code and render written reports on same. To enforce compliance with the law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures, he shall issue such notice or orders as may be necessary.
- ii) Inspections required under the provisions of the building code shall be made by the Building Official or his duly appointed assistant. The Building Official may accept reports of inspectors or reorganize inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- iii) The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued according to a Retention of Records system approved by the Town Board of Trustees February 12, 2002.
- iv) All such records as provided for in this section shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the Building Department without the Official's approval and written consent.
- v) The Building Official shall make verbal reports as needed to the Board of Trustees and written, if requested, including statements of permits and certificates issued and order promulgated.

**3) PERMITS, INSPECTIONS and APPLICATION PROCEDURES**

**a) Permits Required**

From and after the effective date of this Code, no person, firm, partnership, or corporation shall erect or construct, or commence the excavation, erection or construction of, or alter or commence the alteration of, any building or structure within the Town of Ignacio, without first obtaining a building permit in accordance with the provisions of this Building Code and Municipal Code Chapter related to Zoning and Land Use.

**b) Application for Permit**

Application for a permit shall be made to the Building Official on forms furnished for that purpose.

**c) Building Permits Issuance, Retention, & Expiration**

- i) All applications for building permits shall be submitted to the Building Official for his approval. At such time as the Building Official is satisfied that the minimum requirements set forth in this Code are met by the applicant, he shall issue the building permit by signing for final approval.
- ii) One set of the approved plans shall be retained by the Building Department for at least ninety (90) days from the date of the completion of the work.
- iii) If the authorized work is not commenced within one hundred eighty (180) days from the date of such permit or if the work is abandoned or suspended for a period of one hundred eighty (180) days, said permit shall expire according to Subsection 105.5 of the International Building Code 2003 edition. A single one hundred eighty (180) day extension is allowed upon written request of the permit holder.

**d) Fees**

A fee is required for each building permit. The fee shall be based on Schedule 5A in the Appendix. If no fixed fee is indicated, the fee shall be based on the value of the improvements.

**e) Inspections**

Inspections of new buildings by the Building Inspector shall be held as needed.

**4) BUILDING VIOLATIONS and PENALTIES**

**a) Changes to structure**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the Town of Ignacio or cause the same to be done contrary to or in violation of any of the provisions of said International Building Code, 2003 edition.

**b) Penalties for Violations (Ordinance 127, December 9, 1991)**

Any person, firm or corporation violating any of the provisions of the International Building Code as herein adopted shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of said International Uniform Building Code is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than one (1) year or by both such fine and imprisonment.

**5) UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED**

**a) Code adoption**

There is hereby adopted the Code know as "Uniform Code for the Abatement of Dangerous Buildings", 1997 Edition, a copy of which is in the offices of the Town of

Ignacio, Colorado, and may be inspected during regular business hours, the same being adopted as set out fully herein.

**b) Penalties for Violations (Ordinance 97, August 12, 1985)**

All unsafe buildings, as defined in the Code, are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Chapters 4 through 9 of the "Uniform Code for the Abatement of Dangerous Buildings" or by other procedures provided by law. In addition to any other remedy herein provided, the Building Official may cause the unsafe building to be repaired to the extent necessary to correct the conditions which render the building dangerous or cause the building to be sold and demolished, or demolished and the materials, rubble and debris there from removed and the lot cleaned. Upon appropriate hearing, as set forth in Chapter 9 of said Code, "Uniform Code for the Abatement of Dangerous Buildings", the costs of such repair, demolition, removal or sale, may be assessed against the unsafe property on the appropriate assessment roll, and said costs shall be a personal obligation of the unsafe property owner.

**6) EXHIBIT A (Ordinance 222, September 14, 2004)**

**a) Amendments, additions and deletions to the International Building Code**

**i) Section 101 General**

Delete Section 105.2 and substitute the following:

**(a) 105.2 Exempted work.** A building permit will not be required for the following:

**(i) Building:**

Superseded by Ordinance 254, October 10, 2007, Ordinance 267, May 12, 2009 Land Use Chapter 3-6-4

1. Oil derricks.
2. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter does not exceed two to one (2 to 1).
3. Painting, papering, tiling, carpeting, cabinets, counter-tops and similar finish work.
4. Temporary motion picture, television and theater stage sets and scenery.
5. Window awnings supported by an exterior wall of Group R, Division 3, and Group U occupancies when projecting not more than (fifty-four) 54 inches.
6. g. Movable cases, counters and partitions not over five (5) feet nine (9) inches in height.

**(ii) Gas:**

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(iii) Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing ten (10) pound (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

(iv) Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(v) Crawl space or work for which a building permit has been issued.

(vi) Unless otherwise exempted by this Code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or resolutions of this jurisdiction.

## 7) EXHIBIT B

### a) Amendments, additions and deletions to the International Residential Code

#### i) Add the following Table:

TABLE 301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

- (1) Required minimum roof live load (Snow Load) forty (40) psf
- (2) Wind speed- ninety (90) MPH (3 sec. gust) Exposure B or C applies
- (3) Seismic Design Category – C
- (4) Weathering-Severe
- (5) Frost depth – thirty-two (32) inches



- (6) Termite – Moderate
- (7) Decay - None to slight
- (8) Winter design temperature four (4) degrees F.
- (9) Air freezing index-two thousand (2000)
- (10) HDD – six thousand nine hundred thirty (6930)
- (11) Climate Zone fifteen (15)
- ii) R311.5.3.3 Profile. Delete the last sentence. Delete exception No. 2.
- iii) R312.2 Guard opening limitations. Delete in its entirety and substitute the following:

Required guards on open sides of stairways, raised floor areas; balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere four (4) inches or more in diameter.

  - (1) Exceptions
    - (a) The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of stairways are permitted to be of such a size that a sphere six (6) inches in diameter cannot pass through.
    - (b) The openings between stair treads (open risers) do not require guard protection.
- iv) R318 Moisture vapor retarders. Delete in its entirety.
- v) R402.2 Concrete. Delete in its entirety.
- vi) R403.1.1 Minimum size. Delete R403.1.1 Minimum size. And substitute the following:
  - (1) The minimum size for concrete footings will be as approved by the Building Official or as designed by a licensed design professional.
- vii) Table R402.2 Delete in its entirety.
- viii) Table R403.1 Delete in its entirety.
- ix) Figure R403.1(1) Delete in its entirety.
- x) R403.1.8 amend by the addition of a second exception as follows:

Exception 2): Foundations for mobile homes, garages, barns and other outbuildings.
- xi) R404.1.1 Masonry foundation walls. Delete in its entirety. Substituting as follows:

Concrete masonry foundation walls shall be constructed in accordance with standards as approved by the Building Official, or as designed by a licensed design professional.
- xii) R404.1.2 Concrete foundation walls Delete in its entirety. Substituting as follows:

Concrete foundation walls shall be constructed in accordance with standards as approved by the Building Official, or as designed by a licensed design professional.
- xiii) Table R404.1.1(1) Delete in its entirety.
- xiv) Table R404.1.1(2) Delete in its entirety.
- xv) Table R404.1.1(3) Delete in its entirety.
- xvi) Table R404.1.1(4) Delete in its entirety.

- xvii) Table R404.4(1) Delete in its entirety.
- xviii) Table R404.4(2) Delete in its entirety.
- xix) Table R404.4(3) Delete in its entirety.
- xx) Table R404.4(4) Delete in its entirety.
- xxi) Table R404.4(5) Delete in its entirety.
- xxii) R404.4.1 Delete in its entirety.
- xxiii) R404.4.2 Delete in its entirety.
- xxiv) R404.4.3 Delete in its entirety.
- xxv) R404.4.6.2 Delete in its entirety.
- xxvi) R404.4.6.3 Delete in its entirety.
- xxvii) R802.10.3 Bracing. Add a second paragraph as follows:
  - (1) All trusses shall be supported laterally at all points of bearing by either solid blocking, sheathing, bridging or other approved methods.
  - (a) Exception: Where the truss heel height is less than four (4) inches.
- xxviii) N1102.1 Detached one and two-family dwellings. Delete item 1. And replace with the following:
  - (1) Meeting the requirements of this chapter; for buildings with a glazing area that does not exceed twenty (20) percent of the gross area of exterior walls: or
- xxix) N1101.2.2 Townhouses. Delete item 1. and replace with the following:
  - (1) Meeting the requirements of this chapter for buildings with a glazing area that does not exceed thirty (30) percent of the gross area of exterior walls; or
- xxx) N1102.1 Thermal performance criteria. Delete the second paragraph, and replace with the following:
 

Detached one-and -two family dwellings with greater than twenty (20) percent glazing area; and townhouses with greater than thirty (30) percent glazing area; shall determine compliance using building envelope requirements of Chapter 4 or 5 of the *International Energy Conservation Code*.
- xxxi) N1102.1.4 Floors. Delete in its entirety.
- xxxii) N1102.4 Replacement fenestration. Delete in its entirety.
- xxxiii) TABLE N1102.1 Delete in its entirety and substitute the following:

TABLE N1102.1A

Maximum Glazing U-Factor	Minimum Ceiling R-Value.	Minimum Wall R-Value	Minimum Floor R-Value	Minimum Basement Wall R-Value	Minimum Slab Perimeter R-Value and depth	Minimum Crawl space wall R-Value
U-40	R-38	R-19	R-19	R-11	R-9, 4 ft.	R-19

b) Residential Mechanical Code.

Add the following Sections.

- i) M1307.7 Securing appliance. Appliances designed to be fixed in position shall be securely fastened in place.
- ii) M1307.1.1 LPG appliances. LPG appliances shall not be installed in a pit or an under floor space which forms a pit.
- iii) M14.1.1 Unvented room heaters. Unvented room heaters must be installed in accordance with Section G2406.

**c) Residential Fuel Gas Code**

Add the following:

- i) G2406.2 Prohibited Locations. Add item number 5. LPG appliances.
- ii) LPG appliances shall not be installed in a pit or an under floor area which forms a pit.
- iii) G2416.4.1 Test pressure. Delete Section G2416.4.1 and substitute as follows.  
The test pressure to be used shall be not less than one and one half (1.5) times the proposed maximum working pressure, but not less than 10 (10) psig (sixty-nine (69) kPa gauge,) irrespective of design pressure.

**d) Residential Plumbing Code**

- i) P2501.1 Scope. Add a second paragraph:  
The intent of this Code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications or standards in the Colorado Plumbing Code conflict, the more restrictive shall apply.

**e) Chapters R33 through R42 Delete in their entirety**

**f) The following Appendix Chapters of the International Residential Code are hereby adopted and enforced by the Town of Ignacio, Colorado.**

- i) Appendix Chapter A: Sizing and Capacities Of Gas Piping.
- ii) Appendix Chapter B: Sizing of Vent Systems.
- iii) Appendix Chapter C: Exit Terminals of Mechanical Draft Systems.
- iv) Appendix Chapter D: Deleted in its entirety.
- v) Appendix Chapter E: Manufactured Homes Used As Dwellings. Deleted in its entirety and replaced with the following:  
Appendix Chapter E: Manufactured Homes. Manufactured homes are subject to installation permits and standards developed by the building official.
- vi) Appendix Chapter F: Radon Control Methods. Delete in its entirety.
- vii) Appendix Chapter G: Swimming Pools, Spas and Hot Tubs. Delete in its entirety.
- viii) Appendix Chapter J: Existing Buildings and Structures. Delete in its entirety.
- ix) Appendix Chapter K: Sound Transmission. Delete in its entirety.
- x) Appendix Chapter L: Electrical Provisions. Delete in its entirety.

**8) EXHIBIT C**

**a) Amendments Additions and Deletions to the International Mechanical Code:**

Add the following sections:

- i) 301.17 Securing appliance. Appliances designed to be fixed in position shall be securely fastened in place.

- ii) 303.3.1 LPG appliances. LPG appliances shall not be installed in a pit or an under floor space which forms a pit.
- iii) 303.9 Unvented room heaters. Unvented room heaters must be installed in accordance with Section 620 of the International Fuel Gas Code.

## 9) EXHIBIT D

### a) Amendments, Additions and Deletions to the International Plumbing Code:

Add the following:

- i) 101.2 Scope. Add second paragraph as follows:  
The intent of this Code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications or standards in the Colorado Plumbing Code conflict, the more restrictive shall apply.

## 10) EXHIBIT E

### a) Amendments Additions and Deletions to the International Fuel Gas Code:

Add the following:

- i) 406.4.1 Test pressure. Delete Section 406.4.1 and substitute as follows.
- ii) 406.4.1 Test pressure. The test pressure to be used shall be not less than one and one half times the proposed maximum working pressure, but not less than ten (10) psig (sixty-nine (69) kPa gauge, irrespective of design pressure.
- iii) Appendix Chapters A, B, and C of the International Fuel Gas Code are hereby adopted.

## 11) EXCAVATION (Ordinance 97, August 12, 1985, Ordinance 180, August 8, 1988, Amended by Ordinance 195, April 9, 2002, Ordinance 273, October 13, 2009)

### a) Permit for Work (Ordinance 273, October 13, 2009)

#### i) Right-of- Way Permit Required

It shall be unlawful for any person, other than the Town through its employees or those persons under contract with the Town, to excavate, cut, open, trench or conduct any other work of any type in, on, under, above, upon or within any street, sidewalk, curb, gutter, alley or other public place within the Town without having first obtained a Permit as required by this section. If an emergency occurs when the Town Hall is not open, a permit must be obtained during business hours within 72 hours of the excavation.

It shall be specifically unlawful for any person to conduct any work on or in any way interfere with or alter any Town utility regardless of location without having lawfully requested a utility location and without having received prior permission from the Town to conduct the proposed work.

#### ii) Private Property Permit Required

It shall be unlawful for any person, whether property owner, contractor with a Business Service License or legal renter to move dirt in preparation for digging, building, or replacing pipes to excavate, cut, open, dig, trench or conduct any

other work of any type on, under, above, upon or on private property in the Town with having first obtained a Permit. If an emergency occurs when the Town Hall is not open, a permit must be obtained during business hours within 72 hours of the excavation.

It shall be specifically unlawful for any person to conduct any work on or in any way interfere with or alter any Town utility regardless of location without having lawfully requested a utility location and without having received prior permission from the Town to conduct the proposed work. This is to protect the citizens and town from any accident, as there are gas and water distribution lines that the town maintains.

**iii) Violation**

It shall be unlawful for any person, firm, or corporation, whether as principal, agent, employee, or otherwise, to violate or cause the violation of any of the provisions of this Ordinance. It is the policy of the Town to work with citizens. If, in the opinion of staff, all reasonable efforts have been used to resolve the issue then the offending party may be ticketed. If the fine is paid in the appropriate time frame, no other action will be taken. If the fine is not paid the party will be cited into Municipal Court by Town Manager or other code enforcement officer. Upon conviction thereof, the guilty party may be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in county jail for a term not exceeding one year. Appeals of any conviction will be taken to District Court.

**b) Application.** (Revised 1988, Ordinance 180, December 12, 2000, and Amended by Ordinance 195 April 9, 2002, Amended by Ordinance 243, January 10, 2007)

**i)** Applications for an excavation and work in or use of [right-of-way](#) permit shall be made on forms provided by the Town Clerk and shall contain the following information:

- (1) Name and mailing address of applicant.
- (2) Description of proposed work.
- (3) Location of proposed work.
- (4) Reason for work.
- (5) Estimated square yards of surface excavation linear feet of curb excavation.
- (6) An affirmation that the applicant agrees to comply with the state underground utility location statute.
- (7) Monetary Guarantee (See 11) – j))
- (8) Insurance certificate.
- (9) Signature of applicant.
- (10) Signature of Staff.

**ii)** All applications shall be accompanied by a fee of Ten Dollars (\$10.00), appropriate insurance certificates and bonding requirements as required herein and any payment to the Ignacio general fund.

**c) Liability Insurance; Self Insurance** (Ordinance 97, August 12, 1985, Amended Ordinance 243, January 10, 2007)

No person shall be issued an excavation or work in or using public right-of-way permit until such person has furnished a Certificate of Insurance, satisfactory to the Town, certifying that such person is insured against claims for damages for personal injury and for property damage which may arise from or out of the performance of the work of such person or any work performed by a subcontractor, and agent, employee or any person directly or indirectly employed by such person or by a subcontractor. Such insurance must insure against collapse, explosive hazard, damage to nearby utilities and underground work by equipment on the street, and must include protection for a period of one (1) year from the date of completion of an excavation or work in or using public right-of-way against liability arising from completed operation. Liability limits shall be at least those limits specified for coverage under the Governmental Immunity Act, C.R.S. 24-10-101 et seq., and each Certificate must provide that notice of not less than ten (10) days be given to the Town prior to cancellation of any such insurance policy. Any [public utility](#) company having a net worth in excess of five million dollars (\$5,000,000.00) is not required to comply with the insurance requirements of this section if such utility provides written notice to the Town of the election of such utility to be self-insured and if such utility provides satisfactory proof at the time an application for an excavation permit is made that the utility does in fact have such net worth. Any such certificate furnished by such utility shall further set forth in writing that such utility shall be responsible for and shall hold harmless the Town against all claims and liabilities arising from the making of any excavation pursuant to the provisions of this section which are made by such public utility, its agents or employees, or by any subcontractor of such public utility or by anyone directly or indirectly employed by such public utility or its subcontractor.

**d) Excavation Standards**

All persons receiving an excavation permit from the Town shall commence work not later than ten (10) days after the date such permit is issued. Failure to commence work in a timely manner shall cause an automatic revocation of the permit for which no refund of the permit fee shall be granted. A subsequent permit, with appropriate permit fee, shall be required. All work authorized by an excavation permit shall be diligently and continuously performed until completion. All trenches shall be made in compliance with any applicable Federal, State, County, or Town law, ordinance, rule or regulation regarding slope, depth, bracing and other similar requirements.

**e) Safety Standards and Routing of Traffic**

All work performed under an excavation permit shall be done in such a manner as will cause the least inconvenience to the continued flow of traffic on the streets of the Town of Ignacio. In no case shall more than one-half (1/2) of the width of any street, alley or other public place be opened or excavated at any one time, and in all cases, one-half (1/2) of such street, alley or other public place shall remain untouched for the accommodation of traffic until the other one-half (1/2) is restored



for safe use, unless specifically approved in writing by the Town Manager. Every person making or causing to be made any excavation shall keep the excavation barricaded at all times and, between the hours of sunset and sunrise, shall keep such excavation properly lighted so as to warn all persons thereof. In no case shall excavated material be used as a barricade. In addition, excavation materials shall not be permitted to block any sidewalks, gutters, drainage ditches, culverts or other structures or easements except as specifically permitted herein.

**f) Backfill - Unpaved Locations**

Excavations in unpaved locations shall be filled to the actual surface level of the unexcavated portion of the street with approved material. Additional amounts of such material shall be added by the permit holder upon the order of the Manager, as may be necessary to compensate for any irregularity in the surface that may occur due to settling in the area of excavation during the twelve (12) month period next following the completion of the excavation.

**g) Backfill - Paved Locations**

Excavation in paved locations shall be filled to fourteen inches (14") below the actual pavement surface with material as specified in 5-12-8. Appropriate base course and asphalt concrete pavement shall then be placed over the excavation as required by the Town of Ignacio engineer. Paving taking place during summer months should be done within five (5) days of the excavation completion. If excavation occurs during cold months paving must be done by June 15th of the same year. Exceptions can be sought through the Town Manager.

**h) Backfill – Placement**

The material used in backfilling shall consist of the original excavated material or other material as required by the Development Standards (See Appendix A) in a finely divided form free from large lumps, large stones, rocks, pieces of old concrete or asphalt pavement, or large wet or gummy masses and must be placed in compacted layers or lifts of six inches (6") each from the bottom of the trench to the top of the trench. The backfill material must be thoroughly compacted to a minimum of ninety-five percent ( 95%) of the maximum density as determined by ASTM D-698 through the entire depth of the excavation or trench, with the exception of the top fourteen inches (14"), which must be compacted in accordance with the Paving Specification of the Town of Ignacio. If, in the opinion of the Town, engineering tests are required to verify the amount of compaction, including proctors, the Town may order the tests, which shall be at the expense of the contractor.

**i) Guarantee**

Any permit holder is required to correct any work which is found to be incomplete or which contains defective material or defective workmanship for a period of one (1) year from the date such work was completed and accepted by the Town. Should the person required fail to correct incomplete or defective work within ten (10) days of Town notification to such person, the Town may, at its election, complete such work



and bill the person for work required to be done by the Town. The permit holder may also be found to be in violation of this ordinance.

**j) Monetary Guarantee**

Excavation shall not be made in any Town street or other public place unless required by absolute necessity or due to any emergency. When an excavation is required in a Town street or in a public place, a cash deposit, performance bond, or letter of credit shall be made to the Town of Ignacio based on 110% of the anticipated costs of the required work. A cost estimate shall be provided by the applicant detailing the anticipated costs and must be approved by the Town engineer. This cost estimate must be approved and the monetary guarantee be in place prior to beginning work.

**k) Advance Notices of Improvements**

The Town shall endeavor to keep the public informed of proposed street, curb and gutter or sidewalk improvements in order that facilities may be installed prior to the making of such improvements. It is the responsibility of the persons installing the facilities to do so in advance of such improvements whenever possible.

**12) DEVELOPMENT STANDARDS FOR PUBLIC IMPROVEMENTS AND CONSTRUCTION**

**SPECIFICATIONS** (Approved March 6, 2006, Amended Ordinance 289 February 8, 2011)

**Section I**

In Handbook in the back of the hard copy Municipal Code Master notebook.

**Section II**

Words and Terms Defined

Arterial roads: large volume roads, such as Highway 172.

Collector roads: smaller volume roads, such as Browning Ave.

Local roads: small volume residential roads.

## **CHAPTER V: Building and Excavation Regulations**

### **Ordinance 222 9-14-2003**

#### **Section 2: Words and Terms Defined**

Building Official: The title Building Official as described in the Code is the Building Inspector.

Schedule 5A Building Inspection Department Fees (Ord 268, July 14, 2009)

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<b>CATEGORY 1 SINGLE FAMILY RESIDENCE/ COMMERCIAL/ REMODELS/OTHERS</b>	
Description	Fee
a. Single family homes, within exterior dimensions of structure including closets, stairwells, and storage areas	\$.65 / square feet
b. Basements which are not defined as habitable space	\$.45 / square feet
c. Garage, accessory to single family dwelling, attached or detached	\$.45 / square feet
d. Shop or outbuilding	\$.45 / square feet
e. Carport or pole type structure	\$.45 / square feet
f. Fence	\$15.00 flat fee
g. Maintenance Inspection for utilities applies when no building permit issued, but customer replaces service line, needs riser, tracer, pressure inspection.	\$50.00 flat fee
h. Anything not listed above is subject to Building Code Fee Table	
Note: Initial fees are considered a deposit, as complexity of construction may change the number of needed inspections. A final review of fees will be made and extra charges invoiced at final inspection. Certificate of Occupancy will depend on payment of fees.	
<b>Building Code Fee Table</b>	
Total Valuation	Estimated value of new construction (including materials and labor) must be provided Fee
\$1.00 to \$500.00	\$25.00
\$501.00 to \$2000.00	\$25.00 for the first \$501.00, plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2001.00 to \$25,000.00	\$70.00 for the first \$2001.00, plus \$14.00 for each additional \$1000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$392.00 for the first \$25,001.00, plus \$10.00 for each additional \$1000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$642.00 for the first \$50,001.00, plus \$7.00 for each additional \$1000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$992.00 for the first \$100,001.00, plus \$5.60 for each additional \$1000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,232.00 for the first \$500,001.00, plus \$4.75 for each additional \$1000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,607.00 for the first \$1,000,001.00, plus \$3.65 for each additional \$1000.00 or fraction thereof, to and including any higher amount
<b>MISCELLANEOUS FEES</b>	
Description	Fees
a. Inspections outside of the normal business hours and/or outside the inspection process (Phone calls are not charged if under 15 minutes)	\$ 50.00
b. Inspection for which no fee is specified. (Site visits, damage assessment, code enforcement, etc.)	\$ \$50/ inspection
c. Reinspection fee for failed inspections (paid in advance of reinspection)	\$50.00/ inspection
d. Additional plan review for changes	\$50.00
e. Use of outside consultants or professional services to evaluate engineering or geological conditions.	Actual costs of services
f. Building Code or Land Use violation investigation	\$50.00hour

2003 International Building Code:

108.3 Building permit valuations.

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and

permanent systems. 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. Final building permit valuation shall be set by the building official.

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## CHAPTER VI: Fire Regulation

(Ordinance 100, 5-27-1986, Ordinance 210, 12-9-2003, Ordinance 257, 11-14-2007)

### 1) CODE of REGULATIONS

#### a) Application to New and Existing Conditions.

The provisions of this Code of Regulations adopted for the safeguarding of life and property within the Town of Ignacio, Colorado, from fire, explosion and other conditions hazardous to life and property, shall apply equally to new and existing conditions except that existing conditions not in strict compliance with these regulations shall be permitted to continue where the exceptions do not constitute a district hazard to life or property in the opinion of the Town Building Official.

#### b) Fire Chief Defined. (Ordinance 100, 5-27-1986 this is listed as 4-1-2.5, Amended by Ordinance 257, 11-14,2007)

Whenever the term Town Fire Chief or Town Fire Marshal is used in the Code of the Town of Ignacio, it shall mean the Chief of the Los Pinos Fire Protection District. The Chief of the Los Pinos Fire Protection District acting as the Town of Ignacio Fire Chief or Fire Marshal is hereby given authority to enforce any and all fire safety ordinances of the Town of Ignacio by summoning any person violating fire safety ordinances of the Town of Ignacio into municipal court or by enforcing of such ordinances by any other lawful method. The Town's Building Official may delegate any power granted to him under Chapter V of the Code of the Town of Ignacio to the Town's Fire Chief.

#### c) Standards Applied. (OMIT and Amended by Ordinance 257, 11-14-07, Section 6-3 International Fire Code, 2003 Edition)

All matters within the intent of this Code not covered in detail by these regulations herein adopted shall comply with nationally recognized good practice. Compliance with the Fire Prevention Code, 1997 Edition of the Uniform Fire Code.

#### d) Entrance for Inspection.

The Town Building Inspector or the Town Fire Chief may at all reasonable hours enter any building or premise, except the interior of dwelling houses, for the purpose of making any inspection which he may deem necessary to be made which may be liable to cause fire, explosion or other conditions that may endanger life or so long as all such inspections are reasonably made.

#### e) Remedy of Dangerous Conditions; Dangerous Conditions Defined.

Whenever the Building Inspector or Fire Chief shall find upon any premises dangerous or hazardous conditions which exist, or will exist, he shall order such conditions to be immediately remedied in such manner as he may specify.

Dangerous conditions shall include, but not be limited, to the following:

- i) Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous material being stored or otherwise present within the Town limits of the Town of Ignacio, Colorado.

- ii) Defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials, including defective equipment or conditions for the use of natural gas or other gasses, gasoline, oils or similar combustible materials.
- iii) Dangerous accumulations of rubbish, wastepaper, boxes, shavings or any other highly flammable materials.
- iv) Accumulations of dust or waste materials in air conditioning systems or of grease in kitchen or other exhaust ducts.
- v) Obstructions on, or inadequate fire escapes, stairs, passageways or doors that are liable to interfere with egress of occupants in case of fire or explosions.
- vi) Improper storing of gasoline, greases, oils, dynamite and similar hazardous materials.

**f) Permit Requirement.**

A written permit shall first be had and obtained from the Fire Department located within the Town of Ignacio, Colorado, before doing any of the hereinafter listed acts:

- i) Before burning any building, automobile, bonfire, rubbish fire or any other fire unless same is done in a proper receptacle or incinerator.
- ii) Before storing any hazardous chemical, large supplies of ammunition, dynamite, gasoline, greases, toxic materials, poisonous gasses or other highly dangerous or flammable materials.

A permit shall first be obtained from the Town Staff of the Town of Ignacio which is approved by the Building Inspector showing any new use of a building follows current fire and safety regulations and older buildings are continuing to conform to fire and safety regulations.

- i) Before a new use and periodically with older buildings, and before a new permit shall be issued or an older building continues its current use, any group of 25 people or more which shall occupy any building, as an assembly place, place of entertainment or similar functions, that building shall have sufficient exit doors. During periods of occupancy, no exit door shall be locked, bolted or otherwise fastened, so that the door cannot be opened from the inside by use of an ordinary latch or by pressure, and all such doors shall swing to the outside of the building, with sufficient aiseways, markings, lighting, and stairways, all to be approved by the Building Inspector. [Also see Section 6-3, 105.6 Required Operational Permits]

**g) Storage of Gasoline.**

All bulk plants, service stations and similar installations which commonly handle gasoline will store same in underground storages covered by at least three (3) feet of soil, concrete or similar materials. Bulk storage of gasoline trunk shall be any amount greater than fifty (50) gallons. No gasoline trunk shall be parked unattended upon any public highway or street in the Town of Ignacio at any time.

**h) Appeal Procedure. [Also see Section 6-3, 108 Board of Appeals]**



Whenever the Building Inspector shall disapprove an application or refuse to grant a permit or shall demand any action of any person to comply with these regulations, and such persons so desires, the said person may appeal from the decision of said Building Inspector to the Town Council direct, within thirty (30) days, and the Town Council shall rule on the matter and their decision shall be final within the Town authority.

i) **Penalties for Violation. [Also see Section 6-3, 109.3 Violation penalties and 111.4 Failure to comply]**

Any person, or corporation who shall violate any of the provisions of these regulations, or the decision of the Building Inspector shall be guilty of a misdemeanor, punishable by a fine not more than *One Thousand Dollars (\$1,000)* or by imprisonment of not more than 90 days, or by both such fine and imprisonment. The imposition of one penalty for any violation does not excuse the violation and the person shall be required to correct or remedy such violation or damage within a reasonable time, each of the days that the prohibited conditions continues to exist or is maintained shall constitute a separate offense.

j) **Disclaimer of Liability.**

The adoption of the regulations and this Chapter shall not be construed to hold the municipality responsible for any damages to person or property by reason the inspection or failure to inspect, or the granting of a permit or disapproval of a permit that may arise from a fire, explosion or similar disaster to be controlled by this Chapter.

**2) FIRE LIMITS of the TOWN of IGNACIO**

a) **Fire Limits Established.**

All that portion of the Town of Ignacio within the following limits shall be and the same hereby is constituted the fire limits of said Town, viz: the Town of Ignacio town limits including any portion thereof annexed from time to time.

**3) EXHIBIT A: AMENDED 2003 INTERNATIONAL FIRE CODE (Ordinance 257, 11-14-2007)**

a) **Town of Ignacio**

i) **Preexisting nonconforming structures.**

Structures which lawfully exist within the jurisdiction of the Town prior to the effective date of the ordinance from which this section is derived shall be exempt from any provisions of the International Fire Code, 2003 edition, as adopted, which would require the owner, tenant or occupant to make any improvements or alterations to such structures. However, this exemption shall not apply to such a preexisting, nonconforming structure should the owner, tenant or occupant make, or cause to be made, any changes to the use or occupancy of the structure after the effective date of the ordinance from which this section derived; or should the owner, tenant or occupant make, or cause to be made, any improvements or alterations to the structure for which the issuance of a building permit from the

office of the town building inspector, pursuant to the applicable provisions of the Town Building Code, as adopted, is required; or shall it apply to legally existing structures, facilities and conditions which in the opinion of the code official, constitute a distinct hazard to life and safety.

**ii) Required operational permits.**

The fire code official is authorized to issue operational permits for the operations set forth in § 105.6.2 (Amusement buildings), § 105.6.4 (Carnivals and fairs), § 105.6.15 (Explosives), § 105.6.31 (Open burning), § 105.6.37 (Pyrotechnic special effects material), and § 105.6.44 (Temporary membrane structures, tents and canopies). Section 105.6 of the IFC is amended to read as follows.

**iii) Required Construction Permits.**

The fire code official is authorized to issue construction permits set forth in § 105.7.1 (Automatic fire-extinguishing systems), and § 105.7.4 (Fire alarm and detection systems and related equipment), and § 105.7.4 (Fire pumps and related equipment) and High Piled Storage. No certificate of occupancy shall be issued by the building department until final approval for the permit required by 105.7 has been granted by the respective fire department.

**iv) Board of Appeals.** of the IFC is amended to read as follows:

Whenever the chief of a fire department, authorized to enforce this article, disapproves an application or refuses to grant a permit applied for or when it is claimed that the provisions of the fire code do not apply, or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the Town Board.

The Town Board shall have jurisdiction to review any alleged violation of the provisions of this article as to which representatives of a fire protection district have requested that legal enforcement action be undertaken. No fire protection district (department) which has jurisdiction to enforce the provisions of this article shall refer an alleged violation of this article for prosecution, unless and until the alleged violation has been reviewed by the Town Board, and a majority of the board members have recommended that the alleged violation be referred to the Town Attorney's Office for enforcement action. The Town Attorney's Office shall be notified, by the appropriate fire department, as to the circumstances and particulars of any alleged violation of this article should the matter be referred to the Town Attorney's Office for criminal prosecution.

**v) Violation penalties.**

Insert: Municipal Offense, \$ 1,000.00, 365 day

**vi) Failure to comply.**

Insert: \$ 100.00 / \$ 1,000.00

**vii) Vegetation.** of the IFC is amended to read as follows:

Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

**viii) Open Flame Cooking Devices** of the IFC is hereby deleted.

Liquefied Petroleum gas fueled Cooking Devices. of the IFC is hereby deleted.

**ix) Bridges and elevated structures.**

Where a bridge or elevated structure is part of a fire apparatus access road, the bridge or structure shall be constructed and maintained so to safely carry the imposed loads of fire apparatus vehicles. The bridges and structures shall be designed (or certified for existing structures) by a structural engineer currently licensed in the state of Colorado.

The minimum design loads for fire apparatus vehicles shall be 70,000 pounds (working load). This load shall be applied to the structure in addition to all other applicable dead and live loads. The design load shall be applied to the structure as concentrated loads from 3 axles: front =20,000#, rear tandem axles = 25,000# each. Spacing of the axles is variable (14 feet to 18 feet) from front axle to the front tandem axle and 4 feet between the two rear tandem axles. The design loads shall be located on the structure span or spans to produce the greatest stresses. Additionally, bridge and structure decks shall be designed to support concentrated wheel loads of 13,000# distributed evenly on a 20"x20" area placed anywhere on the deck.

The vehicle load capacity shall be posted at both entrances to the bridge or structure and shall be based on a certification letter from the structural engineer.

**x) Temporary Fire Access.**

If not otherwise available or in place, a temporary fire access roadway shall be created and maintained prior to and during the construction of every facility, building or portion of a building. Such temporary fire access roadway shall be not less than 16 feet in width, shall be kept clear for access at all times, and shall be designed and able to withstand loads of not less than 70,000 pounds.

**xi) Maintenance of exterior doors and openings.** Is amended to read as follows:

Exterior doors and their function shall not be eliminated without prior approval. Exterior doors that have been rendered nonfunctional and that retain a functional exterior door appearance shall have a sign affixed to the exterior side of the door with the words THIS DOOR IS BLOCKED. The sign shall consist of letters having a principal stroke of not less than  $\frac{1}{4}$  inch in width and 2 inches in height on a contrasting background. Required fire department access door shall not be obstructed or eliminated. Exit and exit access doors shall comply with Chapter 10. Access doors for high-pile combustible storage shall comply with § 2306.6.1.

**xii) Identification.** Is amended to read as follows:

Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs with background letters having a principal stroke of not less than ¼ inch in width and 2 inches in height on a contrasting background are required to identify fire protection equipment and equipment locations. Such signs shall be constructed of durable materials, permanently installed and readily visible.

**xiii) Labeling.** Is amended to read as follows:

Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign, letters with having a principal stroke of not less than ¼ inch in width and 2 inches in height on a contrasting background, stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panel board shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.

**xiv) Plan certification for fire alarm systems and occupant notification.**

All fire alarm and occupant notification system plans submitted to the fire department for review and approval shall bear a review certification of minimum level III NICET (National Institute for the Certification of Engineering Technologies) in fire alarms.

**xv) Plan certification for fire sprinkler systems.**

All fire sprinkler plans submitted to the fire department for review and approval shall bear a review certification of minimum level III NICET (National Institute for the Certification of Engineering Technologies) in fire sprinklers.

**xvi) Plan certification for all other fire protection systems.**

Plan certifications for all other fire protection systems will be accompanied by a certification of competence if determined necessary and requested by the fire code official, or his designee.

**xvii) Fireworks.** Is amended to read as follows:

The possession, manufacturer, storage, sale, handling and use of fireworks, other than toy caps, sparklers and smoke snakes, are prohibited:

Exceptions: **Maintain as written**

## **Chapter 45 Reference Standards**

### **Add to the list of Reference Standards:**

National Fire Protection Agency 96 – Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

## **Appendix D Fire Apparatus Access Roads.**

**D101.1 Scope.** Is amended to read as follows:

**D101.1 Scope.** Fire Apparatus and access roads shall be in accordance with this appendix and all other applicable standards from the IAFC 2003. If a conflict were to arise the stricter standard would apply unless approved by the respective fire department.

**D103.3 Turning radius.** Is amended to read as follows:

**D103.3 Turning radius.** The minimum turning radius shall be 30'

**Figure D103.1** is amended to read as follows:

**Figure D103.1** All radii shall be 30' minimum

**Figure D103.5 (1)** is amended to read as follows:

**Figure D103.5 (1)** The minimum gate width shall be 20' unless otherwise approved by the respective fire department. **FIGURE APPEARS TO BE MISSING**

## **CHAPTER VII: Health**

### **(Ordinance 216 04-13-04 Ordinance 269, 06-09-2009)**

#### **1) ANIMALS**

##### **a) Maltreatment of Animals Prohibited.**

It shall be unlawful for any person to unnecessarily beat, injure or maltreat any animal.

##### **b) Animals Allowed:**

Two dogs, cats, rabbits. (Ignacio Planning Code regarding exotic animals)

##### **c) Maintenance of Premises Required.**

Any person who owns or controls any lot, barn, stable, shed, building or other place where domestic animals are kept, shall keep said building and premises in a clean and sanitary condition and shall remove all manure from the premises at least once each week, and properly dispose. Citations will be complaint driven.

##### **d) Dead Animals:**

If a citizen notices a dead animal on the public right of way they may contact the town personnel to dispose of such.

**e) Cats:**

If any citizen wishes to catch stray cats they may borrow a trap from the town police and capture and dispose of them themselves. No town personnel will handle live stray cats.

**f) Rabbits Restrained.**

It shall be unlawful for any person who owns, harbors or keeps within the corporate limits of the Town any rabbits that are not in a secured building or pen. Failure to keep the rabbits securely enclosed in a building or pen, or to permit the same to run at large or to go upon the premises of another is unlawful.

**g) Fowl, Swine, Sheep or Goats Prohibited.**

It shall be unlawful for any person to keep within the corporate limits of the Town any fowl, hogs, pigs or other swine, sheep or goats.

**h) Livestock**

i) It shall be unlawful for any person to form a herd or keep any cattle, horses or other livestock within the corporate limits of the Town.

ii) It shall be unlawful for any person to tether, lead or hold any horse, cattle or other livestock on or along any street, sidewalk or alley in the Town in such manner that any such animal may graze upon or impede the full use of said streets, sidewalks or alleys.

iii) It shall be unlawful for any person to picket, lead or hold any horse, cattle or other livestock in such a manner as to obstruct or impede the full use of said side streets, sidewalks or alleys.

iv) It shall be unlawful for any person to hitch a horse or any other animal to any fence or railing, tree or bush, whether private or public, without permission of the owner thereof. It shall be unlawful for any person to hitch any such animal to any lamppost or fire hydrant of the Town.

v) All animal droppings shall be properly disposed of.

**i) Run at Large Prohibited**

i) It shall be unlawful for any person who owns or controls any dogs, cats or other animals allowed to permit the running at large within the Town limits of any such animal. Any person who shall negligently permit any animal herein named to run at large shall be deemed guilty of an offense.

**2) DOG CONTROL (Ord 115 4-10-89)**

**a) Definitions (Ord 115, 4-10-89)**

As used in this ordinance the following terms mean:

Animal Control Authority - The person or persons designated to enforce this ordinance.

At Large - A dog shall be deemed to be at large when off the property of the owner and not under restraint.



Humane Manner - Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Licensing Authority - The agency or department of the Town of Ignacio or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

Neutered/Spayed - Rendered permanently incapable of reproduction.

Nuisance - A dog shall be considered a nuisance if it: Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner - A person having the right of property or custody of a dog or who keeps or harbors a dog or knowingly permits a dog to remain on or about any premises occupied by that person.

Person - Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Restraint - A dog shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

Vicious Animal - A dog that constitutes a physical threat to humans or other domestic animals.

**b) Licensing and Rabies Vaccination. (Ord 115, 4-10-89)**

- i) No person shall own, keep, or harbor any dog over four months of age within the Town of Ignacio unless such dog is vaccinated and licensed.
- ii) All dogs shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians.
- iii) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.
- iv) Application for a license must be made within 15 days after obtaining a dog over four months of age.

Written application for a dog license shall be made to the Town Clerk and shall include the name and address of the owner and the name, breed, color, age and sex of the dog. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.



- v) The licensing period shall be for one year. License period begins January 1 of each calendar year. License renewal may be applied for within 60 days prior to the expiration date. New residents must apply for a license within 30 days of establishing residence.
  - vi) A license shall be issued after payment of a fee as approved by the Town Board of Trustees for each dog not neutered and each neutered/spayed dog. The license fee shall be pro-rated for any animals owned less than three (3) months before the license period renewal.
  - vii) License fees shall be waived for certified dogs serving the blind or deaf or government-owned dogs used for law enforcement. Proof of certification must be supplied before fee is waived. All other licensing provisions shall apply.
  - viii) Upon acceptance of the license application and fee, the Town Clerk shall issue a durable license tag including an identifying number, year of issuance, city, county, and state. Both rabies and license tags must be attached to the collar of the dog. Tags must be worn at all times and are not transferable. The Town of Ignacio shall maintain a record of all licenses issued, and such records shall be available to the Chief of Police or Animal Control Authority.
- c) **Owner Responsibility.** (Ord 115, 4-10-89)
- i) All dogs shall be kept under restraint and shall not be allowed to run at large.
  - ii) Every vicious dog, as determined by the Animal Control Authority, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
  - iii) No dog shall be allowed to cause a nuisance. The owner of every dog shall be held responsible for every behavior of such dog under the provisions of this ordinance.
  - iv) Any person failing to comply with the provisions of 2) – b) and 2) – c) shall be cited into court and fines imposed by the judge.
- d) **Restriction on the Number of Dogs Allowed to be Kept per Residence.** (Ord 93, 12-10-84)
- It shall be unlawful for any person to keep, maintain, harbor or possess more than two dogs on the premises of any one residence, within the Town of Ignacio; provided however that puppies shall not be counted as dogs for the purposes of this section until they reach the age of 8 weeks.

Owners with more than two dogs as of the date of this ordinance (4/13/04) shall be allowed to wait until the extra dogs die naturally, but may not replace the dogs that equal more than the allowed two dogs.

e) **Procedure and Penalties for Persons Keeping More Than Two Dogs Upon Any Residence.** (Ord 93 12-10-84)

Any person violating the provisions of Section 2) – d) shall be given a notice of the violation which notice shall specify that the person shall have 15 days to comply with the provisions of Section 2) – d). After fulfilling provisions of 2) – d), if an owner still

keeps 3 dogs, the Animal Control Authority may impound the 3rd animal and send it to an animal care facility. In addition to any other penalty which may be provided for in this code for the violation of this article, the Municipal Judge shall have the authority to require the owner of any dogs impounded under the provisions of this section to pay the costs of such impoundment and for the cost of the destruction of any such dogs, as required by the Animal Shelter.

**f) Interference.** (Ord 115, 4-10-89)

No person shall interfere with, hinder, or molest the Animal Control Authority in the performance of any duty as herein provided. Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to fines up to \$1,000 and/or one year in jail.

### **3) IMPOUNDMENT and REDEMPTION of ANIMALS**

**a) Impoundment of any animal, including dogs**

- i) Any animal found running at large may be impounded by the Animal Control Authority in an animal shelter or other facility and confined in a humane manner. Immediately upon impounding the animal, the Animal Control Authority shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs not claimed by their owners within a period of three full days in which the shelter is open to the public may be disposed of by shelter personnel according to their policies.
- ii) When an animal is found running at large and its ownership is verified by the Animal Control Authority, the officer may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.
- iii) In the event the Animal Control Authority finds the animals to be suffering, they shall have the right forthwith to remove or cause to have removed any such animal(s) to a safe place for care or to euthanize them when necessary to prevent further suffering. The owner will be held responsible until full payment for all expenses so incurred are paid.
- iv) Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

**b) Redemption of any animal, including dogs**

- i) Any animal impounded may be redeemed by the owner thereof within 3 days upon payment to the appropriate animal shelter in which the animal is held. The owner shall also pay the daily fee paid by the Town to the animal care facility for the number of days the animal has been held, provided that if any such animal has been previously impounded, the current year fee, plus the required daily fee will be charged. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or license fees.
- ii) Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee approved annually by the

Town Board of Trustees plus all fees charged to the Town by the animal care facility.

No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing have been fulfilled.

#### 4) **GARBAGE and TRASH** (Ord 99, 5-27-86 Ord 216, 4-13-04, Ord. 256,10-10-08)

##### a) **Definitions**

- i) For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Refuse** has three meanings 1) Garbage: All offal, waste matter or vegetable matter from a kitchen, market or store and other worthless, offensive or filthy material and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends to the preparation, use, cooking, dealing in or storing meat, fish, fowl, fruit, or vegetables. 2) Rubbish. House dirt, ashes, rags, abandoned articles of clothing. 3) Trash: All bottles, tin cans, paper, fallen tree limbs.

**Junk:** To include, but not be limited to, discarded and unusable machinery, appliances, furniture, furnishing, sporting equipment, building or construction materials; and all other items commonly known as junk. This phrase shall specifically include any unlicensed automobile or portions of automobiles which are unused, unsightly, and valued only as "junk."

**Debris:** To include, but not be limited to, weeds, grasses, bushes, noxious growths, broken branches.

This section does not apply to garbage or waste material properly deposited in containers for removal as provided by the regulations of the town. Nor shall it apply to any junk, as that term is herein defined, which is properly stored by the property owner or lessee in a shed or garage or other building suitable for that purpose and not exposed to public view.

##### b) **Powers of the Board of Trustees.**

- i) The Board of Trustees of the Town may, from time to time by motion or resolution, prescribe regulation for the removal and disposition of refuse pursuant to this chapter, and shall have the right to fix rates for the removal and disposition of refuse. The Board of Trustees has the right to contract with any collector, pursuant to state law, for the removal of refuse within the Town, except for any commercial or industrial property which has a business license within the town. Except as otherwise specified, the Town or the Town's contractor shall collect, remove and dispose of all refuse from residences within the Town at least once a week.
- ii) All persons in possession, in charge or in control of any dwelling for which refuse collection is required under this chapter shall have their refuse collected by the

Town or the Town's contractor, and a fee shall be charged for such service which shall be set as provided herein. (Ord. 256)

**c) Commercial, Industrial, Multifamily Disposal.**

Every person in possession of any commercial property, industrial property or multiple dwelling unit within a single structure shall dispose of all refuse as often as required for the maintenance of healthful and sanitary conditions at such establishment.

**d) Unlawful Disposal.**

It shall be unlawful for any person to burn, dump, collect or in any manner dispose of refuse upon any street, alley, public place, stream or private property within the town. Compost piles shall not be prohibited.

It shall also be unlawful for any person to place any refuse or other waste material of any type in a waste dumpster or other receptacle owned, leased, or otherwise in control of any other person or entity.

**e) Removal of Personal Property Under Eviction or Foreclosure.** (Ordinance 269, June 9, 2009)

It shall be unlawful for any person to place any personal property, refuse, junk, debris or other items removed from any residence within the Town of Ignacio as part of any eviction, foreclosure or other possessory action in the street or in any portion of the Town right of way within the Town.

It shall be the obligation of the owner of or landlord of any property to remove and properly dispose of any items unlawfully placed in the street or right of way by any person under the provisions of this section at their expense within twelve hours of the time within such items were unlawfully placed in the street or right of way.

In the event the Town is required to expend any funds to remove items unlawfully placed in the street or right of way under the provisions of this section, then the Town shall be entitled to seek reimbursement of such costs from the owner of the property from which the items were removed, including by filing a lien on the property or by commencing an action in any court with jurisdiction to collect such amounts.

**f) Refuse Containers.**

All containers shall be fly tight, watertight, and rodent proof.

Wheeled trash containers of ninety (90) gallon capacity, shall be provided by the Town's contractor for each single-family dwelling. Appropriately- sized containers for any multiple unit dwellings or commercial properties shall be provided by the business license holder. All containers shall be used for the collection of refuse by each residence until such refuse is removed by the Town or its contractor.

**g) Placement for Collection.**

- i) Refuse containers or other items for collection shall be placed at the edge of the street in a location easily accessible to the town or town contractor for collection on designated collection days unless a customer does not abut an alley.
  - ii) Customers who do not abut an alley shall place their containers, or other items for collection adjacent to an abutting street no later than 7:00 a.m. on the day of collection. Containers shall be removed from any street by the customer following collection on the same day the trash is collected.
- h) **Special Waste Collection Matters.** (Ord 186 3-13-01)

No flammable, toxic, explosive or hazardous materials, used tires, materials contaminated with contagious diseases and no dead animals shall be placed in any cans, bags or containers for collection. Special arrangements must be made with the Town or its contractor for collection of such items or collection of other large or unusual loads. The Town or its contractor may refuse to collect such items or may charge an additional fee for doing so.
- i) **Collection License.**

Except as provided in Section 7-4-3, it shall be unlawful for any person to collect, transport or convey refuse after it is collected in the Town without having first secured from the Board of Trustees a license or contract to perform such service. Such license or contract shall be granted only to persons conducting such refuse collection service in compliance with rules and regulations as outlined in the terms of the contract concerning the type of equipment and other conduct. Such regulations or requirements shall be imposed by the Board of Trustees and a copy of such regulations and requirements shall be made available at the Town Hall to any person applying for a residential refuse collection license.
- j) **Bills- Collection.**

The Town Clerk shall be responsible for billing for trash services, collection of the same and deposit of the proceeds collected to the credit of the General Fund of the Town. Statements for all charges shall be rendered monthly to the owner of the property served, provided, however, the Board of Trustees may at any time change the monthly billing cycle, if necessary or desirable. Notification to property owners will be provided 30 days prior to a change in the billing cycle. All trash charges shall be billed to and shall be the responsibility of the owner of the property being served regardless of whether the property is occupied by the owner or is rented to a third party.
- k) **Penalties.**

Accounts not paid in full by the due date will fall into a past due status. Accounts with a balance greater than \$20.00 will be assessed a flat \$5.00 late fee on the sixth day after the due date, as allowed by state statute.

  - i) **Delinquent Accounts.**

In the event that any bill for trash collection is not paid when due, then the Town Clerk shall issue a notice by regular first class mail which informs the owner of the property that the payment is delinquent. If the account is a rental,

the Notice will be mailed to the landlord.

- ii) The past due amount must be paid prior to the last business day of the month to avoid discontinuance. Any accounts that are discontinued will also have their refuse containers removed. To have the refuse container returned to the dwelling, all past due amounts must be paid in full and a restoration of service fee, as approved by the Board of Trustees, will be charged during regular working hours and a higher fee will be charged after hours, week-ends and holidays.

If the person to whom such a notice is sent owes amounts for other utilities provided or collected by the Town, the Clerk may include a demand for those amounts in the demand for payment of trash bills.

**l) Remedies for Nonpayment.**

- i) The Town may maintain an action in a court of competent jurisdiction for amounts due plus interest at the rate of 18% per annum.
- ii) It is unlawful to fail to pay the charges assessed by this Section and the Town may prosecute any person liable for the charges and failing to pay for a violation of this Section.

**5) WEEDS and DEBRIS (Ord 105 4-13-87)**

**a) Duty of Property Owner.**

It shall be unlawful for the owner, agent, lessee or occupant of any lots, tracts or parcels of land within the Town to allow weeds, grass, bushes, deleterious, noxious or unhealthy growths to lie, grow or be located upon any such property or along any street or avenue adjoining such property between the property line and the curb line thereof, or on or along any alley adjoining said property between the property line and the center of such alley; and the owners of [agricultural lands](#) shall be required to keep weeds removed from that portion of the subject property that is within twenty feet (20') of any subdivision or area that is being kept free of weeds.

**b) Accumulation of Refuse Prohibited. (Ord 186 3-13-01)**

It shall be unlawful for the owner, agent, lessee or occupant of any lots, tracts or parcels of land within the Town to allow REFUSE: garbage, rubbish, trash, JUNK, as defined, and used tires (Ord 186, 3-14-01) or debris to accumulate upon such property within the Town.

**c) Determination and Notification of Violation; Right to Hearing.**

Whenever the Town Manager or designee shall be informed that any premises or property within the Town is covered with weeds, grass, bushes, noxious growth, ruins, rubbish, wreckage or debris, shall cause an investigation to be made into the premises and shall make findings with reference to such investigation.

If, as a result of such investigation, it is found by the Town Manager that the premises, tract of land or property within the Town is covered with weeds, grass, bushes, noxious growth, ruins, rubbish, wreckage or debris, constitutes a fire hazard



or is a hazard to the public comfort, health, peace or safety, the Town Manager shall prepare a notification of his findings to the owner of such property, as reflected in the records of the County Assessor.

That notice shall also order and direct the owner, occupant or agent in charge of such property or premises to remove such weeds, grass, bushes, noxious growth, ruins, rubbish, wreckage or debris from such premises within ten (10) days after the receipt of the notification from the Town Manager or within ten (10) days after the posting of such notification on the premises specified in the notice.

The owner, occupant or agent shall remove all the weeds, grass, bushes, noxious growth, ruins, refuse, rubbish, wreckage or debris within the time provided in the notification from the Town Manager and in an ecologically feasible and environmentally safe manner in accordance with all applicable laws, ordinances, rules and regulations or, request from the town maintenance to do the work for a fee or, file within such time period a written objection with the Town Manager requesting a hearing concerning the notification and obligation resulting from the actions of the Town Manager.

Upon receipt of a request for a hearing, the Town Board or its designee shall schedule a hearing to hear the objections of the owner to the notification. If it is determined following the hearing that the actions of the Town Manager were proper, the owner shall have ten (10) days to comply with the order.

If the owner, occupant or agent of the property which is the subject matter of a notification from the Town Manager fails to remove the weeds, grass, brush, noxious growth, ruin, rubbish, wreckage or debris from the subject property as required herein or pay the town maintenance to do so, the Town shall remove such weeds, grass, brush, noxious growth, ruin, rubbish, wreckage or debris at the cost and expense of the owner of such property and the reasonable cost of such removal shall constitute a lien against the lot, parcel of land or premises from which it was removed and such lien shall be subject to enforcement and foreclosure in the manner provided under applicable laws.

**d) Notification of Violation.**

The notice of violation provided for this Section shall be served upon the owner, occupant or agent in charge of the property or premises which is the subject matter of such notification of violation. If the owner, as shown by the real estate records of the County Assessor, occupant or agent in charge of the real estate of premises cannot be served within the Town, a copy of said notification shall be posted upon the premises and a copy of the notice shall be sent to the owner at the address shown in the records of the County Assessor. The notification shall become effective upon the date of service, if personal service is accomplished. Otherwise, the



effective date of the notification shall be the posting date or the date of mailing, whichever shall occur first.

## **6) UNDESIRABLE PLANTS**

### **a) Undesirable Plants (Ord 130 12-9-91)**

Russian, Spotted and Diffuse Knapweed and Leafy Spurge are declared to be undesirable plants to be controlled in accordance with this ordinance.

### **b) Declaration of Nuisance**

Leafy spurge, Russian Knapweed, spotted Knapweed, and Diffuse Knapweed, and all other plants designated undesirable plants by the Town are declared to be a public nuisance. Such action may be taken as is available for nuisance abatement under the laws of this state and the Town of Ignacio, and as the Board of Trustees, in its sole discretion, deems necessary.

### **c) Removal of Undesirable Plants Required by Property Owner**

Property owners within the Town of Ignacio shall be responsible for the elimination of undesirable plants from their property in accordance with the notification process outlined in **Section 5.c)** and **Section 5.d)**.

Such removal shall be accomplished in an ecologically feasible and environmentally safe manner in accordance with all applicable laws, ordinances, rules and regulations.

### **d) Enforcement**

The Town shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours or upon proper notice for the purpose of inspecting for the existence of undesirable plants, and shall have the right to propose, implement or enforce the management of undesirable plants upon such lands in accordance with the provisions of C.R.S. 35-5.5-109.

## **7) DRINKING WATER REPORT**

### **a) Reporting**

The town shall meet the requirements of the Clean Water Act with respect to publishing an annual water quality report and collecting monthly bacteriological samples for testing by a state or state approved lab.

## **8) APPEALS and SEVERABILITY**

### **a) Compliance**

It shall be unlawful for any person to violate the provisions of this Section and such violation may be punished by fine or imprisonment as provided in this code in addition to any other remedy provided for herein.

### **b) Repeals (Conflicting Ordinances). (Ord 115, 4-10-89)**

All other ordinances of the Town of Ignacio which are in conflict with this Chapter are hereby repealed to the extent of such conflict.

c) **Severability.** (Ord 115, 4-10-89)

If any part of this Chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

d) **Safety Clause.** (Ord. 115, 4-10-89)

The Town of Ignacio hereby finds, determines and declares that this code is necessary for the immediate preservation of the public health, safety and welfare of the Town of Ignacio and the inhabitants thereof.

e) **Effective Date**

This chapter/article shall become effective on April 13, 2004.

DRAFT

## CHAPTER VIII: Criminal Offenses

### Section 1

(Ordinance 112, September 12, 1988, Ordinance 125, March 11, 1991, Ordinance 166, February 10, 1998, Ordinance 178, June 13, 2000, Ordinance 207, October 14, 2003, Ordinance 239, September 13, 2006, Ordinance 270, June 9, 2009, Ordinance 291, March 8, 2011, Ordinance 293, June 7, 2011)

Administration: When State Laws change related to years, fines, fees or other numbers, the code shall reflect these changes by administrative action, rather than requiring an ordinance to make such a change. No intent, position, or content will be changed, however, without the proper process being followed, including a public hearing and the approval of an Ordinance by the Town Board of Trustees.

#### 1) OFFENSES AGAINST the PERSON

##### a) Assault

Any person commits assault when he or she by any threat or physical action intentionally, knowingly or recklessly places or attempts to place another person in fear of serious bodily injury.

##### b) Battery

Any person commits battery when he or she intentionally, knowingly or recklessly causes harmful or offensive contact with another person.

##### c) Harassment

Any person commits harassment if, with the intent to harass, annoy or alarm another person, he or she:

- i) Strikes, shoves, kicks or otherwise touches a person or subjects that person to physical contact; or
- ii) In a public place directs obscene language or make obscene gesture to or at another person; or
- iii) Follows a person in or about a public place; or
- iv) Initiates communication with a person, anonymously or otherwise by telephone, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network or computer system that is obscene.
- v) Engages in conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose.

#### 2) OFFENSES AGAINST PROPERTY

**a) Theft**

Any person commits theft when he or she knowingly obtains or exercises control over the property or services of another (tangible or intangible) without authorization or by threat or deception and uses, conceals or abandons such property so as to deprive the owner or legal custodian of its use or benefits.

**b) Trespass**

Any person commits trespass when he or she unlawfully and knowingly enters or remains upon the premises on which he is not otherwise privileged to enter or remain.

**c) Criminal Mischief**

Any person who knowingly damages the real or personal property of another person or persons commits criminal mischief.

**d) Theft of Utilities**

It shall be unlawful for any person to tap a gas conduit, conduct gas around a meter; or to tap an electrical conduit; or to conduct electricity around a meter; or in any way to avoid a meter; or to tamper with a meter; or to tap a water conduit, or conduct water around a meter, or interfere with a water meter or remove water from water lines of the Town in any way without first getting the town manager to turn on said water or approve the removal of said water from said lines, or in any other way to steal water, electricity or gas from the line of any [public utility](#) within the corporate confines of the Town, and upon conviction thereof, such person shall be punished by a fine of not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the County Jail for a period of time not to exceed ninety (90) days.

**e) Theft by Check.** (Ordinance 112, September 12, 1988, Ordinance 293, June 7, 2011 )

i) It shall be unlawful for any person:

- (1) To issue or pass a check as payment for any goods, services, or other thing of value, or in exchange for cash when that person knew that, at the time of the issuance of the check, there were insufficient funds existing within the account being drawn upon to cover the check. For purposes of this **section**, the term "insufficient funds" means that a drawer has insufficient funds with the drawee to pay a check when the drawer has no checking account with the drawee or has funds in a checking account with a drawee in an amount less than the amount of the check plus the amount of all other checks outstanding at the time of issuance. A check dishonored for "no account" shall also be deemed to be dishonored for insufficient funds".
- (2) To stop payment or cause payment to be stopped on any check issued or passed as payment for any goods, services or other thing of value, or in exchange for cash, when that person does so with the intent to defraud.
- (3) To open a checking account, negotiable order of withdrawal account, or share draft account using false identification or an assumed name, for the purpose of and with the intent of committing theft by check.

- ii) Prior to filing a complaint under this **Section**, the holder of the check shall have:
  - (1) Obtained sufficient identification from the drawer at the time of acceptance of the check to verify the name and address of the drawer; and
  - (2) Presented the check to the drawee for acceptance or refusal for the first time within thirty (30) days of the date of issuance of the check; and
  - (3) Upon twice presenting the check to the drawee for collection and having twice received the check back for insufficient funds, the person or firm to whom the check was originally issued thereafter sent a letter notifying the drawer of the refusal of the drawee to accept the check and requiring restitution within fourteen (14) days. Said letter shall be sent by certified mail, return receipt requested, to the drawer of the check at the address obtained by the holder. The return receipt reflecting acceptance of the addressee or the refusal of the addressee to claim the certified mailing shall be conclusive proof of compliance with the notice requirements of this **section**.
- iii) Nothing in this **section** shall apply where the value of the check exceeds one thousand dollars (\$1,000) or where the offender is under accusation of formal criminal charges involving the issuance of two or more checks with an aggregate value of one thousand dollars (\$1,000.00) or more. 3-30-11
- iv) A bank, savings and loan association, industrial bank or credit union shall not be civilly or criminally liable for releasing information relating to the drawer's account to any police authority or officer of the Court of this municipality provided the release of such information is for purposes of investigating or prosecuting a potential or alleged violation of this **section**.
- v) In imposing a penalty for violation of this **section**, the Municipal Court is specifically authorized and empowered to require restitution in full to the person or entity to whom any such check described herein was issued as a portion of, or in addition to, any penalty deemed appropriate by the court.
- vi) Any person who violates any of the provisions of this **section** shall be subject to a penalty in the form of a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed ninety (90) days or by both such fine and imprisonment. 6-1-11

### 3) OFFENSES AGAINST PUBLIC ORDER and DECENCY

#### a) Disorderly Conduct

Any person commits disorderly conduct if he intentionally, knowingly, or recklessly:

- i) Makes a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace; or
- ii) Makes unreasonable noise in a public place or near a private residence that he has no right to occupy; or
- iii) Fights with another in a public place except in an amateur or professional contest of athletic skill; or

- iv) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting; or
- v) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.

**b) Unlawfully Carrying a Concealed Weapon.**

It shall be unlawful for any person within the Town to commit the offense of Unlawfully Carrying a Concealed Weapon; Unlawfully Carrying a Concealed Weapon being defined as: A person commits the offense of Unlawfully Carrying a Concealed Weapon when he knowingly and unlawfully:

- i) Carries a knife concealed on or about his person; or
- ii) Carries a firearm concealed on or about his person; or
- iii) Carries, brings, or has in possession a firearm or any explosive, incendiary, or other dangerous device on the property of or within any building in which the chambers, galleries, or offices of the town meet and conduct business; or
- iv) Carries any firearm or weapon as defined in C.R.S. 18-12-101, such as brass knuckles, knives of various types, blackjack, bomb, guns of various types, bludgeon, or other unlawful weapon concealed on or about his person.

Except for **Subsection** (iii) above, it shall be an affirmative defense that the Defendant was:

- i) A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying; or
- ii) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property while traveling; or
- iii) A person who, prior to the time of carrying a concealed weapon, has been issued a written permit to carry the weapon by an authorized law enforcement official; and the permit shall be effective in all areas of the town; or
- iv) A peace officer, as defined in C.R.S. 18-1-901(3)(1).

**c) Open Container.**

Any person who has an open container that contains an alcoholic beverage, 3.2% or more by volume, in a public place or in a moving vehicle commits the offense of open container.

**d) Obstructing a Public Way.**

- i) Any person commits the offense of obstructing a public way if he or she, without legal privilege, intentionally, knowingly, or recklessly:
  - (1) Obstructs a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the public has access or any other place used for the passage of persons,



vehicles, or conveyances, whether the obstruction arises from his acts alone or from his acts and the acts of others; or

- (2) Disobeys a reasonable request or order to move issued by a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, or other hazard.

ii) For purposes of this **section**, "obstruct" means to render impassable or to render passage unreasonably inconvenient or hazardous.

**e) Throwing Missiles.**

Any person who knowingly projects any missile at another person, vehicle or building commits the offense of throwing missiles.

**f) Littering**

Any person who throws, dumps, places or deposits upon the lands of another or upon any public property, highway, street, alley or other area, any garbage, debris, junk, carcasses, trash, or refuse of any sort, without privilege to do so, commits the offense of littering.

**g) Nuisances**

Nuisance means any substance, act, condition or use of property declared a nuisance by this Code that; substantially annoys, injures, or endangers the comfort, health or safety of the public; threatens the public health, safety and welfare; or is prohibited by statute, ordinance, law or provisions within this Code.

**i) Specific nuisances.**

The items described herein are intended to establish a reasonable method of identifying situations or conditions that may constitute a nuisance, but are not intended to be exclusive of any other condition that constitutes a nuisance. In addition to any other conditions or activities described in this Code, the ownership, leasing, occupying, managing or possessing of any property, structure or premises upon which any of the following conditions are found to exist is declared to be a nuisance that may be abated by any lawful procedure:

- (1) The premises are a detriment to public health, safety or general welfare;
- (2) The premises are littered, defective, unsightly, or in such condition of disrepair that they substantially diminish the value of surrounding property or are otherwise substantially detrimental to surrounding properties. Examples of these conditions may include, but shall not be limited to the following:
  - (a) Accumulation of junk, trash, refuse or debris;
  - (b) Abandoned, discarded or unusable objects or equipment such as furniture, appliances and vehicles as defined in **Section h)** below;
  - (c) Stagnant water that constitutes a hazard;
  - (d) An excavation or an open foundation for which a building permit has expired; or
  - (e) Uncovered wells or cisterns.

- (3) The premises are so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties;
  - (4) The premises are abandoned, boarded up, partially destroyed, or left in an unreasonable state of partial construction;
  - (5) The premises have a substantial number of inoperable or broken windows which cause hazardous conditions and invite trespassers and mischief;
  - (6) The landscaping on the premises has not been maintained as follows:
    - (a) Trees and shrubs have not been trimmed and are overhanging adjoining properties or public rights-of-way;
    - (b) Weeds or other growth over 12 inches that have not been removed or cut, except in areas where such removal is impractical such as irrigation ditches or other inaccessible areas; or
    - (c) Dead or diseased trees and/or plants have not been removed or replaced.
  - (7) The exterior of commercial establishments or multifamily buildings have not been maintained so as to present a neat and orderly appearance which is compatible with the area.
- ii) **Authority to enter on property.**  
The town manager or designated persons may enter upon or into any lot or premises, when necessary to enforce the provisions of this code, and has reasonable cause to believe that a nuisance exists. Entry must be at a reasonable time and credentials must be presented to occupants when permission to enter is requested. If the lot or premises is unoccupied, reasonable efforts should be made to contact the owner or person having possession or control of the subject property and permission sought before entry. If entry is refused, the town manager or designated persons shall seek recourse provided by law to secure entry.
- iii) **Abatement without notice.**  
In case of any nuisance in or upon any street, avenue, alley, sidewalk, highway or public grounds in the town, the town manager or designated persons may abate the same forthwith without notice. Additionally, cases where extreme public, health and safety issues are declared by the town manager or designated person, the nuisance may be abated without notice.
- iv) **Notice to abate.**  
Any state or things prohibited by this Code shall be deemed a nuisance, and any person who shall make, or cause such nuisance to exist shall be deemed the author thereof. Written notice to abate a nuisance shall be mailed to the author via certified mail or hand delivered by the town manager or designated person. The written notice shall establish a seven (7) day period for the abatement of the nuisance. Failure to abate the nuisance will result in a written summons into the Town of Ignacio Municipal Court.
- v) **Declaration of nuisance.**

In the event a nuisance within or upon any private premises or grounds is not abated after the notice provided in this article has been provided, the author will be cited by written summons into municipal court. The municipal court judge will exercise their authority to cause the abatement of the nuisance and levy adopted fines and fees allowed by applicable laws. The municipal court judge may also declare a nuisance be abated and order the town manager or designated person to abate the nuisance without delay.

**vi) Assistance to abate generally.**

The town manager or designated person shall have the authority to call for the necessary assistance or designate any officer who shall be duly authorized to abate any nuisance specified in this **section** shall have authority to engage the necessary assistance and incur any necessary expenses.

**vii) Recovery of expenses.**

The expense incurred by the town in abating any nuisance may be collected by proper actions established by the municipal court or through other legal means.

**viii)** These remedies are in addition to any other remedy in the Town of Ignacio Municipal Code governing nuisances, including those in Chapter VII, 4) and 5).

**h) Abandoned vehicles.**

i) The following definitions shall apply to the interpretation and enforcement of the provisions of this **section**:

(1) *Property* means any real property located within the corporate boundaries of the town which is not a public street, highway or right-of-way.

(2) *Vehicle* means a machine or device designed to travel along the ground by use of wheels, treads, runners or slides, intended to transport persons or property or intended as a temporary shelter for persons, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, mobile homes, motor homes, recreation and off-highway vehicles.

ii) It shall be unlawful for any person to leave any partially dismantled, wrecked, discarded or junked vehicle on any property or public right-of-way within the town.

iii) It shall be unlawful for any person to abandon any vehicle within the town, and no person shall leave a vehicle on any property within the town for such time or under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. For the purposes of this **section**, any vehicle which has not been operated as intended for a period of 30 days shall be conclusively deemed to be abandoned.

iv) It shall be unlawful for any person who is the owner of or otherwise in control of any property within the town to permit or allow any partially wrecked, junked, inoperable or abandoned vehicle to remain on any such property longer than 30 days, provided that this **section** shall not apply to any vehicle which is stored in an enclosed building or which is otherwise fully concealed, or to a vehicle on the premises of a lawful business enterprise when such vehicle is being actively repaired or deemed necessary to the operation of such business enterprise.

- v) It shall be unlawful for any person to occupy or reside in any abandoned vehicle.
- vi) The police chief or any member of the police department is hereby authorized to investigate any vehicle which appears to be in violation of the provisions of this **section**.
- vii) In addition to any other penalty which may be imposed, any violation of this **section** shall be deemed a Nuisance and any violation may be abated and the expenses associated with the abatement collected by the Town.
- i) **Conducting Business on Public Property.**  
No person shall conduct an ongoing business on any public property or right-of-way without first obtaining a permit from the Town Clerk and a business license as per **Section** 9.1. This **Section** shall not prohibit the emergency servicing of disabled vehicles parked on a public right-of-way but expressly does prohibit the ongoing servicing and repair of vehicle for hire on public rights-of-way or property. The permit required by this **Section** shall follow all of the requirements for submittals contained in **Section** 9.2.2 in the application for a license under the peddlers and solicitors **Section** 9.2.3.
- j) **Placement of Snow** (Ordinance 98, December 9, 1985 )  
It shall be unlawful for any person to plow, shovel, push or place snow from privately owned property onto or into any street, road, alley or highway in the Town.
- k) **Indecent exposure** (Ordinance 92, June 26, 1984 )  
It shall be unlawful for any person to appear in a state of nudity or in any indecent or lewd state of dress or condition in any public place or in any such place to make any indecent exposure of his or her genitals, or buttocks.
- l) **Public Urination** (Ordinance 92, June 26, 1984 )  
It shall be unlawful for any person to urinate or stool (defecate) in any place open to public view.
- m) **Unnecessary Noise** (Ordinance 126, October 15, 1991 is listed there as 6-3-13)
  - i) It shall be unlawful for any person to make any unnecessary noise within the limits of the Town of Ignacio. A person commits the offense of making unnecessary noise when that person makes or causes to be made any excessive, offensive, raucous or unusually loud noise or any unnecessary noise which annoys, disturbs or injures another person or which endangers another person's comfort, repose, health, peace or safety. A noise may be found to be offensive due to its periodic, impulsive or shrill nature.
  - ii) The following shall be considered unnecessary noises, but the following list shall not be exclusive:
    - (1) Horns or other signaling devices: The sounding, except as a danger warning, of any horn or other signaling device for an unreasonable length of time.
    - (2) Radios, Loudspeakers, Tape Recorders, etc.: Causing or permitting to be played any radio, tape recorder, phonograph or other similar device in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or playing such a device at any time at a volume louder than is necessary for

the convenient hearing of any listeners in the room or vehicle in which device is being played. The playing of such a device in such a manner as to be plainly audible at the distance of fifty feet from the building or vehicle in which the device is located shall be prima facie evidence of violation of this **section**.

- (3) Yelling, Shouting, etc.: Yelling, shouting, hooting, or whistling so as to unreasonably disturb any persons in the area.
- (4) Animals: The keeping of any animal that causes frequent or continuous noise that disturbs any person in the area.
- (5) Vehicles: The operation of any vehicle without a muffler or with a defective or altered muffler or the operation of any vehicle which otherwise causes loud and unnecessary grating, grinding or rattling noise.
- (6) Construction work: The erection, demolition, alteration, moving or repair of any premises or structure between the hours of 8:00 p.m. on one evening and sunrise of the next morning.

**n) Disobedience to Court Orders**

Any person who knowingly or willfully disobeys any order, summons, subpoena, warrant or command duly issued, made or given by the Ignacio Municipal Court commits the offense of Disobedience to Court Orders.

**o) Resisting an Officer**

Any person who, knowingly or willfully, interferes with, resists, delays, obstructs, molests, or threatens to molest any peace officer in the exercise of his or her official duties commits the offense of resisting an officer. In addition to citing any violator, the continued violation of this **section** may be abated as a public nuisance by appropriate action commenced by Municipal Court.

**p) Unlawful sports play in Streets.** (Ordinance 270, June 9, 2009)

- i) It shall be unlawful for any person to place or allow any article of sports equipment to remain on property owned by or controlled by that person or to place any article of sports equipment in the street right of way in a manner that will tend to encourage others to play a sports within the street rights of way within the Town. The term “sports equipment” as used herein shall mean any piece of equipment used to play a sport, including basketball goals, basketball hoops, soccer goals, backstops or any other similar pieces of equipment, either permanently or temporarily installed.
- ii) It shall be unlawful for any person, whether an adult or a juvenile, to play any sport within any street right of way within the Town.

**q) Emergency Snow Routes**

Snow Route means all streets and highways designated as an “Emergency Snow Route” as designated by Ordinance 328 of the Town of Ignacio and for which a sign or signs have been posted in accordance with the Model Traffic Code as adopted by the Town of Ignacio.

**(1) Designation of Snow Routes and Posting of Signs.**

- (a) The Board of Trustees may designate or change emergency snow routes within the Town by resolution based upon the Board of Trustees determination as to which streets or highways should be free of parked, stopped or stalled vehicles when a snowstorm condition or severe snowstorm condition has been declared in accordance with the provisions of this section, in order to expedite motor vehicle traffic or to facilitate snow removal.
- (b) Along each street or highway entering the Town, and which has been designated an emergency snow route, the Town maintenance supervisor shall cause to be posted traffic signs indicating that the street or highway has been designated as emergency snow route and that parking prohibitions shall apply. The lack of visibility of any such sign when parking restrictions are in effect, shall not excuse the owner or operator of any vehicle from complying with the provisions of this section.
- (c) Whenever there are three (3) or more inches of non-drifted snow or enough sleet, snow or ice on any street or highway. Any vehicle found parked, abandoned, standing or stopped on such street or highway is subject to removal or impoundment pursuant to this Section.

**(2) Fine For Violation**

Any person convicted of, or who pleads guilty, or no contest to, section 3-6-1.5(iii) above, shall be subject to a fine of not more than one thousand dollars (\$1,000).

**(3) No Liability for the Town**

(4) The Town of Ignacio, its officers, employees, contractors and agents, shall not be liable for any costs or damages resulting from any act or omission in any way connected with or related to snow removal or the removal or impoundment of a vehicle pursuant to this section.

(5) The Town of Ignacio may elect from time to time to repair or pay for damage to private real or personal property. Such action shall in no way set a precedent or create the requirement to take such action.

**(6) Commercial Operators**

Operators of private snowplows operating within the Town limits shall completely clean all snow pushed onto the Town streets and be liable for all damages which they cause to Town property.

#### **4) TRAFFIC OFFENSES**

**a) Traffic Citations**

- i) Traffic citations written into the Municipal Court are done so under the Model Traffic Code (Ordinance 166, February 10, 1998, Ordinance 217, February 10, 2004, Ordinance 291, March 8, 2011). However, traffic violations may also be written into the County Court under C.R.S. Title 42.



- ii) Fines for citations are reviewed and approved as needed by the Town Board of Trustees.

## 5) OFFENSES by MINORS (Ordinance 155, April 8, 1996 )

### a) Curfew (Ordinance 116, September 11, 1989 )

It shall be unlawful for any child under the age of eighteen (18) years to be or remain upon any street, alley, public place or private property accessible to the public within the Town of Ignacio between the hours of 10:30 p.m. of any Sunday through Thursday night and the hour of 6:00 a.m. on the following day or between the hour of 12:00 midnight following a Friday or Saturday night and 6:00 a.m. on the following day except for lawful employment or unless there exists a reasonable necessity thereof, or unless such child is accompanied by the parent, guardian or other person of the age of twenty-one (21) years having permission of the parent or guardian to have the custody and care of such child. It shall be unlawful for the parent, guardian or other person having custody of any child under the age of eighteen (18) years to permit or otherwise allow that child to violate the provisions of this Section, either by affirmative act or by omission to act.

### b) Alcohol.

It shall be unlawful for any person under the age of twenty-one (21) years to purchase, attempt to purchase, be in possession of, or illegally consume any alcoholic or fermented malt beverage.

### c) Tobacco.

It shall be unlawful for any person under the age of eighteen (18) years to purchase, attempt to purchase or to be in possession of cigarettes or any other tobacco product.

### d) Controlled Substances.

It shall be unlawful for any person under the age of eighteen (18) years to purchase, attempt to purchase, be in possession of, or in any way use a Controlled Substances as defined in C.R.S. 18-18-102.

### e) Drug Paraphernalia.

It shall be unlawful for any person under the age of eighteen (18) years to be in possession of any drug paraphernalia as defined in C.R.S. 18-18-426.

### f) Juveniles in Municipal Court. (Ordinance 141, June 13, 1994 )

- i) The police department of the Town of Ignacio shall have the authority to issue citations or summons to appear in Ignacio Municipal Court to any person under the age of eighteen years for the violation of any Ordinance of the Town of Ignacio, The Municipal Court of the Town of Ignacio shall have the authority to act on any such action commenced in Municipal Court, provided however, that no person who is under the age of eighteen shall be sentenced to serve any jail sentence for the violation of any Ordinance of the Town of Ignacio.

### g) Community Youth Task Force



The Ignacio Municipal court Judge shall have the authority to create a Community Youth Task Force (CYTF) for the purpose of coordinating an effective approach to violations of the Ignacio Code by juveniles. The Municipal Court Judge shall have the authority to appoint such persons to the CYTF as he or she deems most appropriate for the purposes expressed herein, and the Judge may establish such procedures for the administration of the CYTF as may be appropriate to accomplish the purposes of the CYTF. The Judge also has the authority to refer cases to the Teen Court for them to address. The Judge will be informed by the Teen Court regarding the judgments made.

**h) Probation Department** (Ordinance 155, April 8, 1996)

i) The Ignacio Probation Department is hereby established to have the duties set forth herein and on the conditions set forth herein.

(1) The Board of Trustees shall have the authority to budget for salary and administrative requirements for a Probation Officer for the Town of Ignacio, as the Board may deem necessary from time to time.

(2) The Ignacio Municipal Court Judge shall have the authority to refer any juvenile who has been summoned to appear in Municipal Court or who has been convicted of the violation of any provision of the Code of the Town of Ignacio to the Probation Officer for any review requested by the Court or for supervision of any sentence imposed by the Court. The Court is authorized to impose conditions of probation on any juvenile convicted of violating the Code of the Town of Ignacio as the Court deems necessary or appropriate in its discretion to assist the juvenile and to deter the juvenile from future violations of the law.

(3) It shall be the duty of the Probation Officer to investigate and report upon any juvenile case referred to him or her by the Court for investigation. The Officer shall keep informed concerning the conduct and condition of each person who has been sentenced to probation by the Municipal Court, and shall make such reports as the Court may direct. The Probation Officer shall use all suitable methods, not inconsistent with the conditions imposed by the Court, to aid persons on probation and to bring about improvement in their conduct and condition.

**i) Parental Responsibility** (Ordinance 155, April 8, 1996)

i) When a Summons, Complaint or other Municipal Court Order of any type is issued to any person under the age of eighteen (18) years, then notice of the issuance of the Summons, Complaint or other Order shall be provided to the parent or guardian of the minor by personal service or by mailing a notice by certified mail, return receipt requested at least ten (10) days prior to the scheduled court appearance. The notice shall include the alleged violation, date of violation, and the date, time and place of the scheduled court appearance, and shall provide notice that the parent or guardian is required to appear in Municipal Court on the specified date and time with the minor. The parent or guardian of any minor who

is required to appear in Municipal Court shall have the duty to assure that the minor appears as ordered and it shall be unlawful for any parent or guardian to fail to appear at each and every court appearance with the minor, and the Municipal Judge, in addition to any other penalty, may issue a warrant for the arrest of any parent, guardian or minor who fails to appear as provided herein.

This section applies to criminal matters only. Traffic citations are exempted from this notification requirement.

- ii) When any person under the age of eighteen (18) years, as a result of the violation of any section of this Code, is sentenced or otherwise ordered by the Municipal Judge to pay a fine, court costs, restitution or any other fee or is sentenced or otherwise ordered to perform community service, attend counseling, attend classes or perform any other action, then the parent or guardian of the minor shall become jointly responsible for payment of any amounts ordered to be paid and shall have a duty to assure that the minor performs any ordered community service or other action, and the failure of any parent or guardian to assure that the minor complies with an Municipal Court order shall be a separate offense for which a Summons may be issued, or which may be punishable as Contempt of Court.
- iii) The provisions of the **Section 5. i)** shall not be applicable to any parent or guardian who demonstrates to the Municipal Judge that the minor emancipated, which shall mean any minor who is over sixteen (16) and under eighteen (18) years old and who does not reside with the parent or guardian and who is solely responsible for his or her own support, or who is married.

#### **6) MUNICIPAL COURT (Ordinance 107, July 13, 1987 )**

##### **a) Bond Authorized.**

Every person arrested for a violation of the provisions of any ordinance of the Town shall have the right to be admitted to bail on his executing a cash, surety or recognizance bond, conditional that he will appear on a day and hour therein mentioned before the Municipal Court. Said bond shall be in an amount adjudged sufficient by the Municipal Judge or officer to insure the appearance of the defendant.

##### **b) Failure to Appear an Offense.**

- i) It is unlawful for any person to fail to obey a written promise or summons to appear, given to or by an officer upon arrest, issuance of a summons or obtaining bail.
- ii) It is unlawful for any person to fail to obey any order of the Municipal Court requiring that person's presence before the Court.

##### **c) Forfeiture of Bond.**

In the event any defendant in any case before the Municipal Court fails to appear, without prior notice to the Court, according to the terms, requirements and conditions of his bond for appearance, such bond shall automatically be forfeited.

**d) Surety liable; Proceedings commenced; Default.**

Where a surety bond is forfeited, the surety on said bond shall pay the amount of the bond into the Municipal Court upon the date of forfeiture. Failure of the surety to satisfy a bond forfeiture shall result in proceedings being instituted in a court of competent jurisdiction in the name and on behalf of the Town for recovery of the penalty in such bond named.

**e) Penalties.**

When any defendant, duly summoned or admitted to bail, fails to appear at the time his case is made returnable or set for trial, the Municipal Judge, in addition to any other penalty, may issue a warrant for the arrest of said defendant.

**ADMINISTRATIVE NOTE:**

Ordinance 125, March 11, 1991 Parking regulations on Goddard Ave

Ordinance 166, February 10, 1998 approved 1995 Model Traffic Code.

Ordinance 178, June 13, 2000 amended Section 1212 of 1995 Model Traffic Code: Parking Restrictions: Types of vehicles not allowed to park in public ROW: trailer, RV, inoperable, heavy truck or equipment, unregistered.

Ordinance 217, February 10, 2004 approved revised 2003 Model Traffic Code.

Ordinance 291 amended Section 1212 to include Length of time to park that is allowed on Goddard.

Ordinance 293 amended Section 8-2-5 Theft by Check and added Administration.

## **CHAPTER VIII: Criminal Offenses**

### **Section 2: Words and Terms Defined**

## **CHAPTER IX: Business Regulations**

### **Section 1**

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## **CHAPTER X: Sewage Collection System (Ordinance 277, December 8, 2009)**

### **Section 1**

#### **ORDINANCE NO. 277**

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO FOR THE PURPOSE OF ESTABLISHING RULES AND REGULATIONS PERTAINING TO THE TOWN'S SEWAGE COLLECTION SYSTEM AND AMENDING THE TOWN CODE BY THE ADDITION OF CHAPTER X, TO THE TOWN CODE.

WHEREAS, the Town is a Statutory Town authorized to provide sanitation services in the Ignacio area; and

WHEREAS, The Town has established an enterprise known as the Ignacio Sewer Enterprise to operate the Sewer system; and

WHEREAS, the Board of Trustees has determined that a comprehensive sewer use resolution governing the operations and functions of the Town is desirable and necessary; and

WHEREAS, the Board of Trustees has further determined that an equitable rate structure for plant investment fees (tap fees) and monthly user charges, based on the actual costs of constructing, maintaining and operating the Town's facilities is desirable; and

WHEREAS, the Town's sewage collection facilities will function best if the system is not used to collect industrial type wastes and, it is the intent of the Town to exclude the burden of industrial type wastes from sewage to be collected by the Town facilities; and

WHEREAS, this Ordinance shall supersede any previous resolutions or rules and regulations of the Town which are in conflict with the provisions hereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO AS FOLLOWS:

THE TOWN CODE IS AMENDED BY THE ADDITION OF CHAPTER X REGARDING RULES AND REGULATIONS FOR THE IGNACIO SANITATION SYSTEM AS FOLLOWS:

#### **1) DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- a) **BOARD or BOARD OF TRUSTEES:**  
The governing body of the Town of IGNACIO.
- b) **BOD5 (Biochemical Oxygen Demand):**  
The quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter (mg/l).
- c) **BUILDING DRAIN:**  
That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage inside the walls of the building and conveys it from the building five feet outside the outer face of the building wall.
- d) **CODES & STANDARDS:**  
The Town's processes, procedures, technical specifications, checklists and forms which govern the design, construction, inspection, testing, acceptance, operation and maintenance of the Town sewage collection system. These rules and regulations are a part of the Codes & Standards.
- e) **COMBINED SEWER:**  
A sewer receiving both surface or storm water and sewage. Combined sewers are prohibited in the Town.
- f) **EQUIVALENT RESIDENTIAL TAP or ERT:**  
The typical sewage flow originating from any single family home, mobile home, condominium, townhouse, dwelling unit, or other unit based on 250 gallons per day flow, a five day average BOD5 of 250 ppm and 250 ppm total suspend solids.
- g) **FLOATABLE OIL:**  
Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. All wastewater shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.
- h) **GARBAGE:**  
Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- i) **INFILTRATION:**  
Any material such as surface waters, ground waters or storm waters entering service lines or public sewers which is not sewage.
- j) **INDUSTRIAL WASTE:**  
The liquid wastes from industrial processes as distinct from sanitary sewage. Industrial waste is prohibited in the Town sewage collection system.
- k) **NATURAL OUTLET:**  
Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- l) **OFFICIAL NOTICE:**  
Written notice issued by authority of the Board of Trustees directed to the owner of the property as shown in the records of the County Assessor, mailed to the address



shown in the records of the County Assessor by certified mail, return receipt requested, which notice shall be deemed to have been given as of the date of mailing.

**m) PERSON:**

Any individual, firm, company, association, society, corporation, group or trust or other entity.

**n) pH:**

The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**o) PLANT INVESTMENT FEE or PIF:**

The fee required to be paid to the Town as a proportionate share of the capital cost of the Town's facilities sometimes called a tap fee plus fees paid by the Town to the Tribe under the Sanitation Treatment Contract. The PIF includes an amount for the capital cost of the existing Town facilities and an amount for the capital cost of expansion of Town facilities. The combination of these two components supports the Town's policy that growth pays for growth.

**p) PROPERLY SHREDDED GARBAGE**

The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.12 centimeters) in any dimension.

**q) PUBLIC SEWER or SEWER MAIN:**

Any sewer which is owned and maintained by the Town.

**r) SANITARY SEWER:**

A sewer which carries sewage and to which storm, surface and ground waters are not admitted intentionally.

**s) SERVICE LINE:**

The extension of pipe from the building drain to the public sewer or other place of disposal. The term service line shall include lines serving more than one unit which have not been accepted by the Town such as collection lines in mobile home parks, townhouse or condominium projects or similar multi-unit situations.

**t) SEWAGE (WASTEWATER):**

A combination of the liquid and water carried wastes from residences, businesses, and institutions.

**u) SEWAGE TREATMENT PLANT:**

Any arrangement of devices and structures used for treating sewage also called the "Wastewater Treatment Plant or "WWTP" which is owned and operated by the Tribe under contract with the Town.

**v) SEWAGE COLLECTION SYSTEM:**

All facilities for collecting, pumping, delivering and disposing of sewage to the Sewer Treatment Plant owned by the Tribe.

**w) SEWER:**

A pipe or conduit for carrying sewage.

x) **SHALL, MAY:**

Shall is mandatory; May is permissive.

y) **STORM DRAIN:**

A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

z) **SUSPENDED SOLIDS:**

Solids that either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtering.

aa) **USER FEES:**

A monthly service fee or stand by fee paid to the Town for a proportionate share of the operation and maintenance expenses of the Town's facilities and fees paid to the Tribe including depreciation.

bb) **WATERCOURSE:**

A channel in which a flow of water occurs, whether continuously or intermittently.

## 2) **OWNERSHIP and OPERATION DISTRICT FACILITIES**

a) **General Statement of Policy**

The Town has agreed to undertake the provision of sewage collection service to property in the Ignacio area. In order to achieve that goal, the Town has assumed responsibility for the operation and maintenance of the sewage collection system in accordance with this Ordinance however, the Town assumes no liability or responsibility for inadequate treatment or interruption of service due to circumstances beyond the Town's control. Treatment of sewage shall be completed by the Tribe under contract with the Town.

b) **Liability.**

The Town shall not be liable for any claims or damages arising from clogging in the system causing backup of effluent, breakage of lines, injuries to persons or property growing out of the maintenance or operation of the sewage collection and treatment system or from interruption of service. Although the Town will inspect service lines, it assumes no responsibility for the negligent design, installation, maintenance or operation of service lines. The Town does not waive any defenses or immunity from claims arising under the Governmental Immunity Act of the State of Colorado.

c) **Ownership.**

All public sewer mains within the Town's service area shall become and are the property of the Town. Town ownership shall be valid without any conveyance required. All service lines, whether presently existing or connected in the fixture, shall become and are the property of the owner who receives service from such line.

d) **Agents of the Town.**

Any duly authorized representatives of the Town, including its manager, engineer, attorney or other employee or subcontractor, is authorized to enforce the provisions of the Codes & Standards, including this Ordinance and, to the extent necessary, to

enter upon public and private property for the purpose of inspection, observation, sampling, testing and enforcement.

### 3) UNLAWFUL ACTS: CONNECTION REQUIRED

#### a) Deposits of Wastes.

It shall be unlawful for any persons to place, deposit, or permit to be deposited any human excrement, garbage or other objectionable waste in any unsanitary manner on public or private property within the jurisdiction of the Town.

#### b) Unlawful Discharge.

It shall be unlawful to discharge to any natural outlet within the jurisdiction of the Town any sewage or other polluted water except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

#### c) Private Systems Prohibited.

Except as provided in Section 4), it shall be unlawful to construct or maintain within the Town any privy, privy vault, septic tank, cesspool, or other private facility intended or used for the disposal of sewage.

#### d) Connection Required.

The owner of any house, building, improvement or property used for human occupancy, employment, recreation or other purposes, situated within the Town's service area and abutting on any street, alley or easement in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required, whenever necessary for the protection of public health, to connect such premises directly with the proper public sewer in accordance with the provisions of this Resolution within thirty (30) days after the date of official notice to do so; provided that said public sewer is within four hundred feet (400') of the premises. Failure to comply with this paragraph is an unlawful act and, in addition to any other remedies the Town may have, the Town may connect the premises to the public sewer and assess the cost of connection and any other appropriate fees to the owner.

### 4) PRIVATE SEWAGE DISPOSAL SYSTEMS

#### a) Connection to Approved Private System

Where a public sewer or sewer main is not available under the provisions of subsection 3) – d) of this Ordinance, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Ordinance and the rules and regulations of the San Juan Basin Health Unit.

#### b) Abandonment of Private Systems.

At such time as a public sewer becomes available requiring connection pursuant to subsection 3.d) of this Resolution, all septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material, in accordance with all state and local ordinances, rules and regulations.

## **5) SEWER CONNECTION PERMITS and REQUIREMENTS**

### **a) Unauthorized Connection.**

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.

### **b) Service to Property Previously Within the Sanitation District.**

- i) The Town assumed the provision of sewer service from the Ignacio Sanitation District as of January 1, 2010. Subject to availability of capacity and compliance with all other conditions stated in this Section, including the payment of all applicable fees, the Town shall provide service to a residential connection on property that was legally included in the Sanitation District by the issuance of a permit for a single residence that is otherwise in compliance with all regulations of the Town, the County or any other governmental entity with jurisdiction. If the property to be served is located outside Town limits and if legally possible, the owner of any such property shall be encouraged to annex the property to the Town. However, no annexation shall be compelled solely as a condition of receiving sewer service for residential service.
- ii) The provision of service to any commercial or other non-residential property that was legally included in the Sanitation District shall be provided service, however, any such connection may require compliance with additional conditions imposed by the Town. If legally possible, the owner of any such property shall be encouraged to annex the property to the Town, but no annexation shall be compelled solely as a condition of sewer service.

### **c) Provision of Service Within the Town.**

Except as otherwise provided herein, it shall be the general policy of the Town to provide sewer service only to property that is legally annexed into the Town. Any person seeking service for property that is eligible for annexation shall submit a petition to annex and pay all fees and expenses associated with the annexation of property into the Town. Nothing contained herein shall require the Town to annex or provide sewer service to any property.

### **d) Provision of Service Outside Town Boundaries.**

- i) The Town may agree, by action of the Board of Trustees, to provide sewer service to areas outside the Town by contract, but only in cases where the property to be served is not legally eligible for annexation. Any such contract shall contain, at a minimum, provisions for the collection of fees and charges, limits on effluent, and provisions for the compliance with all rules and regulations contained herein or otherwise imposed by the Town. In addition, the owner of any property served by contract shall execute and agreement or other documents reasonably required by the Town to consent to annex the property into the Town when the property becomes eligible for annexation.
- ii) Any consent for service required for any subdivisions or other development located outside Town limits which requires County land use approval of any type,

either under the County Land Use Code or under the terms of any Intergovernmental Agreement between the Town and the County shall require Town Board approval, which may include compliance with terms specific to any such development, including but not limited to requirements to construct improvements and the payment of impact fees.

**e) Application for Service.**

Any person desiring sewer service shall make application on a Sewer Tap Application furnished by the Town. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town. The PIF as determined hereunder and an inspection fee established by the Town shall be paid to the Town at the time a building permit is obtained.

**f) Owner's Responsibilities for Service Line.**

All sewer services shall be privately owned and maintained from the Owner's property until the actual point of connection at the Town's sewer main. All costs and expenses incident to the installation, connection, operation and maintenance of the service line shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, operation or maintenance of the service line.

**g) Shared Service Lines.**

A separate and independent service line shall be provided for each lot or parcel. The Town shall have no maintenance responsibility for any service line, including shared service lines. More than one building or unit may be connected to the service line provided it is of adequate size to serve all connections. The portion of the line which serves more than one building or unit shall be known as a "shared service line". In the event the lot or parcel is later subdivided, each new lot or parcel shall have a separate service line.

**h) Existing Service Lines.**

Old service lines may be used in connection with new buildings only when they are found, on examination and/or testing by the Town, to meet all requirements of the Codes & Standards.

**i) Service Line Specifications.**

The size, slope, alignment materials of construction of a service line, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the Town's Codes & Standards and the state plumbing code or as may otherwise be determined by the Town Engineer.

**j) Private Lift Stations.**

Whenever possible, the service line shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the service line, at no expense to the Town.

**k) Connections Prohibited.**

No person shall make connections of roof down spouts, interior or exterior foundation drains, areaway drains, floor drains or other sources of surface runoff or groundwater to a service line which in turn is connected directly or indirectly to a public sanitary sewer. All clean water drain connections are specifically prohibited.

**l) Inspection of Service Lines.**

The applicant for sewer service shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Town, at the expense of the applicant.

**m) Safety and Restoration Required.**

All excavations for service line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, paving cuts and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town and other governmental entities.

**n) Extension of Sewer Mains.**

Any person who (1) does not have access to sewer main service of the Town within 400' of his premises during initial construction or petitions for annexation to the Town; and (2) requires sewer main extension for service, shall be required to extend the sewer main of the Town to his property in accordance with Section 108.

**6) DISCHARGE REGULATIONS and LIMITATIONS**

**a) Clean Water and Industrial Process Water Prohibited.**

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff; subsurface drainage including interior and exterior foundation drains or industrial process waters to any sanitary sewer of the Town.

**b) Prohibited Sewage.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers, which are hereinafter called "prohibited sewage":

- i) Any gasoline, oil, benzene, naphtha, fuel or other flammable or explosive liquid, solid or gas.
- ii) Any waters or wastes containing radioactive, toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the collection system of the sewage treatment plant.
- iii) Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage collection and treatment system.
- iv) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage collection and treatment system such as, but not limited to, ashes,



cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whey, buttermilk, carcasses or hides of dead animals or fowl, whole blood, paunch manure, hair, entrails, paper dishes or cups, milk containers and similar items either whole or ground.

**c) Town Right to Prohibit Discharge of Special Sewage.**

No person shall discharge or cause to be discharged the following described substances, materials, water; or wastes (hereinafter called "special sewage ") if it appears likely in the opinion of the Town that such special sewage can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of special sewage, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treat ability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- i) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 ° F or 65 ° C).
- ii) Any water or wastes containing fats, wax, grease or oils whether emulsified or not, in excess of one hundred (100) mg/l.
- iii) Any garbage that has not been properly shredded.
- iv) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or Federal regulations.
- v) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- vi) Any waters or wastes having:
  - (1) A five (5) day BOD5 greater than three hundred (300) parts per million by weight, or
  - (2) Containing more than three hundred (300) parts per million by weight of suspended solids, or
  - (3) An average daily flow greater than two percent (2%) of the average sewage flow of the Town, shall be subject to the review of and approval for discharge by the Town.

**d) Procedures for Special Sewage.**

If any special sewage is discharged, or is proposed to be discharged to the public sewers, which in the judgment of the Town may have a deleterious effect upon the sewage collection and treatment system, processes, equipment, or receiving waters,



or which otherwise create a hazard to life to constitute a public nuisance, the Town may:

- i) Reject the wastes;
- ii) Require preliminary treatment to an acceptable condition before discharge to the public sewers (see subsection 6) - e) );
- iii) Require control over the quantities and rates of discharge; and/or;
- iv) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town, and subject to the requirements of all applicable codes, ordinances and laws. Where preliminary treatment or flow-equalizing facilities are provided for any special sewage, they shall be maintained continuously in satisfactory and effective operation by the owner at the owners expense.

**e) Preliminary Treatment.**

Where necessary in the opinion of the Town, the owner shall provide at his expense, such preliminary treatment as may be necessary to:

- i) Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or
- ii) Reduce the suspended solids to three hundred (300) parts per million by weight, or
- iii) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Town and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**f) Interceptors Required.**

Grease, oil, and/or sand interceptors shall be provided by the owner at the owner's expense when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All establishments where food is prepared for sale, including restaurants, carry-out facilities, butcher shops and similar establishments shall install and maintain a grease interceptor. The design, construction and maintenance of all interceptors shall be in accordance with Codes & Standards adopted by the Town.

**g) Observation Manholes.**

When required by the Town, the owner of any property serviced by a service line carrying special sewage requiring pretreatment shall install a suitable control manhole together with such necessary meters and other appurtenances in the service line to facilitate observation, sampling, and measurement of the wastes.

Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

## **7) INSPECTION REQUIRED: ENFORCEMENT**

### **a) Inspection Permitted.**

The Town or its representatives shall have the authority at any time to inspect any portion of the facilities of the Town and the building drains and service lines connected to those facilities.

### **b) Inspection of Service Lines.**

At such time as a service line has been prepared for connection to the Town's sewer mains, a representative of the Town shall be empowered to make a visual inspection of said connection. The inspection will consist of a visual assurance that excessive infiltration and inflow are not present in the service line and that the connection has been made in accordance with Town's specifications. No service line shall be backfilled without said inspection and approval.

### **c) Excess Infiltration**

At any time that reasonable evidence exists that infiltration or type of flow from a building sewer has changed to the detriment of the Town or exceeds permitted levels, the Town's representative may cause to be uncovered or inspected said service line in order to determine the magnitude of such changes. The Town may give the owner official notice to make repairs to the service line within a specified period of time. Repairs ordered by the Town to a service line will be at the cost of the owner of the property. If the owner fails to make the repairs, the Town may make the repairs and assess the cost of such repairs and any other appropriate fees to the owner.

### **d) Interference with Sewage Collection and Treatment System.**

The Town shall have the power to enforce all provisions of this Ordinance. In addition, the Town shall have the power to prevent any interference or obstruction of the Town's sewage collection and treatment system. This shall include, but not limited to, malicious mischief, illegal connections, improper discharge to system, unauthorized lifting of manhole lids, trespass on the sewage treatment site and other similar acts.

### **e) Abandonment of Service Lines.**

Whenever a service line is abandoned or temporarily disconnected, the owner of the property served by such line shall properly excavate and cap the service line so as to prevent any infiltration to the public sewer. No capped service line shall be backfilled without the inspection and approval by the Town.

### **f) Enforcement.**

The Town shall have the power to enforce all provisions of the Codes & Standards, including these Rules and Regulations, by an action for damages, injunction, or both or by criminal prosecution in any court of competent jurisdiction. The Town shall also

have the right, after Official Notice, to enter the property of any person to make necessary repairs, connections or disconnections of service lines and related facilities, at the expense of the owner. Unpaid monies due to the Town are a perpetual lien on the property served or subject to the charge and are the personal liability of the owners of such property until paid. Such monies may be collected by an action to foreclose the lien, for money, damages or in any other method provided by law. In all enforcement and collection matters, the owner or person responsible shall pay all costs incurred by the Town, including reasonable attorney's fees.

## **8) SEWER MAIN EXTENSIONS**

### **a) Approval Required.**

No sewer main shall be constructed within the boundaries of the Town or connected to the existing facilities of the Town without written approval from the Board. All sewer mains shall be constructed in accordance with the Town's Codes & Standards, and if no specific standards have been adopted, then all installations shall be completed in accordance with the requirements of the Town Engineer.

### **b) Costs of Extensions.**

Except when the Town determines that an extension would be in the best interest of the Town, all public sewer extensions shall be constructed at the sole expense of the developer, owner or person requesting such extension. In addition to the actual construction costs, the owner, developer or person requesting the extension shall pay all expenses incurred by the Town in connection with the extension including all Town engineering fees for the design review, inspection and testing of the extension, all legal expenses incurred by the Town in preparing, reviewing, approving and enforcing the extension agreement.

### **c) Required Submittal.**

For approval of any extension the following documents and information must be submitted for review:

- i) A copy of the proposed or final plat for any subdivision;
- ii) Drawings and specifications for all sewer lines, manholes, lift stations and related equipment prepared and certified by a registered engineer;
- iii) Construction and performance bond equal to 100% of the construction cost of the proposed extension; and
- iv) Easements, deeds, title reports and other evidence to demonstrate that sufficient easements for the extension exist.
- v) Any other information deemed necessary for complete review by the Town.

After approval of the proposed extension, the Town will enter into an agreement authorizing the extension in accordance with this resolution.

### **d) Acceptance or Extensions.**

After construction and prior to acceptance for maintenance of any extension and prior to permitting any connection of service lines to the extension, the following must be submitted and approved by the Board:

- i) As-built drawings and profile maps of the sewer extension stamped or certified by a registered engineer in paper and electronic formats.
  - ii) Drawings and specifications for lift stations, if any in paper and electronic formats.
  - iii) Deeds for all new easements and bills of sale or other documents of conveyance for all lines and other facilities
  - iv) An agreement to provide a two (2) year warranty for all improvements.
- e) **Compensation for Oversized Facilities.**  
No person extending the public sewer shall be entitled to any reimbursement or other compensation from adjoining land owners who connect to the extension, except when the Town requires over sizing of the facilities in order to serve future development. In those cases where over sizing is required, the Town will enter into a recovery agreement allowing the person financing the extension to recover a portion of the additional costs resulting from the over sizing of the facility.

## 9) PLANT INVESTMENT FEES

### a) Plant Investment Fees.

All persons connecting to the facilities of the Town sewage collection and treatment system shall be required to pay a Plant Investment Fee (PIF) or tap fee which shall be a proportionate share of the capital investment in the cost of the Town facilities. The PIF is primarily based on PIF fees charged to the Town by the Tribe, which may include an amount for the capital cost of expansion of Town and Tribal facilities.

### b) Equivalent Residential Tap.

Unless otherwise provided in the contract between the Town and the Tribe for Sewage Treatment, for the purposes of determining the proportion of total flow any user contributes to the system an Equivalent Residential Tap (ERT) unit is established. An ERT shall be the average sewage flow in terms of both quantity and strength originating from any single family home, mobile home, condominium, townhouse or dwelling unit. From that ERT definition, the schedule for calculating the ERTs for various uses is adopted and attached as Exhibit "A". This schedule is based upon Colorado Department of Health Guidelines for per capita flow and the Town engineer's recommendations concerning loading for the types of uses shown, derived generally, but not exclusively, from a 250 gallons per ERT sewage flow, a five (5) day average BOD5 of 250 ppm and 250 ppm total suspended solids.

### c) Payment of PIF.

Prior to connection of any service line to the Town's facilities the PIF shall be paid in full. The amount of the PIF shall be determined by multiplying the total ERTs from the Sewer Tap Application by the current rate established for each ERT. The Town reserves the right to periodically adjust the rate for the purpose of providing sufficient

funds for depreciation, expansion and replacement of the Town's facilities or for fees payable to the Tribe.

**d) Transferability.**

ERTs shall be purchased for a specific property and shall not be transferable to another property. ERTs shall be automatically transferred to successive owners of the same property.

**e) Expanded Use.**

If any owner at any time is approved for the expansion of uses that increases the ERT use on his property beyond that stated in the Sewer Tap Application for which the owner paid the Town, such owner shall apply and pay an additional PIF for such additional ERTs. Such further PIF payment shall be at the rate in effect as of the date of application or date of actual use, whichever is higher, shall be due as of the date of first use and shall bear interest from date of first use until paid at the rate of 12% per annum.

**f) Relinquishment of ERTs.**

Whenever any person desires to permanently abandoned ERTs (or any portion thereof), such person shall complete and submit to the Town a relinquishment form. The form will specify the address and legal description of the property, the number of ERTs being abandoned and shall contain an acknowledgment by the owner that relinquishment constitutes a full and complete surrender of all rights and privileges for the ERTs. Any future sewer use on the property shall require new application and payment of all PIFs, permit fees and related expenses. Upon acceptance of the relinquishment by the Town, the ERTs shall be relinquished and no further user charges for the relinquished ERTs shall be assessed.

## **10) USER FEES**

**a) Service Charge.**

Commencing on the billing date for the month following payment of a Plant Investment Fee, a monthly user fee shall be paid for each ERT. The monthly user fee shall be charged regardless of whether the connection has been made or whether the building sewer is being utilized. Payment will be required for unoccupied dwellings, businesses shut down or temporarily idle, vacant mobile home spaces, and all other permitted ERTs. Failure to pay said service charge within 6 months will be grounds for revocation of the privilege to utilize the sewer system of the Town and all PIFs paid will be subject to forfeiture.

**b) Rates.**

The Town shall establish a monthly service charge or user fee per ERT. The amount of such charge may be changed periodically by ordinance of the Board. The Town further reserves the right to require installation of a water meter and a metered rate for any user.

**c) Billing.**

Utility bills will be mailed to all utility customers by the 5th of the month, and shall be due by the 20th. The utility bill may be mailed to the renter if permitted in writing by the property owner/landlord. Utility deposits will no longer be required. The property owner will ultimately be responsible for the utility bill.

Accounts not paid in full by the due date will become past due. Accounts with a balance greater than \$20.00 will be assessed a flat \$5.00 late fee on the sixth day after the due date. A Disconnect Notice will be generated for accounts with any balance. Disconnect Notice will be mailed to the landlord and the renter if the account is a rental, if the renter's address is available. The past due amount must be paid before the last working day of the month. Shut off will be the next business day.

Accounts shut off for nonpayment fall into a reconnect status. Any past due amount must be paid in full before services are reactivated, and a reconnect fee of \$40.00 will be charged during regular working hours. (Monday – Friday 8:00am – 5:00pm) The reconnect fee will be \$50.00 after hours, weekends and holidays. A fee of \$15.00 will be assessed for special meter reading outside of the regular cycle reading. (Exception: when a property is changing owners.) Only the Owner/landlord can request a Special Read.

**d) Expanded Use.**

From and after the date any owner is approved for expansion of the ERT use on property already served by sewer connection the owner shall to pay the Town the service charge for the expanded ERTs together with interest at 12% per annum from the date of first use.

**e) Surcharge.**

The Town may assess a surcharge rate on any users reasonably suspected of discharging wastes having a flow or BOD5 or TSS concentration greater than that represented by the number of ERTs purchased by that user. The Town may compel any owner to install sealed water meters on all of the owner's water sources at owner's expense to meter flows for the purpose of enacting a surcharge. The surcharge shall be calculated as follows:

- i) For a flow in excess of 250 gallons per day per ERT, a surcharge at a rate established by the Board per 1,000 gallons of excess flow per month.
- ii) For BOD5 or TSS, a surcharge at a rate established by the Board for each 50 ppm in excess of 250 ppm.

**f) Collection.**

Any payment due to the Town shall be a perpetual lien on the property to which the charge applies and shall be the personal responsibility of all owners of the property until paid. All delinquent amounts except monthly user fees shall bear interest at the rate of 1% per month until paid. Delinquent amounts may be collected by civil suit and/or foreclosure of the lien against the property and the owners. Town shall be entitled to collect all reasonable costs of collection, including court costs and



reasonable attorney fees.

**11) EMERGENCY CLAUSE.**

The Town has agreed to assume the operations and the obligations of the Ignacio Sanitation District as of January 1, 2010. Therefore, this Ordinance is necessary to the immediate preservation of the public safety, health, and welfare and shall be effective upon its adoption.

DRAFT

DONE AND ADOPTED at Ignacio, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF IGNACIO, COLORADO

Attest

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

DRAFT

## **CHAPTER X: Sewage Collection System** **(Ordinance 277, December 8, 2009)**

### **Section 2**

#### **EXHIBIT "A"**

*(To be the same as the ERT Exhibit on the Tribal Waste Water Contract)*

DRAFT